

INTRODUCTION

POLICE ARCHIVES BEFORE THE POLICE



In the personal papers of Robert Nailer, a Justice of the Peace (JP) in Surrey during the late seventeenth century, a stack of fragile, miscellaneous scraps testify to the accrued documentary minutiae of a life: lists of reminders, letters received from family members and business partners, notes documenting money owed to acquaintances and neighbors, and even a few pattern poems, copied out in intricate knotwork filling the small pages with intertwined ribbons of text.¹ This collection of otherwise uncategorized and—by most measures—insignificant papers had been wrapped in another piece of unused scrap paper cast off from the realm of minor and everyday legal practice: an unused vagrant pass (Figure 1). Nailer would have used this pass in one of the most routine tasks of a JP of his time. Through the enforcement of vagrancy laws, Nailer was charged with ensuring the welfare and security of the community and the stewardship of its resources, anticipating potential future threat posed by strangers and others deemed suspicious, as well as maintaining geographical, social, and moral boundaries of the parish's responsibility for the subsistence of the poor.² All of this, for legal theory and practice throughout the long eighteenth century, fell under the heading of “police.”

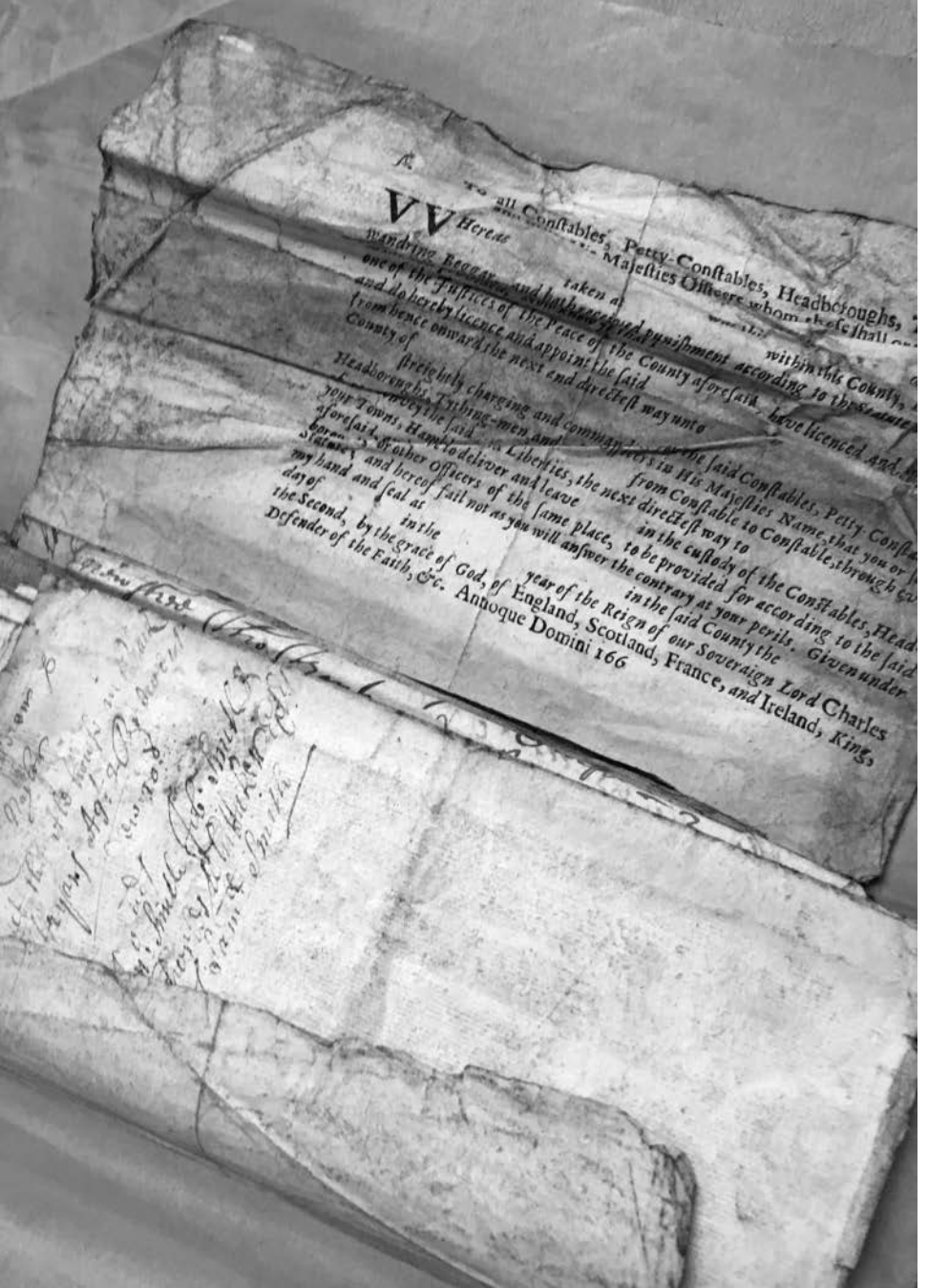


FIGURE 1: Vagrant pass used to wrap miscellaneous documents (Robert Nailor's Papers, Justices' Papers: Surrey, C 110/3, UK National Archives)

This book is about how minor and miscellaneous forms of writing constitute powerful theories of sovereignty. It is about how this scrap of paper, unexceptional and preserved here only by chance, connects local parish management to global labor markets and new approaches to colonial population. It connects the everyday writing of an ordinary JP to a surprisingly wide array of print and manuscript genres, from the documents of local governance and administration across England and its colonies, to legal and political commentary, to the many forms of imaginative writing circulating in a burgeoning print marketplace. *Vagrant Figures* reveals the narrative, textual, and rhetorical practices that shaped the purview and scope of policing in the Anglo-American legal sphere long before the establishment of the modern metropolitan police force. In the Atlantic world of the long eighteenth century, “police” did not indicate a uniformed, professional law-enforcement agency, but rather the capacious domain of governance dedicated to keeping the peace, preventing disorder, and anticipating future threats to property or security.³ As the idea of police accrued cultural and political legitimacy—ultimately culminating in late eighteenth-century reformers’ calls for the establishment of professional, centralized police forces—ideas about the proper role of police drew on existing legal and administrative practices, as well as on the narrative forms, stock tropes, and modes of writing underpinning these practices. One particularly crucial blueprint that made *the* police thinkable, this book argues, was the capacious category of vagrancy.

Vagrancy offered a legal and tropological model for police as a mode of governance. A juridical category used in England since the fourteenth century to criminalize homelessness, itinerancy, and the perceived refusal to work, vagrancy named a wide variety of marginal populations—including the poor, the unemployed, sex workers, itinerant performers, and strangers—perceived to pose the threat of potential future criminality.⁴ A catchall category allowing for the apprehension of a wide variety of petty offenders, vagrancy law granted local authorities discretionary power to punish or expel nearly anyone they perceived as a potential threat or economic burden.⁵ As vagrancy laws granted their enforcers powers of summary conviction, these laws provided wide discretion to authorities and located a crucial category of criminality outside the scope of trial by jury. Overseers of the Poor, for instance, routinely used vagrancy

law to expel people who threatened to cost the parish too much in poor relief, while magistrates and JPs used it to summarily convict suspected or reputed thieves, sex workers, or unknown persons thought to pose future threat.⁶ Neither criminal intent nor the commission of a criminal act is essential to the legal definition of vagrancy in this period.⁷ Indeed, as the allowance for summary conviction obviated the need for a trial, vagrancy law concerned itself not with the adjudication of an individual's criminal responsibility, but rather with the anticipatory management of populations and spaces associated with potential future threat.

This places vagrancy squarely in the realm of police offenses. Markus Dubber characterizes vagrancy as the eighteenth-century “police offense par excellence,” and William Blackstone prominently features vagrancy in his discussion of “public police and oeconomy,” which he defines as “the due regulation and domestic order of the kingdom: whereby the individuals of the state, like members of a well-governed family, are bound to conform their general behaviour to the rules of propriety, good neighbourhood, and good manners; and to be decent, industrious, and inoffensive in their respective stations.”⁸ As an open-ended category naming neither a fixed social identity nor an easily identifiable criminal act, vagrancy remained flexible and capacious enough to include threats that could not be imagined in advance. Thus, through the capaciousness of this paradigmatic target, police took on the widely discretionary authority to apprehend or expel “suspicious” persons and populations. The capacious and flexible nature of vagrancy law—which relied conceptually on the imagined miscellany and mutability of its targets—made it particularly amenable to local colonial governance; its adaptability made it ideal for the management of new forms of colonial labor, new racialized regimes of sovereignty, and new imperatives of territorial management, especially in the settler and plantation colonies of the Americas.⁹ *Vagrant Figures* argues that vagrancy sheds light on the prehistory of the police, as its textualization across a wide array of documents—records of everyday and routine legal practice, political and legal commentary, and literary deployments and redeployments across a number of genres—reveals the often improvisational theorizing of police as a powerful form of sovereignty well suited to the management of population and labor for an emerging racial capitalism.

Filling Out Forms

As this book reveals, literary contributions to, reflections on, and resignifications of vagrancy as a legal category have historically both revealed some of the foundational logics underpinning police as a structure of knowledge *and* concealed these same logics by fantasizing “the vagrant” as a kind of person—particularly a lyric subject or a narrative protagonist. As I discuss in more detail in Chapter 4, in which I examine the afterlife of early American literature in a landmark 1972 U.S. Supreme

Court decision striking down vagrancy law, literary texts can obscure legal history when they narrow vagrancy to itinerancy, recast as freedom and valorized transgression—a valence of vagrancy that, I argue, was always more literary than legal. I propose that a careful investigation of literary engagements with vagrancy as a legal category can offer us a fuller understanding of the emergence of the police as a modern institution and cornerstone of governance.

The “police archives” I’m concerned with here are not records kept by a police department, designated “police archives” primarily by the institutional location of their production and storage. I’m interested, instead, in the archive of *police* as an eighteenth-century model of governance, as an attitude toward preventing threat and securing welfare, as a collection of material and scriptive practices that would make *the* police thinkable. What constitutes this archive? I think that literary-critical method can help answer this question, and so I read for what I see as the tropes, forms, categories, and figures that script and theorize police across a series of administrative and literary texts. This means both reading legal and administrative documents with attentiveness to their formal features while also reading nonlegal texts with attentiveness to the material legal practices they draw on and imagine.

Robert Nailer’s vagrant pass, for instance, discloses its material uses as well as the formal features of print that articulate its theory of governmentality. This pass, dating from the 1660s, is a document that he would have used routinely in his role in local parish governance and administration: JPs were expected to charge with vagrancy those present in the parish without legal settlement, the “idle and disorderly,” and any others deemed to pose a threat to the welfare of the community.⁴³ A pass like this was intended to enable the transportation of a person charged with vagrancy to their place of legal settlement by mandating that officers of the law in each parish both allow the person to pass through and ensure they continue toward their place of settlement as noted on the pass. This reflects a major aim of vagrancy legislation since the establishment of the Elizabethan poor laws: to preserve parish poor relief funds by keeping outsiders from drawing on them.⁴⁴

The *form* of the pass also reveals much about the underlying logic of vagrancy law and the writing practices through which it was administered.

In what it prints and what it leaves open to be filled in, the pass signals what is flexible and what is fixed (Figure 2). After noting that “[blank] was this [blank] day of [blank] taken at [blank] within this County, as a Rogue and Wandering Beggar . . . ,” the pass then mandates that other parish officers facilitate the named person’s return.⁴⁵ This document is an early form of state identity documentation; indeed, vagrant passes such as this one were among the earliest models for the passports that nation-states would later use to identify their citizens and control movement across their borders.⁴⁶ But while contemporary passports link national citizenship to a number of markers thought to confer consistent and unique identity, the vagrant pass prioritizes place of legal settlement above all other information. Instead of the contemporary passport’s array of descriptive and biometric information, designed to link an individual body to a unique bureaucratic identity, the pass matches the vagrant’s name not to any bodily singularity, but to the generic category of “Rogue and Wandering Beggar”—the only specific information called for here is their place of legal settlement.

The pass thus conceptualizes a geography; it maps a path without mapping anything so specific that it couldn’t be used by any JP in any parish, as it authorizes the person here deemed a vagrant “to travel and pass from hence onward, the next and directest way unto [blank] in the County of [blank],” and directs local authorities to “convey the said [blank] from Constable to Constable, through every your Towns, Hamlets, and Liberties, the next directest way to [blank] aforesaid.”⁴⁷ In carefully enumerating the kinds of jurisdictions through which a vagrant might travel (towns, hamlets, liberties), and by mandating the most direct route, this pass says much more about the terrain through which a vagrant might be compelled to travel than it does about the person here deemed “vagrant.”

Today, we commonly think of vagrancy laws as laws against mobility. However, the relation of vagrancy laws to mobility was more complex than this: they sometimes targeted the itinerant, but sometimes compelled movement, and sometimes targeted behaviors and statuses that had no relation to either mobility or immobility. The aim of the administrative practices laid out on this pass is not necessarily to arrest mobility completely, but to map out geographies of responsibility and entitlement: the

wandering Beggar, and hath received punishment according to the Statute in that case made and provided. Now know ye that I one of the Justices of the Peace of the County aforesaid, have licenced and appointed, and do hereby licence and appoint the said from hence onward the next and directest way unto County of

streightly charging and commanding you the said Constables, Petty-Constables, Headboroughs, Tything-men, and other Officers in His Majesties Name, that you or some of you convey the said from Constable to Constable, through every your Towns, Hamlets, and Liberties, the next directest way to aforesaid, and there to deliver and leave in the custody of the Constables, Headboroughs, or other Officers of the same place, to be provided for according to the said Statute; and hereof fail not as you will answer the contrary at your perils. Given under my hand and seal at day of in the year of the Reign of our Sovereign Lord Charles the Second, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. Annoque Domini 166

To all Constables, Petty-Constables, Headboroughs, Tything-men, and other His Majesties Officers whom these shall or may concern.

VV Hereas was this day of taken at within this County, as a Rogue or wandering Beggar, and hath received punishment according to the Statute in that case made and provided. Now know ye that I one of the Justices of the Peace of the County aforesaid, have licenced and appointed, and do hereby licence and appoint the said to travel and pass from hence onward, the next and directest way unto in the County of

streightly charging and commanding you the said Constables, Petty-Constables, Headboroughs, Tything-men, and other Officers in His Majesties Name, that you or some of you convey the said from Constable to Constable, through every your Towns, Hamlets, and Liberties, the next directest way to aforesaid, and there to deliver and leave in the custody of the Constables, Headboroughs, or other Officers of the same place, to be provided for according to the said Statute; and hereof fail not as you will answer the contrary at your perils. Given under my hand and seal at day of in the year of the Reign of our Sovereign Lord Charles the Second, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. Annoque Domini 166

FIGURE 2: Vagrant pass (Robert Nailer's Papers, Justices' Papers: Surrey, C 110/3, UK National Archives)

vagrant pass marks its bearer as unentitled to poor relief in the parish in which they were apprehended, and seeks to facilitate (and document the costs associated with) the vagrant's return to the parish that is considered responsible for them. A document like this pass, by marking its bearer as beyond the bounds of a parish's responsibility, also enacts the boundaries—both geographical and moral—of the parish as an administrative unit. By serving as a dividing line between the deserving and the undeserving poor, this category stakes out the borders of a parish's responsibility for the welfare of its people—while also helping define the very nature of “welfare.” A vagrant, this pass says, is anyone for whom this place is not responsible. But while its primary function was to serve as a technology to assist a JP in his task of local governance, this pass also helps construct much vaster geographies. The management of resources and population that constituted the purview of police on the scale of the parish also intersected with emerging political-economic conceptions of population as a national resource to be managed across a growing empire, but we would never know this from the pass alone; it stakes out a local geography of contiguous counties and parishes, never naming an administrative unit larger than this subdivision of the nation. Thus, the occlusion of the broader geographies that vagrancy laws implicated is also a formal feature of this print artifact.

Reading for the figurative register of administrative documents reveals how trope and figure helped construct the everyday writing, reading, and speech—as well as the acts of violence—that made up vagrancy law enforcement. For instance, in one routine demand for a certificate of settlement, Henry Norris, a JP in Hackney, recorded on November 29, 1731 that he “Signed a warrant to apprehend Samuel Bodycoate to bring a Cert[ificate] he having Intruded himselfe into the parish to dwell there as a parishoner thereby being likely to bring a burthen & charge upon the said Parish.”⁴⁸ To say that someone is likely to become chargeable to the parish, for instance, legally allows one to act as if this person *will* become chargeable to the parish.⁴⁹ To say that someone is likely to pose a threat allows one to act as if they *will* pose a threat. Thus, vagrancy is proleptic: it attributes its object with future criminality, dependence, or danger as if these things had already happened. It carries the force of a rhetorical figure. Yet it is the actual *use* of vagrancy law that produces this slippage

between likely and certain; it is Bodycoate's perceived likelihood of becoming a burden that allows Norris to set in motion the legal procedure to expel him in the interest of preserving the poor relief funds from which he has not yet attempted to draw.

Robert Nailer's vagrant pass also reveals a relationship between vagrancy and the print industry. Such passes were not new in the 1660s—they were used throughout the sixteenth and seventeenth centuries. However, early modern passes tended to be copied by hand from the formulas dictated by statutes and reproduced in popular how-to manuals for JPs.⁵⁰ Nailer's pass is printed, with blank spaces left for the justice to fill in by hand. The pass is therefore an artifact of the early history of the now-ubiquitous print genre of the bureaucratic form. This particular genre, with its standardized text reproduced in print and its blank spaces that allow for only the narrowest and most predetermined manuscript insertion of particularities (names, dates, places), is such a commonplace feature of modern life that it can be difficult to appreciate it as remarkable, but during Robert Nailer's lifetime, the production of forms such as this vagrant pass was one facet of an incipient revolution in print that effected the expansion not only of the much-vaunted "republic of letters" mediated through books, periodicals, and newspapers, but also of the humbler print genres on which finance, business, and local governance came to rely: bills of exchange, account books, receipts, certificates, tickets, and legal forms.⁵¹ As Naomi Tadmor argues, the "consolidation of a culture of administrative forms" was profoundly shaped by vagrancy statutes and related laws—particularly the Settlement Act of 1662, which legally defined parish settlement for the first time and contributed to increased demand for certificates of settlement, vagrant passes, and other documents of poor law administration.⁵² According to Tadmor, the lapse of the Licensing Act in 1695—long regarded by literary scholars as a decisive event in the rise of eighteenth-century print and literary cultures—also opened space for more printers to fulfill this demand, thus contributing to the increasing (though incomplete) domination of print in this previously scribal form.⁵³ This was not the only link between the production of printed forms and literary culture; as James Raven documents, the same printers who produced books and periodicals also relied heavily on small-item "jobbing" to offset the risk inherent to bookselling: by printing

forms, certificates, and other small items for clients such as local workhouses, hospitals, and businesses, printers could rely on a steady demand for easily produced items that offered more reliable and immediate income than books.⁵⁴ In fact, during the Restoration, printing beyond London was largely driven by demand from local government for increasingly standardized administrative forms, and vagrant passes provided a particularly important market for these printers.⁵⁵ The production of passes such as this one thus quite literally financed literary production.

Robert Nailer's miscellaneous papers, bound by a piece of minor legal technology, also include some pieces of minor literary (re)production: three pattern poems carefully copied out from Sir John Mennes's *Recreation for Ingenious Headpeeces, or, A Pleasant Grove for their Wits to Walk In*. In one, for instance, Nailer has copied a love-knot poem that forms an infinite loop, and then added his name in an unevenly sketched heart below the poem (Figure 3). This poem, which appears on page Q₂r of the 1665 edition of *Ingenious Headpeeces*, is offered as one of many "fancies" including other pattern poems, riddles, rebuses, and texts that can be read forward and backward.⁵⁶ This may seem a tenuous place to begin when asserting a link between the kind of linguistic practices we have historically deemed "literary" and the workings of vagrancy law, and in one sense it is—after all, the relationship between these recopied poems and the vagrant pass is one of contiguity to which no meaning or intention can be confidently assigned. They appear next to each other, literally, in the archive, and while the vagrant pass seems to have been wrapped around Nailer's miscellaneous papers for a long time, it is impossible to tell who actually used the vagrant pass in this way. Nailer, as a Justice of the Peace, certainly enforced vagrancy law routinely as part of his duties. And as a consumer of literature, Robert Nailer also copied at least three poems on spare pieces of paper, carefully reproducing the fanciful designs offered for novelty, amusement, and pleasure by the printer of the *Ingenious Headpeeces*.

The scriptive practices that Nailer used to copy out the pattern poem from a printed example resonate broadly with the scriptive practices he would have drawn on to fill in the vagrant pass: manuscript transcription bounded by both literal and imaginative shapes distributed through print. The vagrant pass offers a blank space of a particular size in which to fill

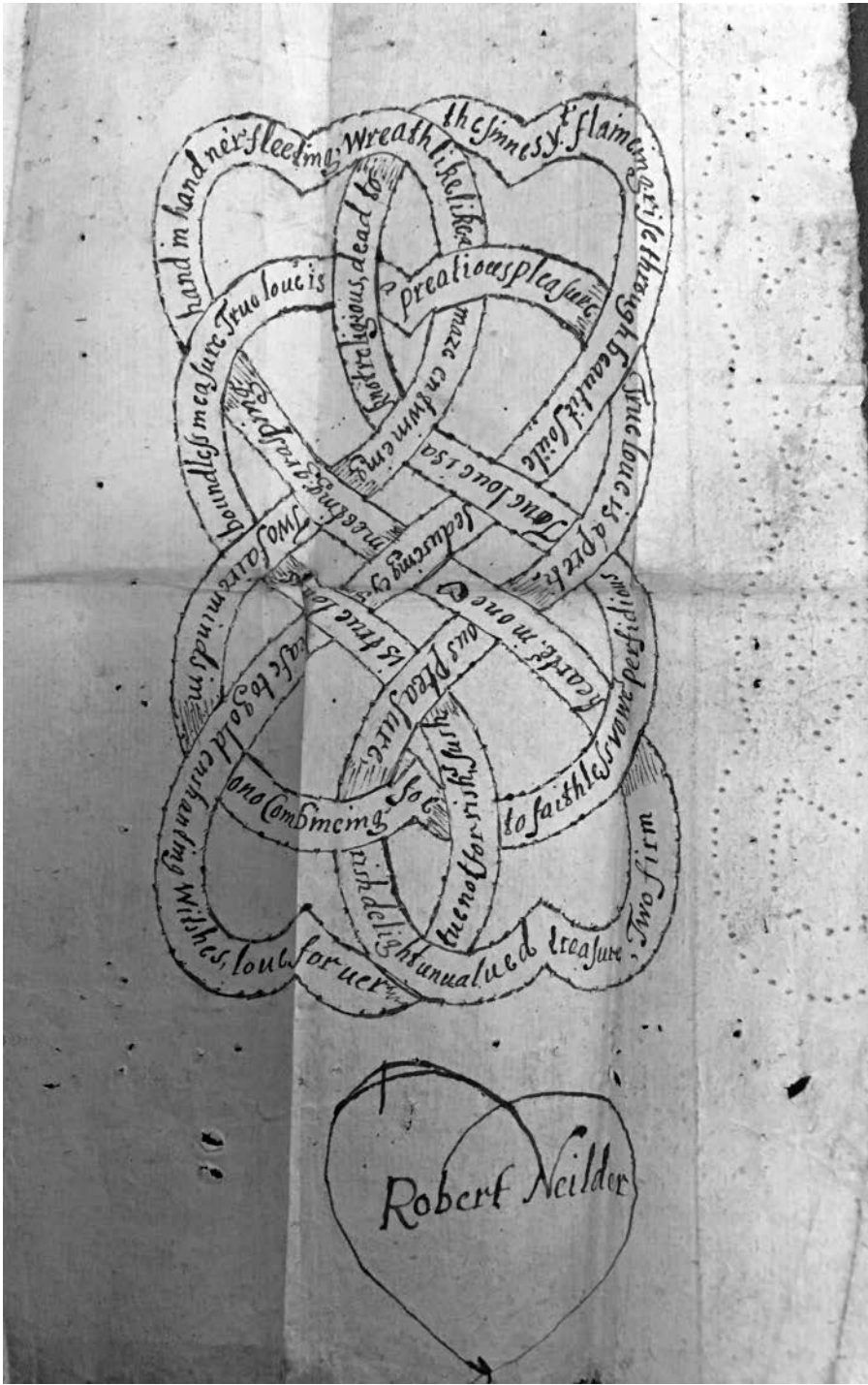


FIGURE 3: Pattern poem (Robert Nailer's Papers, Justices' Papers: Surrey, C 110/3, UK National Archives)

in what he hears when he asks for a name. Meanwhile, the pattern poem printed in the *Ingenious Headpieces* offers a shape that Nailor has traced onto the scrap of paper; we can see the remnants of tracing in the dotted outlines that are still visible in the line of ink that he subsequently used to draw a smooth outline for the love-knot that contains the poem.

Of course, this connection offers us little in the way of strong explanatory correlation between legal practice and para-literary amusement: after all, many other JPs filled in vagrant passes without necessarily copying poems out of books, and many readers who enjoyed texts like *Ingenious Headpieces* never once enforced a law. But I do think that the chance contingency of these documents tells us something important about the archive of vagrancy as this book conceives it: vagrancy moved between law and literature not only as a conceptual category, but as a relation to material practices of writing, reading, manuscript, and print.⁵⁷ Policing does not consist only of writing, but the rise of an increasingly administrative state was also intertwined with the rise of mass print culture, increasing literacy, and the growing centrality of writing to a vast array of intertwined forms of authority. The ongoing, active interplay between administrative, legal, and literary reading and writing practices becomes, in turn, an aesthetic resource for literary authors.

For example, by the early nineteenth century, when vagrancy had gained a new measure of poetic currency, George Crabbe's "The Parish Register" (1807) takes the scriptive forms of parish administration as an explicit model for poetry—not only drawing on Crabbe's own practices of administrative writing as poetic inspiration, but also aestheticizing the very process of this transfer. In a poem whose three books—Birth, Marriage, and Death—are structured by the imperative of parish record-keeping, Crabbe dwells on the materiality of the register itself as an aesthetic resource; the legal imperative to write one's name incites a wild variety of handwritten shapes transformed into a botanical landscape that print cannot visually mimic:

How fair these Names, how much unlike they look
To all the blurr'd Subscriptions in my Book:
The Bridegroom's Letters stand in row above,
Tapering yet stout, like Pine-trees in his Grove;

While free and fine the Bride's appear below,
 As light and slender as her Jasmines grow;
 Mark now in what confusion stoop or stand,
 The crooked Scrawls of many a clownish Hand. (II.284–290)⁵⁸

The very process of asserting “how much unlike” the printed poem is to the manuscript register ends up absorbing the aesthetic power assigned to manuscript into print—while also rendering poetry, rather than administrative writing, the privileged vehicle for aesthetic experience. After all, it's poetry that transforms the handwritten letters into pine and jasmine, even as the poem locates this aesthetic possibility in the capacity of print to gesture to the manuscript it cannot visually reproduce. If the practice of administrative writing—recording names in a parish register, for instance, or filling in a vagrant pass—offers the most obvious construction of vagrancy and settlement through writing, then aesthetic redeployments of vagrancy show how writing without direct legal force played a role that sometimes complemented, sometimes contradicted, and sometimes strayed far beyond vagrancy's legal use, drawing on the imaginative charge of the category toward a variety of ends.

This imaginative charge can reveal surprising links between police and literary form. When Moll Flanders begins her account of her life by cheekily refusing to give her true name, she immediately places the fiction of its existence in the documentary reality of administrative archives: “My True Name is so well known in the Records, or Registers at *Newgate*, and in the *Old-Baily*, and there are some things of such Consequence still depending there, relating to my particular Conduct, that it is not to be expected I should set my Name, or the Account of my Family to this Work.”⁵⁹ In naming her place of birth (Newgate prison), and in denoting her name's presence in its records, Moll echoes the form of a settlement examination. Because Moll is born in Newgate just before her mother is transported for theft, she is essentially born into vagrancy, both literally and figuratively without settlement anywhere: “As I was born in such an unhappy Place, I had no Parish to have Recourse to for my Nourishment in my Infancy, nor can I give the least Account how I was kept alive” (45). After a hazily recollected early childhood spent wandering with “Gypsies,” Moll returns to geographic specificity once again when she

encounters parish officers tasked with enforcing vagrancy laws and determining eligibility for poor relief, as she notes that she was “taken up by some of the Parish Officers of *Colchester*” (45). Once again, a specific place invokes her documentary existence in a parish register, justice’s notebook, vagrant docket, or other legal record of minor administrative business of the parish.

Defoe carefully lays out how Moll passes from vagrancy to settlement when she leaves the Gypsies in Colchester: “I gave an Account that I came into the Town with the *Gypsies*, but that I would not go any farther with them, and that so they had left me” (45). Her apprehension as a vagrant ultimately ends her brief career of vagrancy: “I was now in a Way to be provided for; for tho’ I was not a Parish Charge upon this or that part of the Town by Law, yet as my Case came to be known, and that I was too young to do any Work, being not above three Years old, Compassion mov’d the Magistrates of the Town to order some Care to be taken of me, and I became one of their own, as much as if I had been born in the Place” (45). Moll reframes the end of her time with the Gypsies as her first self-willed act; while she tells the parish officer they had simply abandoned her, the adult Moll proposes another story: “I have a Notion in my Head, that I left them there, (that is, that I hid myself and wou’d not go any farther with them) but I am unable to be particular in that Account” (45).

Moll’s childhood vagrancy provides the imaginative gap that she later fills with a radically autonomous subjectivity; the adult Moll narrates her rebirth as the kind of outlaw protagonist that we have long recognized as an important strand in the construction of the bourgeois novelistic subject. But importantly, vagrancy here is not identical to the identities of outlaw, criminal, protagonist, or *picara*: vagrancy is the blank space in the novel form, the place that Moll later fills in with this “Notion” in her head of her originary disobedience. This disobedience can only be constructed in retrospect, from the subject position of her later criminality, which the adult Moll frames as originating from her legally unsettled childhood; had England developed a state orphanage to house her, she argues, “I had not been left a poor desolate Girl without Friends, without Cloaths, without Help or Helper in the World, as was my Fate . . . nor brought into a scandalous Course of Life” (44). It is the genre of the

“scandalous Course of Life”—the genre of criminal biography—that ultimately offers Moll the vantage point of this retrospect; criminal biography, after all, is a genre predicated on the continuous selfhood and interiority presumed by legal concepts like criminal responsibility and *mens rea*, and it is a genre of retrospect: of being turned to account for what one has already done. This is the kind of narrative that lends Moll the legibly autonomous individual selfhood from which she can claim an act of willfulness she cannot remember.

It is the failure of memory here—not the willfulness that Moll imagines or the criminal life that follows—that Defoe most centrally draws from the notion of vagrancy. After all, when Moll says that she is “unable to be particular in that Account,” she indicates her absence of memory in the language of vagrancy law: she fails to give a good account of herself to the reader. This is the constitutive illegibility of vagrancy as a legal category; it is the blank space rather than the thing that fills that space. Indeed, if, as Jeannine DeLombard has argued in a different context, criminal responsibility can create a liberal subject when there otherwise would not be one, then it is in fact analytically vital that we not conflate the legal subject capable of criminal responsibility with the target of police, left open for anticipated future threats.⁶⁰ The main concerns of vagrancy legislation—threat and welfare—leave individual subjectivity (legal or otherwise) irrelevant; threat can be posed by populations, spaces, wild animals, fire, and other objects of police, just as populations, locales, and itineraries can all be designated as beyond the bounds of responsibility for welfare.

Moll Flanders thus reveals the insight as well as the potential challenge of tracing the category of vagrancy through literary archives. Moll’s childhood vagrancy is the first incident in a life of continual transgression, and so on one level the novel joins the tradition of the rogue pamphlet in loosely conflating vagrancy with a life of crime. And yet, at the same time, when read with close attention to vagrancy’s legal meaning and its association with police, the distinction between vagrancy and criminal responsibility becomes clearer, thus revealing the subtler narrative work that vagrancy does for the novel: Defoe uses vagrancy to clear space for Moll to become a radically self-willed (if also criminal) economic subject—the very opposite of a vagrant. This works because vagrancy has a

specific legal and imaginative charge: the name for a kind of threat-placeholder, and for populations and spaces beyond the pale of responsibility. This charge of potentiality is imaginatively powerful. It produces the idea of a figure who might (like “Moll Flanders”) go by any name, who might commit any array of future crimes (like the miscellaneous array promised by the title page), and who is nobody’s responsibility, and thus can tell “nobody’s story.”⁶¹

By leaving the category of vagrancy mutable, miscellaneous, and open to redefinition, vagrancy law figures future threat as protean and unpredictable, and thus authorizes a form of power as open to discretionary revision as the danger it seeks to contain. The reliance of vagrancy law on implication, prediction, and speculation makes it a particularly rich resource for literary texts to take up—and sometimes transform. But the object of my analysis is always both the literary redeployments of vagrancy and the textual records of legal practice, as both, I argue, benefit from the protocols of literary-critical reading. Police develops as both a material and crucially rhetorical practice, and thus our methods as literary scholars can complement the important work of legal and social historians on this topic and offer us powerful insights into what made the police thinkable before their institutional establishment.

The Color of Dispossession: Primitive Accumulation and Racial Capitalism

Moll Flanders crosses the Atlantic to be remade as a nominally penitent and prosperous economic subject—thus embodying, as Gabriel Cervantes argues, the foundational ideological commitments animating convict transportation.⁶² In this frame, the racial triangulation of Moll’s vagrancy becomes more visible: Defoe uses her time with “Gypsies” in order to begin her story with a radical contingency that clears the space for her to attain a kind of rogue economic subjectivity—one that allows her to enslave others by the novel’s end.⁶³

Ironically, Defoe uses vagrancy in order to set up the narrative trajectory that leads Moll from dispossession to accumulation—and to the colonial fulfillment of the promise of a newly consolidating whiteness. At the same time, the transatlantic legal archive of vagrancy offers another view of