Producing the Body: Habeas Corpus and Closure in Burney's Court Diaries

This paper is part of a larger project which investigates the ways in which eighteenth-century novelist Frances Burney's body of work (novels, plays, and life-writing) create a sense (or no-sense) of an ending. In this paper, I examine Burney's writing during the five miserable years she served as a handmaiden to the Queen at Court, a time where Burney's physical and mental endurance was put to one of its harshest tests.

The fictional works she creates during this time are bleak and cover a range of historical subjects, with one point in common: they all exist before the existence of habeas corpus -- what Blackstone refers to as _The great and efficacious writ_ which is considered a cornerstone in protecting the individual from capricious treatment by the state. In Burney's tragedies, bodies are perpetually at risk of unjust imprisonment, exile, and even execution based on power struggles.

However, in Burney's own world, there is the hope of quasi-legal release -- the sovereign, in a sense, cannot stand in the way of bringing her body forward to determine whether she "is serving a lawful sentence or should be released from custody" -- and she relies on this dream of justice and right action, including the imitation/reenacting of legal proceedings like her reports of the Hastings Trial, to see her through to the end of her Court service.