

The Three Trials of Oscar Wilde

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On May 25th, 1895, the prominent writer Oscar Wilde was convicted of seven counts of “acts of gross indecency between men” (Foldy IX, 45-46). Oscar Wilde had previously been part of two other related trials which began when Oscar Wilde accused The Marquess of Queensberry of libel. On February 18th, 1895, Queensberry sent Oscar Wilde a card at Albemarle Club accusing Wilde of “posing as a sodomite,” an action that would lead Wilde to take Queensberry to court (Foldy 1, 5). Unfortunately, the trial that was not initially intended to have Wilde on the defense ultimately raised suspicions on his private sexual life and ultimately lead to two more subsequent trials, one that ended in a hung jury, and another that resulted in a sentence of two hard years of labor (Foldy 39, 47).

The Libel Trial Summary

Oscar Wilde was the plaintiff in the first of a series of trials that would call his sexuality into question. Wilde had accused The Marquess of Queensberry of libel after a series of harassment from Queensberry including showing up to Wilde’s house and attempting to disrupt Wilde’s premier of *The Importance of Being Earnest* (Foldy 4-5). The trial concluded with the prosecution withdrawing and Justice Collins concluding that Queensberry’s statement was justified and that there was a public benefit to its release (Foldy 19). Wilde was subsequently arrested on charges of “acts of gross indecency” (Foldy 20-1).

The Players

Oscar Wilde: The Plaintiff

Sir Edward Clarke: The Prosecution (Foldy 1)

The Marquess of Queensberry: The Defendant

Edward Carson: The Defense (Foldy 1)

Justice Collins: The Judge (Foldy 19)

The Prosecution's Strategy

The prosecution began their defense by reading one of Wilde's letters to Queensberry's son, Lord Alfred Douglas, in order to spin the narrative in Wilde's favor by presenting the letter as prose rather than as a love letter (Foldy 2-3). The prosecution also brought in Sidney Wright, the porter who brought Queensberry's card to Wilde, in order to confirm the existence of the card (Foldy 3).

The Defense's Strategy

The defense intended to clear Queensberry of libel by demonstrating that Queensberry was justified in accusing Wilde of "posing" and that there was a public benefit in publishing such information (Foldy 2).

Carson read passages from Wilde's "Phrases and Philosophies for the Use of the Young", *The Picture of Dorian Gray*, in order to reveal Wilde's innate desires through his work (R. and M. Aitken 53). Wilde ultimately responded by upholding his views on art and the author, inspired by aestheticism, by asserting that one cannot presume facts about the author based on their art (Selleri 53). Carson then turned to Wilde's letters to Douglas in order to paint them as love letters which Wilde would go on to assert that they are simply an expression of admiration (R. and M. Aitken 53-4). The cross-examination ended with Carson questioning Wilde's relationships with the following men: Alfred Wood, Alfonso Conway, Edward Shelley, Charles and William Parker, Freddy Atkins, Ernest Scarfe, Sydney Mavor, and Walter Grainger (R. and

M. Aitken 54, 64-66). Carson planned on having the men testify against Wilde, but Clarke withdrew the prosecution before more damage could be done to Wilde's reputation (Foldy 19).

The First Criminal Trial Summary

Oscar Wilde was tried for twenty-two counts of "acts of gross indecency" and three counts of conspiracy alongside his colleague Alfred Taylor beginning on April 26th, 1895 (Foldy 31-2). Wilde and Taylor were being charged under the Labouchere Amendment of the 1885 Criminal Law Act which was originally meant to protect young girls from sexual assault, and the vague language of "gross indecencies" was used to protect victims of assault regardless of age (R. and M. Aitken 66; Linder "Homosexuality and the Law in England"). However, this wording was later reinterpreted to include homosexual acts (Linder "Homosexuality and the Law in England"). The trial ended in a hung jury with intent to re-try later in May (Foldy 39).

The Players

Oscar Wilde: The Principle Defendant (Foldy 32)

Alfred Taylor: The Procurer (Foldy 32)

Sir Edward Clarke: The Defense (Foldy 31)

Charles Gill: The Prosecution (Foldy 31)

Justice Charles: The Judge (Foldy 31)

The Prosecution's Strategy

Charles Gill made the claim that Taylor brought Wilde men to commit indecent acts with (Foldy 32). He then brought in witness testimonies from young men like Charles Parker and Alfred Wood, who had met Wilde through Taylor, to confirm that they had engaged in indecent acts with Wilde (Foldy 32-4).

The Defense's Strategy

Sir Edward Clarke attempted to discredit the Charles Parker's testimony by painting him as a liar, but that plan fell through when Parker responded truthfully to Clarke's questions (Foldy 33). In addition to Charles Parker's testimony, Clark tried to discredit Alfred Wood's and Frederick Atkin's testimonies in his summation for the defense by arguing that the testimonies of blackmailer's were untrustworthy (Foldy 36). Additionally, Clarke appealed to the witnesses' possibly flawed memories, the fact that Wilde would have most likely fled if he had been guilty, and justified Wilde's withdrawal from the first trial as an act of compliance with legal advice as opposed to an indicator of guilt (Foldy 35-6).

The Second Criminal Trial Summary

Wilde and Taylor were tried again beginning on May 20, 1895, but this time, they were tried separately with Taylor being tried and convicted right before Wilde's trial (Foldy 39). Additionally, Wilde was being tried on eight counts of gross indecency, instead of the original twenty-two counts, and zero counts of conspiracy, instead of the original three (Foldy 41). In the end, Wilde was convicted of seven acts of gross indecency, and both him and Taylor were sentenced to two hard years of labor (Foldy 47). Although not much changed in regard to evidence and arguments in Wilde's second trial, multiple factors came into play that lead to Wilde's conviction including the fact that Justice Wills was set on convicting Wilde (Foldy 39).

The Players

Oscar Wilde: The Defendant

Sir Edward Clarke: The Defense (Foldy 39)

Sir Frank Lockwood: The Prosecution (Foldy 39)

Justice Wills: The Judge (Foldy 39)

The Prosecution's Strategy

After Justice Wills decided to have Wilde and Taylor tried separately, Lockwood argued that Taylor should be tried first to the dismay of Clark since Clarke believed that Taylor's conviction would ultimately lead to Wilde's conviction (which is exactly what happened) (Foldy 39-40).

The Defense's strategy

Clarke requested that Wilde be tried during the next criminals after it was decided that Taylor would be tried first; his request which was denied (Foldy 40).

Clarke attempted to discredit Edward Shelley's testimony by portraying him as "mentally unbalanced" (Foldy 42). The charge related to Shelley was eventually dropped, partially because his testimony was contradictory (Foldy 43).

The Case Against Literary Evidence in Court

Much of the suspicion surrounding Oscar Wilde's private life and overall moral outlook came from literary evidence derived from Wilde's works. As a result, much of Wilde's cross-examination during the libel trial became a debate over the role of authorship in literature with Wilde presenting an aesthetic position and Carson presenting an authorialist position. This raises questions on art and its influence in court since it is highly likely that the inclusion of literary evidence influenced the court's decision to eventually convict Wilde at his third trial. Therefore, this analysis is going to investigate Wilde's and Carson's theories on literature, analyze how literary theory played out and affected Oscar Wilde's trial, and speculate on what this means for other cases.

An authorialist position assumes that details about the author can be drawn from the author's work and that meaning in a text is derived from authorial intent; therefore, an author's biography would be essential information in interpreting a text according to the authorialist position (Selleri 52). An aesthetic position rejects using the author as a source of meaning and is instead concerned with perceiving art as its own entity; therefore, any perceived meanings cannot be reflected back onto the author (Selleri 53). As a huge proponent for aestheticism, Wilde viewed art to be about the final product as opposed to the intentions, thoughts, feelings, ideas, etc. put into the art during the process (Selleri 54). Carson and Wilde's literary views can be summed up in the following quotes from the libel trial during Wilde's cross-examination right after Carson had read a passage from *The Picture of Dorian Gray*:

[Carson]--Do you mean to say that that passage describes the natural feeling of one man towards another?

[Wilde]--It would be the influence produced by a beautiful personality.

C--A beautiful person?

W--I said a "beautiful personality." You can describe it as you like. Dorian Gray's was a most remarkable personality.

C--May I take it that you, as an artist, have never known the feeling described here?

W--I have never allowed any personality to dominate my art.

C--Then you have never known the feeling you described?

W--No. It is a work of fiction.

C--So far as you are concerned you have no experience as to its being a natural feeling?

W--I think it is perfectly natural for any artist to admire intensely and love a young man. It is an incident in the life of almost every artist.

C--But let us go over it phrase by phrase. "I quite admit that I adored you madly." What do you say to that? Have you ever adored a young man madly?

W--No, not madly; I prefer love-that is a higher form. (Linder "Testimony of Oscar Wilde on Cross Examination (April 3,1895)(Literary Part)")

Carson's questions are concerned with uncovering whether Wilde has ever felt any of the homoerotic feelings described in his work. This indicates an authorialist position since these questions would only matter to Carson's case if he was trying to prove that Wilde's life was inherently reflected in his work. Wilde counters Carson's questions by reinforcing his views on aestheticism. Wilde rebukes Carson's idea by either stating that the work is fiction; therefore, he has not felt those feelings, specifying that he does not allow certain things to affect his art, or clarifying his own feelings in contrast to what is implied in his works. All these rebuttals demonstrate an aesthetic position since they all indicate that Wilde's life either does not go into his work or that the final product does not reflect Wilde's own life and feelings.

Unfortunately for Wilde, the authorialist position was the popular approach to art at the time of his trial (Selleri 61). Therefore, it was easy for Carson to use Wilde's literature to steer the jury against Wilde by finding connections between Wilde's literature and real life (Kaplan 125). In fact, Wilde's team recommended that Wilde withdraw the case because they concluded that Carson succeeded in proving that Wilde had posed as a sodomite based on literary evidence alone (Kaplan 129). Since all the court had to do was find evidence that Wilde was posing as opposed to acting out indecent acts, it was feasible to assert that depicting homoerotic feelings in literature meant that Wilde sympathized with homosexuality, and therefore, would reasonably cause concern in any parent such as Queensberry himself (Kaplan 125-6). Additionally, Wilde maintained his innocence throughout the entirety of his court proceedings (Barleben 55). As a

result, the lack of confession from Wilde caused the jury to be instructed to rely on circumstantial evidence, such as Wilde's literature, which led to Wilde's conviction in his second criminal trial (Barleben 62). Justice Charles did not allow literary evidence in Wilde's first criminal trial while Justice Wills, in Wilde's second criminal trial, did (Barleben 41-2). It is therefore implied that literary evidence was possibly a factor in leading to Wilde's conviction.

Even though Wilde's writings often did reflect his real life and feelings, the literary evidence was still circumstantial, yet it was still allowed to be played out in court and influence court proceedings in a way that would lead to Wilde's conviction. This is problematic because all other evidence aside, it could have been just as true that Wilde did not experience the homoerotic content in his works. Although Wilde's trials were about his private sexual life, many points of the trial focused on whether his works were obscene rather than if he committed the crime. As a consequence of bringing in literary evidence, Wilde's trials set a precedent that would affect obscenity trials like Radclyffe Hall's *The Well of Loneliness* and James Joyce's *Ulysses* (Barleben 26-7). Oscar Wilde's trial serves as an example of what could happen if literary evidence is brought into a court that lacks nuance in its perception of literature. A widely authorialist court could use literary evidence against the defendant even when it is highly likely that the author did not commit the crime represented in their works. Additionally, literary evidence brought into a court adherent to aestheticism would not negatively affect the defendant, but the evidence would be useless. Therefore, Oscar Wilde's case serves as a good case study into the effects of literary evidence in court and can be used to make the argument that literature should not be used in court as evidence for a crime unrelated to obscenity charges (when the crime is directly tied to the work itself).

The Three Trials of Oscar Wilde: The Lesson Plan

Due to the literary and theatrical nature of the trial at hand, the presentation will be presented in a way that is engaging to the audience by presenting the three trials of Oscar Wilde in a story-like, often theatrical, fashion. In addition to summarizing and presenting key components of the trial, background, context, and impact of the case, the presentation will also include a moot court, literature readings, a quiz on homosexuality and the law in England, and an audience debate on art and morality.

Preparing the Class

We will not provide any assignments to the class in advance of the presentation. Everything that class needs to know for our presentation will be available in the presentation and the already assigned reading of *The Picture of Dorian Gray* which would contextualize why people saw homoerotic content in Wilde's works.

Presentation Goals

The goal of this presentation is to educate the audience by giving a thorough summary of Wilde's three trials that incorporates all the necessary historical context, reasoning, and background necessary to immerse and engage the audience with the information at hand, as well as, invest the audience into the life of Oscar Wilde and invoke an emotional response reminiscent of how an audience would respond at the end of a tragedy.

Presentation Organization

Part One: The Libel Trial

The presentation will begin with a moot court re-enacting a moment in the trial, specifically Wilde's cross-examination from Carson during the libel trial, when Wilde defends and states his views on literature and art. The intention of this moot court is to engage the audience from the beginning, as well as, introduce an important factor in this case: the issue of the morality of art and its reflection (or lack thereof) on the author.

The following slides will then summarize the events of the trial, as well as, go into background on the events leading up to Wilde accusing Queensberry of Libel such as Wilde's relationship with Lord Alfred Douglas and Queensberry's harassment of Wilde. This section will include a reading of the letters used to blackmail Wilde which were used in court. The purpose of reading the letters is to not only engage the audience by revealing to them the content of Wilde's letters to Douglas, but to also contextualize the situation by presenting what exactly people heard in court in order to understand why people suspected Wilde of homosexuality, as well as, allow the audience to come to their own conclusion of the nature of Wilde and Douglas' relationship.

Part Two: Historical Background and Context

The following section will briefly cover the historical background on the legal justification for convicting Wilde of "acts of gross indecency," as well as, go into brief detail on the public's attitude toward homosexuality before the trial and certain events that may have contributed to charging Wilde. The intention of including this section here is to provide a framework for the audience to understand why Oscar Wilde was put on trial in the first place in order to better understand the later contents of the presentation.

This section will end with a doodle quiz testing the audience's knowledge of homosexuality and the law in England at the time of the trial.

Part Three: The First Criminal Trial

This section will summarize the events and content of Wilde's first criminal trial. This section will end with a ten-minute audience debate on art and morality.

Part Four: The Second Criminal Trial

This section will summarize the events and content of Wilde's second criminal trial. This section will include a film clip from the movie, *The Trials of Oscar Wilde* (1960). The film clip is a re-enactment of Wilde's verdict and sentencing. The purpose of the clip is to present the audience with the dramatic retelling this moment deserves in order to immerse them in the moment of the sentencing when Wilde looks defeated and the crowd shouts "shame", a detail, that actually occurred in real life that is better shown than told (Linder "Sentencing Statement of Justice Wills").

Part Five: The Impact on Society

This section will take a break away from Wilde to focus on the societal impact of the trial on homosexuality and the law, as well as, the public's attitudes towards homosexuality and how it changed from before the trial.

Part Six: The Aftermath on Wilde

The presentation's final section will take one final look on Wilde to briefly discuss the impact of the trial on him by going into his life in prison and his eventual death shortly after his release from prison. The purpose of this section is to emphasize the tragedy of this case and its effect on Wilde.

The presentation will end on a reading of an excerpt from *De Profundis*, Wilde's letter to Douglas from prison, to emphasize the real-life tragedy this case brought to Wilde in order to end the presentation on the somber note that the real-life case ended on and leave the audience with one final thought from the words of Oscar Wilde himself (R. and M. Aitken 66).

The Q and A portion of the presentation will commence right after the excerpt is read.

Annotated Bibliography

Aitken, Robert, and Marilyn Aitken. "Sir Edward Carson Cross-Examines Oscar Wilde."

Litigation, vol. 30, no. 3, 2004, pp. 51-67. *JSTOR*, www.jstor.org/stable/29760432.

Accessed 8 March 2020.

Robert and Marilyn Aitken's work, "Sir Edward Carson Cross-Examines Oscar Wilde", provides a brief biography of Oscar Wilde, as well as, summarizes Oscar Wilde's trial with a focus on Edward Carson's cross-examination of Wilde. This work was particularly useful when writing about the defense's strategy during the libel trial since this work went into more detail on that portion of the trial than other works on the subject. Furthermore, this work provides court transcripts as authoritative primary sources which give credence to this work's claims. In fact, a huge portion of this work is court transcripts which was useful in checking their claims against the primary source, as well as, looking to the primary source themselves as a source of information. This work was published in a journal, so it is peer-reviewed and intended to be read by an expert audience, but it is written in a way that non-expert audiences conducting their own research can understand. The content indicates a strong bias in favor of Oscar Wilde.

Barleben, Dale. *Staging the Trials of Modernism : Testimony and the British Modern Literary*

Consciousness. E-book, University of Toronto Press, Scholarly Publishing Division,

2017. *EBSCOhost*,

search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=1515335&site=eds-live&scope=site.

Dale Barleben's book, *Staging the Trials of Modernism : Testimony and the British Modern Literary Consciousness*, is an attempt to synthesize a relationship between law, life, and

literature, primarily by analyzing the ways authors write about law and how that forms an identity. This book discusses Oscar Wilde's case and goes into brief detail on how literature was used in the trial in addition to information on how courts perceive evidence making this book useful for the section, "The Case Against Literary Evidence in Court." This book uses highly technical language and is therefore intended for an expert audience. This book was reviewed and edited by the University of Toronto Press. The fact that this book was edited in association with an accredited university by scholars lends credence to the content of this book.

Foldy, Michael. *The Trials of Oscar Wilde: Deviance, Morality, and Late-Victorian Society*. Yale University Press, 1997.

Michael Foldy's book, *The Trials of Oscar Wilde: Deviance, Morality, and Late-Victorian Society*, summarizes and analyzes Oscar Wilde's trials, as well as, the events surrounding and leading up to Wilde's trials including summaries and analyses on Victorian society's attitudes toward homosexuality, relevant historical context, and Wilde's life and philosophy. This work was particularly useful in summarizing the events of the trial in the Encyclopedic portion of this report. Foldy cited and quoted authoritative primary sources such as court transcripts and media coverage of the trials which backed up his summary and analyses of Wilde's trials. Michael Foldy was cited by another author in this bibliography, Dale Barleben, which demonstrates that Foldy is a known and trusted source of information by authors in this field.

Kaplan, Morris B. "Literature in the Dock: The Trials of Oscar Wilde." *Journal of Law and Society*, vol. 31, no. 1, 2004, pp. 113–130. *EBSCOhost*, search.ebscohost.com/login.aspx?direct=true&db=edshol&AN=edshol.hein.journals.jlsociety31.10&site=eds-live&scope=site. Accessed 20 March 2020.

Kaplan Morris' article, "Literature in the Dock: The Trials of Oscar Wilde," was particularly useful in the section, "The Case Against Literary Evidence in Court," by summing up how literature was used in the trial, what effect that evidence had on the trial, and the historical context surrounding the trial and Wilde's literature. This article was published in a journal which indicates that this was peer-reviewed and written for an expert audience; however, the article gives enough context and summary surrounding its arguments that a person unfamiliar with the trial could still understand the author's arguments. The article cites and quotes from news publications and letters from around the time of the trials which provides insight into the media's and individuals' perceptions of the case and provides a primary source for the audience to use as reference.

Linder, Douglas O. "Three Trials of Oscar Wilde (1895)." *Famous Trials*, <https://famous-trials.com/wilde>. Accessed 20 March 2020.

This section of Linder's website, Famous Trials, sums up the Oscar Wilde trials for a non-expert audience making it an ideal initial resource to familiarize oneself with the case. In addition to summarizing the events, this section also contains transcripts from key moments in the trial such as Wilde's cross-examination, Witness testimonies from young men, the verdict, etc., as well as, Wilde's letters to Douglas and key information on homosexuality and the law. This section is particularly helpful in pulling quotes from the trial and understanding the historical context surrounding Wilde's trial.

Selleri, Andrea. "Oscar Wilde on the Theory of the Author." *Philosophy & Literature*, vol. 42, no. 1, 2018, pp. 49-66. *EBSCOhost*, search.ebscohost.com/login.aspx?direct=true&db=edb&AN=129824165&site=eds-live&scope=site. Accessed 20 March 2020.

Andrea Selleri's article, "Oscar Wilde on the Theory of the Author," was particularly useful in the section, "The Case Against Literary Evidence in Court," because it provided specific information on Oscar Wilde's philosophy, summed up and defined the popular literary theory of the time, and went into detail on how literary theory played out and affected Oscar Wilde's trials. This article was published in an academic journal which indicates that it is written for an expert audience and is also peer-reviewed.

Statement of Preferred Grading

I would prefer if this written report was worth 300 points instead of the original 150 points. Thank you.

