



The Importance of Being Wilde

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... the real tragedies of life occur in such an inartistic manner that they hurt us by their crude violence, their absolute incoherence, their absurd want of meaning, their entire lack of style.

- Oscar Wilde,
The Picture of Dorian Gray (1890), Ch. 8

In the months of April and May, 1895, England's foremost playwright - Oscar Fingal O'Flahertie Wills Wilde - featured in three successive trials in consecutive sessions of the Central Criminal Courts. Just weeks earlier, his greatest dramatic creation, *The Importance of Being Earnest*, had experienced a tumultuously successful opening in the West End. But the dramas which were to unfold, just a few blocks away at the Old Bailey, amounted to a theatrical tragedy which even the greatest playwright would not have dared to invent.

Wilde and "Bosie" Douglas

*Really, if the lower orders don't set us a good example,
what on earth is the use of them ?*

- Oscar Wilde,
The Importance of Being Earnest (1895), Act I

Wilde's problems arose out of his association with Lord Alfred ("Bosie") Douglas, a younger son of the Marquess of Queensberry. In his *Autobiography*, published in 1929, Bosie confessed that there occurred between him and Wilde "familiarities" of the kind "which not infrequently take place among boys at English public schools"; but that, "of the sin which takes its name from one of the cities of the Plain there never was the slightest question". They both shared an interest in young men of a lower social order - in the argot of today's gay community, "rough trade" - and co-operated with one another in seeking out opportunities to gratify that particular interest.



Oscar Wilde and Lord Alfred ("Bosie") Douglas

The first sign of trouble came in 1893, when certain letters written by Wilde to Douglas fell into the hands of Alfred Wood, an unemployed clerk whose income appears to have derived from prostituting himself through a male brothel

conducted by Alfred Taylor, and by some small-time blackmail. Wood claimed that he had found the letters in the pockets of an old suit of clothes given to him by Bosie Douglas. This implausible story only begs the question as to the nature of the relationship between Wood and Douglas, by which the former obtained access to the latter's rooms and clothing. In a letter which Wilde wrote to Douglas from prison, subsequently published as *De Profundis*, Wilde referred to an earlier attempt by Wood to blackmail Douglas on account of some improprieties which occurred between Douglas and Wood at Oxford. Both Wilde's and Wood's evidence confirmed that it was Douglas who introduced them to one another.

Wood, with confederates named Allen and Clibborn - apparently more experienced blackmailers - attempted to extort payment from Wilde for the return of the letters, but (if Wilde's version is to be believed) were only modestly successful. In evidence, Wilde included this account of his interview with the blackmailer Allen:

I said, 'I suppose you have come about my beautiful letter to Lord Alfred Douglas. If you had not been so foolish as to send a copy of it to Mr. Beerbohm Tree, I would gladly have paid you a very large sum of money for the letter, as I consider it to be a work of art.' He said, 'A very curious construction can be put on that letter'. I said in reply, 'Art is rarely intelligible to the criminal classes.' He said, 'A man offered me £60 for it'. I said to him, 'If you take my advice you will go to that man and sell my letter to him for £60. I myself have never received so large a sum for any prose work of that length; but I am glad to find that there is some one in England who considers a letter of mine worth £60.' He was somewhat taken aback by my manner, perhaps, and said, 'The man is out of town'. I replied, 'He is sure to come back'. And I advised him to get the £60. He then changed his manner a little, saying that he had not a single penny, and that he had been on many occasions trying to find me. I said that I could not guarantee his cab expenses, but that I would gladly give him half-a-sovereign. He took the money and went away.

After Allen's unsuccessful attempt to extort a substantial payment, Clibborn made a further foray at Wilde's house. As Wilde described the encounter in his evidence:

I went out to him and said, 'I cannot bother any more about this matter'. He produced the letter out of his pocket, saying, 'Allen has asked me to give it back to you'. I did not take it immediately, but asked: 'Why does Allen give me back this letter?' He said, 'Well, he says that you were kind to him, and that there is no use trying to "rent" you as you only laugh at us'. [The word "rent", in this context, was a contemporary slang term for blackmail.] I took the letter and said, 'I will accept it back, and you can thank Allen from me for all the anxiety he has shown about it'. I looked at the letter, and saw that it was extremely soiled. I said to him, 'I think it is quite unpardonable that better care was not taken of this original manuscript of mine'. He said he was very sorry, but it had been in so many hands. I gave him half-a-sovereign, and then said, 'I am afraid you are leading a wonderfully wicked life'. He said, 'There is good and bad in every one of us'. I told him he was a born philosopher, and then he left.

In fact, the blackmail cost Wilde rather more than two half-sovereigns: he made a further payment to Wood - £20, by his own account, or £35, according to Wood's version - in either event, a sizeable sum of money at a time when 10 shillings (one-half of a pound) represented a working man's weekly wage. In evidence, both Wilde and Wood maintained that this payment was not a result of blackmail, but merely an act of kindness to assist Wood to start a new life in America - no doubt a convenient fiction, as it was in neither party's interests to admit the true character of the payment.

Although the blackmail attempt did not cost Wilde very dearly in financial terms, it had the result that scandal started to spread. Wood's confederates produced copies of the apparently compromising letters, and circulated them amongst Wilde's theatrical and literary colleagues - including one copy which went to the actor-manager, Beerbohm Tree, who was then producing *A Woman of No Importance* at the Haymarket Theatre. Another copy apparently came to the attention of Bosie's father, the Marquess.

Wilde and Queensberry

I choose my friends for their good looks, my acquaintances for their good characters, and my enemies for their intellect. A man cannot be too careful in the choice of his enemies.

- Oscar Wilde,
The Picture of Dorian Gray (1890), Ch. 1

On the most charitable view, Queensberry was a decidedly eccentric character, who had gained some notoriety as an atheist and as a sportsman; apart from his litigation with Wilde, he is best remembered for formulating the rules of amateur boxing which bear his name. He bullied his first wife, Bosie's mother, and his children. He had a long-running feud with the Prime Minister, Lord Rosebery, who on one occasion only escaped being attacked by Queensberry with a dog-whip through the personal intervention of the Prince of Wales. The epithet "barking mad" could almost have been coined for him.

From the outset, Queensberry objected to Bosie's friendship with Wilde. Following a chance meeting at the Café Royal in December 1893, Queensberry was temporarily won over, and wrote to Bosie retracting everything he had previously said against Wilde, whom he considered "charming and extremely clever". But the truce was short-lived. On 1 April 1894, Queensberry wrote the following extraordinary letter to Bosie:

Your intimacy with this man Wilde must either cease or I will disown you and stop all money supplies. I am not going to try and analyse this intimacy, and I make no charge; but to my mind to pose as a thing is as bad as to be it. With my own eyes I saw you in the most loathsome and disgusting relationship, as expressed by your manner and expression. Never in my experience have I seen such a sight as that in your horrible features. No wonder people are talking as they are. Also I now hear on good authority, but this may be false, that his wife is petitioning to divorce him for sodomy and other crimes. Is this true, or do you know of it? If I thought the actual thing was true, and it became public property, I should be quite justified in shooting him on sight.

Your disgusted so-called Father,
Queensberry



The Marquess of Queensberry

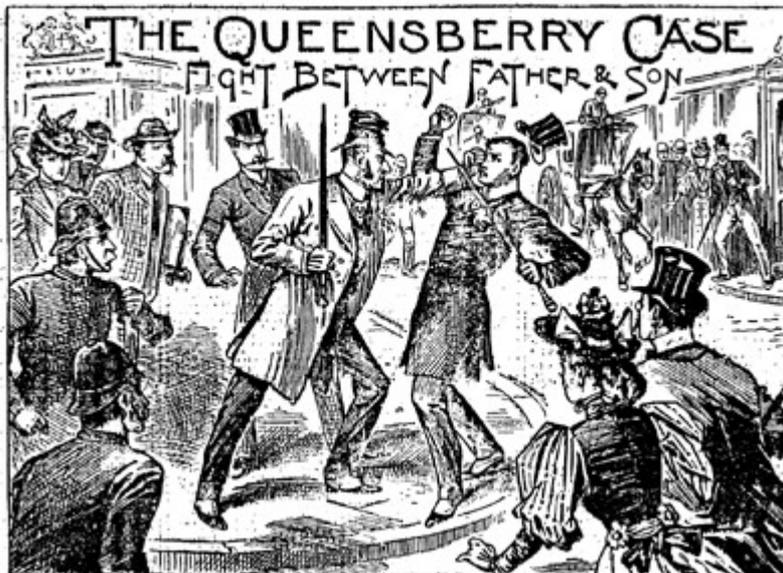
Lord Alfred did little to defuse the situation, replying to his father with a one-line telegram: "What a funny little man you are". There were further unpleasantnesses, both in correspondence from Queensberry to his son, and in threats made by Queensberry to the management of various hotels and restaurants frequented by Wilde and Douglas, that he would thrash them both if he discovered them together on the premises.

In June of 1894, Queensberry accosted Wilde in his own home. Again, we have Wilde's version of the encounter from his testimony at the libel trial:

He called upon me, not by appointment, about 4 o'clock in the afternoon, accompanied by a gentleman with whom I was not acquainted [in fact, a prize-fighter who was a crony of Queensberry's]. The interview took place in my library. Lord Queensberry was standing by the window. I walked over to the fireplace, and he said to me, 'Sit down'. I said to him, 'I do not allow anyone to talk like that to me in my house or anywhere else. I suppose you have come to apologise for the statements you made about my wife and myself in letters you wrote to your son. I should have the right any day I chose to prosecute you for writing such a letter'. He said, 'The letter was privileged, as it was written to my son'. I said, 'How dare you say such things to me about your son and me?' He said, 'You were both kicked out of the Savoy Hotel at a moment's notice for your disgusting conduct'. I said, 'That is a lie'. He said, 'You have taken furnished rooms for him in Piccadilly'. I said, 'Somebody has been telling you an absurd set of lies about your son and me. I have not done anything of the kind'. He said, 'I hear you were thoroughly well blackmailed for a disgusting letter you wrote to my son'. I said, 'The letter was a beautiful letter, and I never write except for publication'. Then I asked: 'Lord Queensberry, do you seriously accuse your son and me of improper conduct?' He said, 'I do not say that you are it, but you look

it'. [At this point, there was much laughter and Mr. Justice Collins threatened to have the Court cleared if there was the slightest disturbance again.] 'But you look it, and you pose as it, which is just as bad. If I catch you and my son together again in any public restaurant I will thrash you'. I said, 'I do not know what the Queensberry Rules are, but the Oscar Wilde rule is to shoot at sight'. I then told Lord Queensberry to leave my house. He said he would not do so. I told him that I would have him put out by the police. He said, 'It is a disgusting scandal'. I said, 'If it be so, you are the author of the scandal, and no one else'. I then went into the hall and pointed him out to my servant. I said, 'This is the Marquess of Queensberry, the most infamous brute in London. You are never to allow him to enter my house again'.

There was a further incident, when Queensberry attempted to disrupt the opening night of *The Importance of Being Earnest*, but the theatre management refused him admission, and had the premises surrounded by police. According to one (perhaps romanticised) version, Queensberry lunged forward and presented Wilde with a grotesque bouquet of vegetables as Wilde left the theatre - for which, to the great amusement of the crowd, Wilde thanked Queensberry very courteously, and remarked that he would think of Queensberry whenever he smelt them.



The "booby trap"

*I always pass on good advice. It's the only thing to do with it.
It is never any use to one's self.*

- Oscar Wilde,
An Ideal Husband (1895), Act I

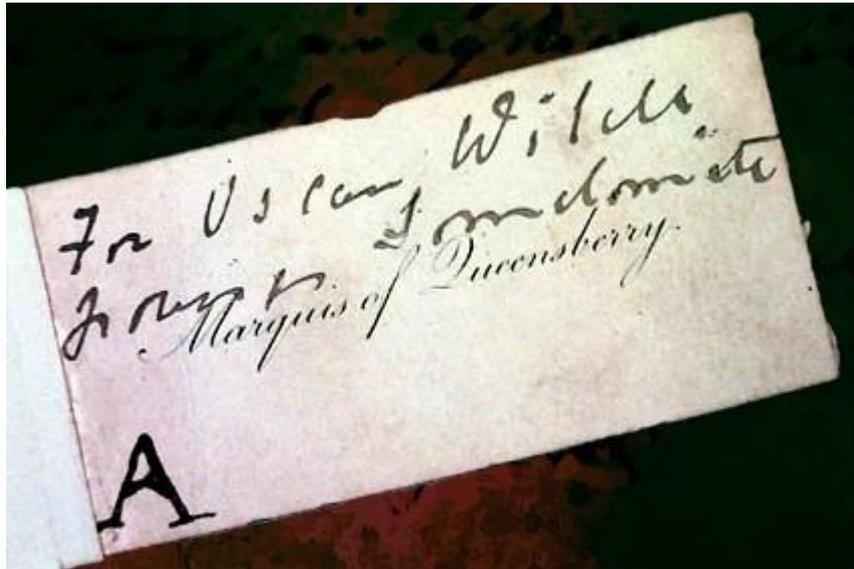
Four days later, on 18 February 1895, Queensberry called at the Albermarle Club, of which both Wilde and his wife were members. He left with the hall porter a card on which he had written "to Oscar Wilde posing as a sodomite" - although, in fact, the last word was mis-spelt as "sodomite". Partly because of the mis-spelling, Queensberry's conduct has been widely portrayed, in books and movies of Wilde's life, as the frenzied actions of a man whose fury and malevolence had him teetering on the brink of raving lunacy. In fact, it was nothing of the sort; it was very much worse; it was a carefully constructed trap of extraordinary cleverness.

To induce Wilde to prosecute him for libel - which was undoubtedly Queensberry's intention - he had to defame Wilde publicly and in writing. As Mr. Justice Wills remarked (perhaps a little naively) at the last of the subsequent trials:

Lord Queensberry has drawn from these letters [Wilde's letters to Lord Alfred Douglas] the conclusions that most fathers would draw, although he seems to have taken a course of action in his method of interfering, which I think no gentleman would have taken, whatever motives he had, in leaving at the defendant's club a card containing a most offensive expression. This was a message which left the defendant no alternative but to prosecute, or else be branded publicly as a man who could not deny a foul charge.

Had Queensberry baited his trap in any other way, there was a chance that a prosecution would not eventuate. Had the same words been sent in a private letter to a third party, there is the possibility that the third party would not have informed Wilde of the correspondence; and, even if it came to Wilde's attention, a private communication might have

been ignored without exposing Wilde as one who had "no alternative but to prosecute, or else be branded publically as a man who could not deny a foul charge". In later correspondence with his son, Queensberry referred to the card as "the booby trap" - a perfectly accurate expression, in every sense.



Yet at the same time, Queensberry was careful to formulate that foul charge in language which he hoped to be able to justify, without undertaking the onerous burden of proving that Wilde had actually committed unnatural vices. The use of the word *posing* made it very much easier for Queensberry to advance a plea of justification, yet took none of the sting out of the defamation. As Sir Edward Clarke QC contended in opening the libel case to the jury:

The words of the libel are not directly an accusation of the gravest of all offences - the suggestion is that there was no guilt of the actual offence, but that in some way or other the person of whom those words were written did appear - nay, desired to appear - and pose to be a person guilty of or inclined to the commission of the gravest of all offences.

The trap was baited, and Wilde took the bait. Wilde prosecuted Queensberry for criminal defamation. At the conclusion of Wilde's evidence, and even before Edward Carson QC (subsequently Sir Edward, and later Lord Carson) had completed his opening speech for the defence, the prosecution was withdrawn. Wilde, as prosecutor, submitted to a verdict of Not Guilty in favour of Queensberry, expressly on the basis that it was true in substance and in fact that he had posed as a sodomite, and that this statement was published in such a manner as to be for the public benefit. That very afternoon, Wilde was arrested; at his first trial in late April, the jury were unable to agree on a verdict; but at his second trial, in May, he was found guilty on eight counts of committing acts of gross indecency with another male person and given the severest sentence that the law allows, namely imprisonment with hard labour for two years.

These three trials together constitute an extraordinary chapter in England's literary, social and legal history. But to the modern lawyer, they are chiefly of interest for three reasons: first, as exemplifying the perils faced by a prosecutor or plaintiff in defamation proceedings; secondly, as containing one of the most celebrated cross-examinations in the history of advocacy; and thirdly, as raising very serious concerns regarding the severity with which Wilde was prosecuted.

The perils of litigating a defamation

The truth is rarely pure, and never simple.

- Oscar Wilde,
The Importance of Being Earnest (1895), Act I

For over a century, no lawyer called upon to advise a potential prosecutor or plaintiff in defamation proceedings can entirely discount consideration of Oscar Wilde's terrible fate. The client who institutes such proceedings - whether criminal or civil - invites enquiry regarding his or her own conduct. Few members of the community live such blameless lives that they can face such scrutiny with complete equanimity. The Wilde case is perhaps an extreme

example of the perils inherent in suing for defamation, but similar examples may readily be drawn from recent history, in Australia and elsewhere.

As noted above, Mr. Justice Wills commented in his charge to the Jury at the second indecency trial that Queensberry's missive left Wilde "no alternative but to prosecute, or be branded publically as a man who could not deny a foul charge". Perhaps His Lordship had not closely examined the transcripts of the libel trial. But, with respect, his remark was not only naive - it was plainly wrong.

A most extraordinary feature of the first trial - Wilde's prosecution of Queensberry for libel - is that there plainly was no harm to Wilde's reputation, nor any potential for harm, arising out of Queensberry's conduct. The first witness was the hall porter, Sidney Wright, whose evidence was that:

On 18th February the Marquess of Queensberry handed me the card which has been produced. Before handing me the card Lord Queensberry wrote some words on it. Lord Queensberry said he wished me to give that to Mr. Wilde. I looked at the card but did not understand it. I made an entry on the back of it of the date and the time at which it was handed to me. I put it in an envelope which I addressed 'Mr. Oscar Wilde'. When Mr. Oscar Wilde came to the club, on 28th February, I handed it to him, saying that Lord Queensberry had wished me to give it to Mr. Wilde.

There are three cinema portrayals of Wilde's life, two released in 1960 with Robert Morley and Peter Finch, respectively, in the central role, and the 1997 movie starring Stephen Fry. In the first of these, the hall porter is shown to consult a dictionary regarding the meaning of the word inscribed on Queensberry's card. This did not happen; and it would have been extremely difficult, in any event, due to the mis-spelling.

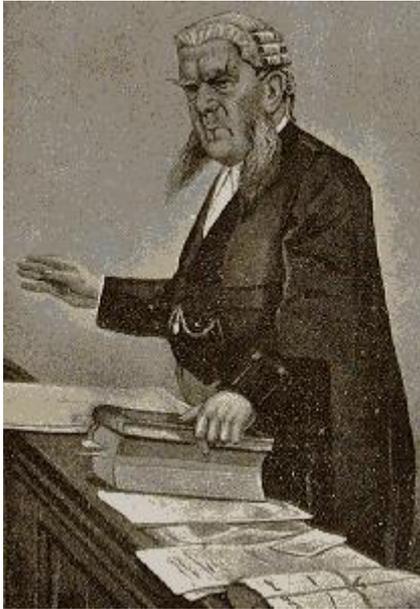
In fact, Sidney Wright was not cross-examined, as his evidence could not have been more favourable to the defence. Only three people ever saw the card, until Wilde chose to make it the subject of a libel prosecution: Queensberry, Wilde, and a man to whom it meant no more than if he had been blind or illiterate, or if it had been written in code or a foreign language.

One may wonder, indeed, how there was any libel at all, given that the words on Queensberry's card were not made known to anyone who understood them, other than the prosecutor and the defendant. As Lord Esher MR said in *Pullman v. Hill & Co*, [1891] 1 Q.B. 524 at p. 527:

What is the meaning of 'publication'? The making known the defamatory matter after it has been written to some person other than the person of whom it is written. If the statement is sent straight to the person of whom it is written, there is no publication of it; for you cannot publish a libel of a man to himself.

However, since early in the Seventeenth Century, the law had permitted a criminal prosecution for publication of a libel to the person defamed, even though no civil action lay in such circumstances: *Edwards v. Wooton*, (1607) 12 Co.Rep. 35. The rationale for this apparently bizarre rule is that, whilst publication to the person defamed cannot harm his reputation, and therefore does not sound in damages, it may provoke a breach of the peace, and is therefore a matter of concern to the criminal law: *R. v. Wegener*, (1817) 2 Stark 245; *R. v. Adams*, (1888) 22 Q.B.D. 66. Thus the evidence of Sidney Wright was sufficient to make out a prima facie case of defamation, although not to support the suggestion of Wills J. that Wilde was given "no alternative but to prosecute".

In the period leading up to the libel trial, Wilde received much good advice which he ignored. In his prison letter to Lord Alfred Douglas, later published as *De Profundis*, Wilde recognised that "those of my friends who really desired my welfare implored me to retire abroad, and not to face an impossible trial". Those who offered such advice to Wilde included George Alexander, a leading actor in *The Importance of Being Earnest*, and manager of the theatre at which it was still being performed. In response to the suggestion that people might consider it in bad taste to attend Wilde's play in the circumstances, Wilde remarked: "I would consider it in bad taste if they went to see anyone else's play". Encouraged by Alexander to withdraw from the case and go abroad, Wilde replied: "Everyone wants me to go abroad. I have just been abroad, and now I have come home again. One can't keep going abroad, unless one is a missionary, or, what comes to the same thing, a commercial traveller." Similar advice was offered by the journalist Frank Harris, one of Wilde's most staunch supporters, and by George Bernard Shaw. But Wilde would only listen to Bosie Douglas, whose determination it was to exact revenge against his father vicariously through Wilde's prosecution.



Sir Edward Clarke, QC

That Wilde chose to ignore the urgent remonstrances of his oldest and dearest friends is one thing; but what advice was he receiving from his own legal representatives? In notes written with a view to inclusion in his autobiography, but not published during his lifetime, Sir Edward Clarke sought to distance himself from the greatest blemish in a distinguished career: "I need hardly say, wrote Clarke, I had nothing to do with the institution of that prosecution". As verified more than 50 years later by one of Clarke's juniors, Travers Humphreys - who subsequently became a judge of the King's Bench Division and was knighted - Wilde provided solemn assurances of his innocence both to his solicitor, Mr. Charles Humphreys (father of Travers Humphreys), and to his leading counsel, Sir Edward Clarke. At their first meeting, the latter said: "I can only accept this brief, Mr. Wilde, if you can assure me on your honour as an English gentleman that there is not and never has been any foundation for the charges that are made against you". Wilde did not (as the story has since been embellished) remind Clarke that he was actually an Irishman; but he solemnly declared on his honour that the charges were "absolutely false and groundless".

Thus it may be seen that Wilde's lawyers did their duty, and perhaps more than their duty. The single question most commonly asked of lawyers by non-lawyers, on social occasions, is how they can represent clients whom they know to be lying. The usual answer is that which Wilde's lawyers could conscientiously have offered: they did not know that Wilde was lying. They may have had doubts or suspicions - they may even have disbelieved him - but they did not *know*.

Clients are entitled to have contentious issues of fact determined by the appropriate tribunal, and it is no part of a lawyer's duty to judge the truth or falsity of a client's instructions. A lawyer who doubts the client's veracity may, and should, offer appropriate advice; and, if the circumstances warrant it, the advice may be couched in very robust language. Ultimately, however, lawyers are bound by their clients' instructions.

This is all very well in theory. But the chance which Wilde was taking was a truly fearful one. The upside, if the prosecution succeeded, was slight; the downside, in the event of Queensberry's vindication, was overwhelming. The client was not unintelligent, nor totally unreasonable - as is evidenced by the fact that he was ultimately persuaded to drop the prosecution, albeit too late to save himself from the consequences. Could more have been done - should more have been done - to save Wilde from ruin?

It is sometimes suggested that the conduct of which Wilde was accused was regarded with such abhorrence in late Victorian England that Wilde's lawyers could not have been expected even to suspect that it might be true. Clarke, in opening Wilde's case against Queensberry, referred repeatedly to "the gravest of all offences", as if sexual relations between consenting adult males in private was, by an order of magnitude, a greater abomination than murder or rape. But it is perfectly impossible to believe that a counsel of Clarke's experience - Clarke was then aged 54, had been a barrister for almost 30 years, had served as Solicitor-General for 6 years, and was one of the undisputed leaders of the Bar - was blissfully ignorant of such matters. Travers Humphreys - Clarke's second junior, and son of his instructing solicitor - later recounted that:

None of Wilde's friends came forward to give to the solicitor even a hint of the life Wilde had been leading, though they were ready enough at a later stage to offer information upon it. Three of them came to my chambers just after Wilde had been committed for trial with the suggestion that the defence should be that 'dear Oscar could not help himself, he has always had these tendencies'.

The various cinema representations of the libel trial create the impression that Wilde, and also his legal representatives, were taken by surprise when Carson's cross-examination moved from literary subjects, and Carson proceeded to put to Wilde the details of numerous encounters with a variety of young men. In truth, however, there was no element of surprise. Prior to the trial, Queensberry's solicitors filed a Plea of Justification, signed by one of Carson's juniors. It contained chapter and verse, identifying each of the witnesses who subsequently testified against Wilde, specifying dates and places at which sodomy and other acts of gross indecency and immorality allegedly occurred. Then, as now, counsel could not properly have signed such a document without clear and cogent instructions supporting the allegations which it contained. Prior to the commencement of the trial, therefore, Wilde's legal representatives must have anticipated that the young men mentioned in the plea - Wood, Shelley, Mavor, Atkins, Schwabe, Scarfe, Tankard, Grainger, Conway and Parker - would be available to testify in Queensberry's defence, and that there would be evidence from staff at the Savoy Hotel of two separate incidents involving "a certain boy to the Defendant unknown".

Yet, even without such a warning, Wilde's lawyers must have known that he was on thin ground. As already noted, Queensberry's careful choice of words - particularly his choice of the word *posing* - obviated any need to prove the actuality; it sufficed for Queensberry to prove the appearance. Wilde's letters to Bosie - variously addressed to *My Own Boy*, *Dearest of All Boys*, and *My own Darling Boy* - were undoubtedly open (as the blackmailer Allen put it) to a "very curious construction". Where the burden of proof which Queensberry artfully took upon himself involved no more than establishing Wilde's pose, would a jury require any more evidence than correspondence with a man half his age, containing lines such as, "... it is a marvel that those red rose-leaf lips of yours should be made no less for the madness of music and song than for the madness of kissing"?

In the Twenty-First Century, it is difficult to imagine anyone seriously suggesting that Wilde's published works were immoral and obscene, as contended in Queensberry's Plea of Justification. But the issue for the Jury, in an environment of late-Victorian prudishness, was whether a "very curious construction" might reasonably be placed upon language such as that found in *The Picture of Dorian Gray*:

It is quite true that I have worshipped you with far more romance of feeling than a man usually gives to a friend. Somehow, I have never loved a woman. ... Well, from the moment I met you, your personality had the most extraordinary influence over me. I quite admit that I adored you madly, extravagantly, absurdly. I was jealous of every one to whom you spoke. I wanted to have you all to myself. I was only happy when I was with you. When I was away from you, you were still present in my art.

Even today, were it considered libellous to accuse a person of posing as a homosexual, it is difficult to imagine any tribunal of fact not finding that those published words were, at the very least, open to such an interpretation. But, of course, Wilde's situation was so much more perilous, given the contemporary morality, for three particular reasons.

First, a large part of Queensberry's defence involved the proposition that he was merely defending the honour of his son. Mr. Justice Wills, in his charge to the Jury at the second indecency trial, offered the (apparently irrelevant) observation that:

It is in my opinion impossible ... for twelve intelligent impartial and honest gentlemen to say that there was no good ground for an indignant father, a loving and affectionate parent, to charge Wilde with having 'posed' as the Marquess of Queensberry has suggested.

Secondly, Queensberry did not merely invoke the sympathy of parenthood - he also invoked the prejudice of homophobia. And in this he was aided and abetted by Wilde's own legal representatives, who disdainfully referred to the "gravest of all offences", and even by Wilde himself, in his indignant rejection, in evidence-in-chief, of the accusations made against him.

Yet there was a third, and perhaps most trenchant prejudice, stacked against Wilde - the prejudice, which still exists to some extent, against theatrical or artistic people. Wilde was a prominent figure of his time, and, like many prominent figures, had been subjected to his own share of ridicule and caricature. The Gilbert and Sullivan operetta, *Patience*, which opened 14 years earlier, was a barely-concealed satire upon Wilde and the "aesthetic movement" of which Wilde was the most prominent member. Its most Wilde-like character, Archibald Grosvenor, described in the *Dramatis Personæ* as an "idyllic poet", is given an extraordinary song which also, though more subtly, admits of "a very curious construction":



W. S. Gilbert

A magnet hung in a hardware shop,
 And all around was a loving crop
 Of scissors and needles, nails and knives,
 Offering love for all their lives;
 But for iron the magnet felt no whim,
 Though he charmed iron, it charmed not him;
 From needles and nails and knives he'd turn,
 For he'd set his love on a silver churn!
 His most aesthetic,
 Very magnetic
 Fancy took this turn -
 If I can wheedle
 A knife or a needle,
 Why not a silver churn?



Sir Arthur Sullivan

Ironically, it has been suggested, from time to time, that both Sullivan and Gilbert were "closet" homosexuals. Sir Arthur Sullivan, then England's most celebrated composer, remained a lifelong bachelor. Gilbert's childless marriage was reputed to be largely sexless, as portrayed in the recent and delightful movie *Topsy Turvy*. A strong theme of misogyny flows through many of their works, and aging spinsters are the butt of much tasteless humour. According to legend, Gilbert and Sullivan wrote an obscene work under the name *The Sod's Opera*, with characters including Count Tostoff (a ruined Pole), the Brothers Bollox (a pair of hangers-on), and Scrotum (a wrinkled old retainer) - and, by way of corroborative detail, it is said that, for many years, a copy was kept in the guardroom at St James's Palace - but there is no authoritative record of this remarkable creation.

Another of the verses from *Patience* found a resonance in the cross-examination of Wilde's co-accused, Alfred Taylor, at one of the indecency trials. To a modern audience, Gilbert's lyrics for the character Bunthorne - the "fleshy poet" - may not convey any hidden meaning:

Then a sentimental passion
 Of a vegetable fashion
 Must excite your languid spleen,
 An attachment a la Plato
 For a bashful young potato,
 Or a not-too-French French bean!
 Though the Philistines may jostle,
 You will rank as an apostle
 In the high aesthetic band,
 If you walk down Piccadilly
 With a poppy or a lily
 In your mediaeval hand.
 And ev'ryone will say,
 As you walk your flow'ry way,
 "If he's content with a vegetable love
 Which would certainly not suit *me*,
 Why, what a most particularly pure young man
 This pure young man must be!"

That Gilbert was ridiculing the concept of so-called Platonic love should not be lost on an intelligent modern audience; but the reference to "walking down Piccadilly" would make more sense to a modern Australian audience if one were to substitute, for example, Sydney's Oxford Street. Thus the cross-examination of Taylor by Sir Frank Lockwood, S.G., Q.C., M.P., proceeded:



Did you use to meet them in Piccadilly?- No, no.

They walked along Piccadilly?- I know what you are insinuating.

I am insinuating that you walked Piccadilly?- I frequently walked through Piccadilly.

This climate of prejudice was exacerbated, following Wilde's withdrawal from the libel prosecution of Queensberry, by a campaign of malevolence conducted by the press, even to the point of interpolating factual accounts of the proceedings with snide remarks, such as references to Wilde as "described as a gentleman". But even at the time when Wilde first consulted his solicitors and counsel, it is difficult to see how any competent lawyer - and there is no doubt that Wilde's legal representatives were thoroughly competent - or indeed any intelligent person, could not have anticipated the worst possible outcome. At his first consultation with the solicitor, Charles Humphreys, Wilde was told, "If you are innocent you should succeed". On the day that the libel prosecution was withdrawn, and at the urging of Bosie, Wilde consulted Sir George Lewis, a well-known solicitor with a great reputation for settling awkward society cases out of Court. Lewis told Wilde:

What is the good of coming to me now? I am powerless to do anything. If you had had the sense to bring Lord Queensberry's card to me in the first place, I would have torn it up and thrown it in the fire, and told you not to make a fool of yourself.

Quite possibly, had Wilde been offered such sensible advice at an earlier time, his downfall would not have deprived the world of further theatrical masterpieces of the same quality as *The Importance of Being Earnest*.

Whether Wilde would have heeded such advice can never be known. It may be that, like many litigants, the experience of being cross-examined brought him to his senses. After Carson's cross-examination was completed, but whilst Wilde was still at risk of being exposed to further cross-examination, he approached Clarke during an adjournment and asked whether he could be examined about anything and everything they choose. Clarke told him that this was so, and asked Wilde what was on his mind. "Well", said Wilde, "some time ago I was turned out of the Albermarle Hotel in the middle of the night and a boy was with me. It might be awkward if they found out about that". The decision to withdraw followed shortly after this revelation.

There can be little doubt that Clarke, along with his juniors and instructing solicitors, felt some responsibility for the course of events. There is no other plausible explanation for the fact that they volunteered their services to represent Wilde, without fees, at the two subsequent trials. But by then, of course, it was too late to undo the damage.

Carson's cross-examination

I have nothing to declare except my genius.

- Oscar Wilde,

Wilde's response to a customs officer in New York, who asked whether he had anything to declare, quoted in Frank Harris, *Oscar Wilde* (1918), p. 75

Edward Carson QC was aged 40 when briefed to represent the Marquess of Queensberry at the libel trial. After 15 years' practice as a barrister in Dublin, he was called to the English Bar in 1893 and took silk the following year. He subsequently became Solicitor-General, then Attorney-General, and in 1921 a Lord of Appeal in Ordinary. *The Oxford Companion to Law* says "He was a great advocate, orator and fighter for Ulster but ordinary as a judge". He was a contemporary of Wilde's at Trinity College, Dublin, and was beaten by Wilde for a scholarship in classics. At a conference with his own counsel shortly before the libel trial commenced, Wilde quipped of Carson that "no doubt he will perform his task with all the added bitterness of an old friend".

In fact, Carson initially refused the brief, and only reconsidered after consulting the former Lord Chancellor, Lord Halsbury. Even then, his initial inclination was to advise Queensberry to plead guilty, but changed his mind as an increasingly damning dossier of evidence against Wilde was accumulated. Plainly there was no animosity or malice on Carson's part towards Wilde. After the jury disagreed at Wilde's first indecency trial, Carson used his position as a Member of Parliament to urge the government, "Can you not let up on this fellow now?"



Edward Carson QC

It would be a mistake for any inexperienced advocate to adopt Carson's cross-examination of Wilde as a model. In this sense, it was not a good cross-examination. Carson broke every rule in the cross-examiner's training manual: he completely lost control of the witness, he asked questions to which he could not anticipate the answer, and he repeatedly asked open-ended questions which effectively invited the witness to make a speech to the jury. It was not a *good* cross-examination, but it was a *great* cross-examination.

Cross-examination is an art, not a science. A great cross-examination cannot be restricted by any rules or formulae, any more than a great painting can be produced using the "painting by numbers" technique, or a great musical composition can be achieved merely by applying textbook rules to the composition of four-part harmony. Rules of that kind are useful to prevent novices betraying their incompetence; they do not exist to guide masters in creating the perfect expression of their talent. Like any great artist, Carson instinctively knew when he could achieve the greatest effect by throwing the rule-book away.

In one of their many memorable exchanges, Carson put to Wilde a passage from one of Wilde's letters to Bosie Douglas - "Your slim gilt soul walks between passion and poetry" - and asked whether it was a beautiful phrase. Wilde responded, "Not as you read it, Mr. Carson. You read it very badly." Carson responded, "I do not profess to be an artist; and when I hear you give evidence, I am glad I am not." That was not an entirely proper remark for an advocate in Carson's position, and it was perhaps unconsciously disingenuous. The entire cross-examination was a contest between two consummate artists, the only difference being that Carson was practising the art of advocacy, whilst Wilde was practising his art, or attempting to do so, as an epigrammatist and wit.

The structure of Carson's cross-examination is significant. It began with a point, in itself entirely trivial, which immediately set Wilde on the defensive. In evidence-in-chief, Wilde had given his age as 39; Carson suggested (as was the case) that Wilde, having been born on 16 October 1854, was over 40. In *A Woman of No Importance*, Wilde had penned the lines: "One should never trust a woman who tells one her real age. A woman who would tell one that, would tell one anything." Perhaps Carson was counting on the jury to suspect that, if Wilde was prepared to lie about something so trivial as his age, he could lie about anything.

Wilde's response was no doubt intended to be witty. Having been accused by Queensberry of posing as a sodomite, he told Carson that he had "no wish to pose as being young". But this merely opened up the next topic of Carson's cross-examination, namely the disparity between Wilde's age and that of Bosie Douglas, to whom Wilde had written such affectionate correspondence.

The greater part of Carson's cross-examination on the first day focussed on literary matters, and many commentators have contended that Wilde won the first round. Certainly, had it been a contest between Carson and Wilde as to which of them was the more witty, eloquent and urbane, Wilde was the undisputed victor. But there was a plan to Carson's cross-examination, and it went exactly to plan.

In the first place, Carson wanted to justify Queensberry's description of Wilde as a poseur, and offered Wilde every opportunity to strike poses; and Wilde certainly did not disappoint him.

Carson's cross-examination concerning *The Picture of Dorian Gray* is an outstanding example. The fact that the book contained passages suggestive of unnatural vices on the part of the principal character was not, in itself, suggestive that the author approved of those practices, let alone participated in them. Indeed, read as a whole, the book could fairly be regarded as morally righteous, in that the principal character is ultimately punished for his sin. At the first indecency trial, Mr. Justice Charles urged the jury to attach no weight to Wilde's literary works, telling them:

I myself own, and I think it is my duty at once to say so, that I do not think that in a criminal case you ought to base any unfavourable opinion on the fact that Wilde is the author of *The Picture of Dorian Gray*. ... If an imaginative writer puts into his novels some consummate villain and puts into the mouth of that man sentiments revolting to humanity, it must not be supposed that he shares them. You may criticise, if you please, the work, but it would never do, if the author of the work is charged with crime, to say, 'Oh, you created that monster in your last novel and you put into his mouth sentiments revolting to humanity'. That would not be fair. While some of our most distinguished and noble-minded writers have passed long lives in producing the most wholesome literature - such as, for instance, Sir Walter Scott and Charles Dickens, who never wrote, so far as I know, a single offensive line - it is unfortunately true to say that other great writers, who were perfectly noble-minded men themselves, have somehow or other given to the world, especially in the eighteenth century, works which it is painful for persons of ordinary modesty and decency to read. It would be unfair therefore, when you are trying a man, to allow yourselves to be unfavourably influenced against him by the circumstance that he has written a work of which you, in as far as you have heard any extracts from it, may disapprove.

The genius of Carson's cross-examination on this subject did not lie in attempting to identify Wilde with his fictional creations, but in encouraging Wilde to pose as an artist whose understanding and sensibilities are on a different plane from those of ordinary mortals:

This is in your introduction to *Dorian Gray*: There is no such thing as a moral or an immoral book. Books are well written, or badly written. That expresses your view? - My view on art, yes.

Then, I take it, that no matter how immoral a book may be, if it is well written, it is, in your opinion, a good book? - Yes, if it were well written so as to produce a sense of beauty, which is the highest sense of which a human being can be capable. If it were badly written, it would produce a sense of disgust.

Then a well-written book putting forward perverted moral views may be a good book? - No work of art ever puts forward views. Views belong to people who are not artists.

A perverted novel might be a good book?- I don't know what you mean by a perverted novel.

Then I will suggest Dorian Gray as open to the interpretation of being such a novel?- That could only be to brutes and illiterates. The views of Philistines on art are incalculably stupid.

An illiterate person reading Dorian Gray might consider it such a novel?- The views of illiterates on art are unaccountable. I am concerned only with my view of art. I don't care twopence what other people think of it.

The majority of persons would come under your definition of Philistines and illiterates?- I have found wonderful exceptions.

Do you think that the majority of people live up to the position you are giving us?- I am afraid they are not cultivated enough.

Not cultivated enough to draw the distinction between a good book and a bad book?- Certainly not.

The affection and love of the artist of Dorian Gray might lead an ordinary individual to believe that it might have a certain tendency?- I have no knowledge of the views of ordinary individuals.

You do not prevent the ordinary individual from buying your book?- I have never discouraged him.

The literary part of Carson's cross-examination could not have been more successful. Even if Wilde did not manage to offend the entire jury, by putting them in the class of "brutes", "illiterates" and "Philistines", he surely left them in no doubt that he was a poseur.

But there was more to come, and Carson's cross-examination skilfully laid the ground-work to question Wilde about his relations with young, working-class men. Though aware of the catalogue of allegations contained in the Plea of Justification, Wilde plainly did not see what was coming. According to Carson's plan, the literary part of the cross-examination had to come first, in order to create the contrast which Carson laid open to the Jury in his opening speech for the defence:

Let us contrast the position which Mr. Wilde took up in cross-examination as to his books, which are for the select and not for the ordinary individual, with the position he assumed as to the young men to whom he was introduced and those he picked up for himself. His books were written by an artist for artists; his words were not for Philistines or illiterates. Contrast that with the way in which Mr. Wilde chose his companions! He took up with Charles Parker, a gentleman's servant, whose brother was a gentleman's servant; with young Alphonse Conway, who sold papers on the pier at Worthing; and with Scarfe, also a gentleman's servant. Then his excuse was no longer that he was dwelling in regions of art but that he had such a noble, such a democratic soul, that he drew no social distinctions, and that it was quite as much pleasure to have the sweeping boy from the streets to lunch or dine with him as the greatest *littérateur* or artist.

To those acquainted with modern techniques of cross-examination, it may be a surprise that Carson allowed Wilde so much latitude to display his wit. A cross-examiner who was merely competent would have kept the witness under rigorous control, requiring him merely to answer the questions. But Carson's instincts told him that, if he gave Wilde enough rope, he would surely hang himself.

Carson asked Wilde about Alphonse Conway, and suggested that he sold newspapers at the kiosk on the pier. Wilde's witty reply - "It is the first I have heard of his connection with literature" - simply fulfilled Carson's object of showing how unlikely it was that the stimulation which Wilde received from Conway's company was literary or intellectual. The cross-examination continued:

Was his conversation literary?- On the contrary, quite simple and easily understood. He had been to school where naturally he had not learned much. ...

Were you fond of this boy?- Naturally. He had been my companion for six weeks.

Did you take the lad to Brighton?- Yes.

And provided him with a suit of blue serge?- Yes.

And a straw hat with a band of red and blue?- That, I think, was his unfortunate selection.

But you paid for it?- Yes.

You dressed this newsboy up to take him to Brighton?- No. I did not want him to be ashamed of his shabby clothes. He told me that his father had been an electrical engineer, and he had died young.

In order that he might look more like an equal?- Oh, no! He could not look like that.

Once again, in the cross-examination with respect to Edward Shelley, Carson allowed Wilde just sufficient latitude to incorporate his own flippant comments, thereby underscoring the peculiarity of the liaison:

Were you staying at the Albermarle Hotel about 26th February, 1892?- Yes.

At that time were Messrs. Elkin Mathews & John Lane, of Vigo Street, your publishers?- Yes.

Did you become fond of their office boy?- I really do not think that that is the proper form for the question to be addressed to me in. I deny that that was the position held by Mr. Edward Shelley, to whom you are referring. I object to your description.

What age was Mr. Shelly?- I should think about twenty I first met him in October when arranging for the publication of my books. I asked him to dine with me at the Albermarle Hotel.

Was that for the purpose of having an intellectual treat?- Well, for him, yes.

Carson achieved the same effect in his cross-examination regarding Charles Parker and his brother William, with respect to a dinner at a very fashionable London restaurant:

You did the honours to the valet and the groom?- I entertained Taylor and his two guests.

In a private room, of course?- Yes, certainly.

Did you give them an intellectual treat?- They seemed deeply impressed.

During the dinner did you become more intimate with Charles than the other?- I liked him better.

Did Charles Parker call you Oscar?- Yes. I like to be called Oscar or Mr. Wilde.

You had wine?- Of course.

Was there plenty of champagne?- Well, I did not press wine upon them.

You did not stint them?- What gentleman would stint his guests?

What gentleman would stint the valet and the groom?...

Do you drink champagne yourself?- Yes, iced champagne is a favourite drink of mine - strongly against my doctor's orders.

Never mind your doctor's orders, sir?- I never do.

Carson's cross-examination reached its climax with reference to Walter Grainger:

How old is he?- He was about sixteen when I knew him. He was a servant at a certain house in High Street, Oxford, where Lord Alfred Douglas had rooms. I have stayed there several times. Grainger waited at table. I never dined with him. If it is one's duty to serve, it is one's duty to serve; and if it is one's pleasure to dine, it is one's pleasure to dine.

Did you ever kiss him?- Oh, dear no. He was a peculiarly plain boy. He was, unfortunately, extremely ugly. I pitied him for it.

Was that the reason why you did not kiss him?- Oh, Mr. Carson, you are pertinently insolent.

Did you say that in support of your statement that you never kissed him?- No. It is a childish question.

Did you ever put that forward as a reason why you never kissed the boy?- Not at all.

Why, sir, did you mention that this boy was extremely ugly?- For this reason. If I were asked why I did not kiss a door-mat, I should say because I do not like to kiss door-mats. I do not know why I mentioned that he was ugly, except that I was stung by the insolent question you put to me and the way you have insulted me throughout this hearing. Am I to be cross-examined because I do not like it?

Why did you mention his ugliness?- It is ridiculous to imagine that any such thing could have occurred under any circumstances.

Then why did you mention his ugliness, I ask you?- Perhaps you insulted me by an insulting question.

What was the reason why you should say the boy was ugly?-

At this point, the record of proceedings (which does not purport to be a verbatim transcript, in the modern form) continues:

Here the witness began several answers almost inarticulately, and none of them he finished. His efforts to collect his ideas were not aided by Mr. Carson's sharp staccato repetition: 'Why? Why? Why did you add that?' At last the witness answered: 'You sting me and insult me and try to unnerve; and at times one says things flippantly when one ought to speak more seriously. I admit it.'

Carson was no doubt very conscious of the fact that the witnesses, whose evidence he had put to Wilde, would not necessarily impress the jury. With three exceptions - Edward Shelley, the publisher's clerk; Alphonse Conway, the newspaper seller; and Walter Grainger, a domestic servant - they were all male prostitutes, and several were blackmailers. Most had become acquainted with Wilde, directly or indirectly, through Taylor's brothel. There were other complications: one potential witness, Maurice Schwabe, was a nephew by marriage to Sir Frank Lockwood, the Solicitor-General; and there was the real risk that evidence from Wood, and perhaps other witnesses, would implicate the defendant's own son, Lord Alfred Douglas. Most importantly, each of the witnesses was a consenting participant, and therefore an accomplice in the offences allegedly committed by Wilde. At the subsequent trials, each of them was granted an indemnity against prosecution, but Queensberry's lawyers were in no position to offer that. Private detectives engaged by Queensberry had gone to considerable lengths in finding these witnesses, and probably applied no small degree of pressure in obtaining their limited co-operation. Carson could not be sure that each of them would willingly enter the witness-box, and admit under oath to their participation in the commission of criminal offences.

Carson's cross-examination of Wilde was therefore the lynch-pin of the defence case: if Carson's cross-examination did not succeed in satisfying the jury that Queensberry was justified in his description of Wilde as "posing as a sodomite", Carson could not be sure that the defence witnesses would carry the day. Whether or not Carson's cross-examination succeeded in convincing the jury in Queensberry's favour will never be known. But it was successful in another, and even more significant direction: it succeeded in convincing Wilde's own lawyers, and indeed Wilde himself, that it would be futile to proceed.

This might have been achieved by a more orthodox style of cross-examination. But it seems doubtful. Had Carson reigned in the witness, and merely allowed him to admit or deny the case which was put to him, the effect would not have been nearly so devastating. It is just possible that, if Wilde had not been humiliated into the withdrawal of his prosecution, the defence witnesses - without the benefit of the indemnities subsequently granted to them - would not have provided the evidence which later sufficed to convict Wilde.

But it is pointless speculating as to what might have happened. It was a rare accident of history which produced this encounter between (on one hand) the greatest literary wit of his own time, and perhaps of any time, and (on the other hand) the greatest forensic advocate of his own time, and perhaps of any time. Carson undoubtedly emerged the victor. One does not have to approve of his client, or his client's cause, to acknowledge the brilliance with which Carson discharged the painful duty that he so reluctantly accepted.

Why was Wilde persecuted?

... *I don't mind your talking morality a bit. Morality is simply the attitude we adopt towards people whom we personally dislike.*

- Oscar Wilde,
An Ideal Husband (1895), Act II

The charges on which Wilde was indicted were based on legislation enacted less than 10 years earlier - legislation which, for the first time in English legal history, made it an offence for consenting adult males to commit acts of indecency in private. This provision came about almost by accident, when legislation "to make further provision for the protection of women and girls, the suppression of brothels and other purposes", having been introduced and passed in the House of Lords without any reference to indecency between males, was amended without debate at committee stages in the House of Commons on one member's suggestion. It seems doubtful that any real consideration was given to the implications of this provision, which was quickly dubbed "the blackmailer's charter".

An oft-repeated myth about the *Criminal Law Amendment Act of 1885* is the story that the Act, in the form in which it was passed by the legislature, prohibited and punished all same-sex intimacy, but that Queen Victoria struck out all references to lesbianism, expressing the belief that female homosexuality does not exist. Needless to say, by 1885, the role of the monarch under England's constitution was sufficiently settled that Her Majesty could not, under any circumstances, refuse the advice of her Prime Minister to give Royal Assent to a bill which had passed through both Houses of Parliament; and any emendations made by the Queen would have had no legal effect without the approval of both Houses. That this story is not and could not be true, has not prevented its continuing to have a currency in the world's largest repository of myths, hoaxes, and factual inaccuracies - namely the Internet.

If one can rationalise the mind-set that sexual acts between consenting adult males in private justify criminal sanction, there is no immediately obvious explanation for not applying the same reasoning to consensual acts between consenting adult women in private. For centuries, the act of sodomy was a capital offence in England, but, in theory at least, the same law which prohibited anal intercourse between men applied also to anal intercourse between a man and a woman. However, prosecutions for consensual intercourse per anum between heterosexual couples were exceedingly rare, so that the law was discriminatory in practice, although non-discriminatory in theory. In Queensland, this distinction lingers: despite the decriminalisation of homosexual conduct in this State, the age of consent for the act of sodomy is 18, whilst the age of consent for all other sexual acts is 16, regardless of whether the participants are of the same or opposite sexes.

In these more enlightened times, it is perhaps difficult even to understand the reasoning which produced the conclusion that the welfare of society as a whole required the imposition of penal sanctions in respect of the conduct of consenting adult males in private. Until 1886, England's social fabric had survived without this protection, and it has continued to survive following the abolition of such offences (based on the Wolfenden Report) in 1967. In Australia, of course, there is now Federal legislation - the *Human Rights (Sexual Conduct) Act 1994*, enacted under the external affairs power to give effect to the provisions of the International Convention on Civil and Political Rights - which over-rides any State or Territory legislation which constitutes arbitrary interference with privacy in respect of sexual conduct involving only consenting adults acting in private.

Despite the prevailing moral attitude between 1886 and 1895, prosecutions were rare, and convictions rarer still. This is, no doubt, partly due to the fact that a victimless crime which occurs in private seldom comes to the attention of police authorities, and is difficult to prove. But it was also because the law was unpopular, juries were reluctant to convict, and police and prosecuting authorities only proceeded in exceptional cases, such as where an older man *in loco parentis* or in a position of authority had taken advantage of that position to corrupt a younger man, or where one party's consent had been reluctantly given whilst drunk or otherwise disadvantaged.

The fact that Wilde was prosecuted, following the revelations at the Queensberry libel trial, is not, in itself, entirely surprising. The fact that he was re-tried after the first jury could not agree, and the fact that the prosecution redoubled its efforts to secure a conviction at the re-trial, are worthy of comment.

Though Wilde was not a popular character at this time, and the press were almost unanimously against him, he was not without sympathisers. As previously mentioned, Carson - whose brilliant advocacy had done more than anything else, with the exception of Wilde's own foolishness, to place Wilde in the dock - urged the government, "Can you not let up on this fellow now?". It was even rumoured that Queensberry felt some sympathy for the victim of his "booby trap", and he wrote a characteristic letter to a newspaper saying:

In my time I have helped to cut up and destroy sharks. I have no sympathy for them, but I may have felt sorry and wished to put them out of their pain as soon as possible. What I did say was that as Mr. Wilde now seemed to be on his beam ends and utterly down I did feel sorry for his awful position, and that supposing he was convicted of those loathsome charges brought against him that were I the authority that had to mete out the punishment, I would treat him with all possible consideration as a sexual pervert of an utterly diseased mind, and not as a sane criminal. If this is sympathy, Mr. Wilde has it from me to that extent.

There is a fantastic rumour, which still has some currency, that all manner of political intrigue lay behind the prosecution. The Solicitor-General, Sir Frank Lockwood Q.C., M.P., was related by marriage to one of the young men supposedly corrupted by Wilde. It is even said that the Prime Minister, Lord Rosebery, was pressured into action. By this theory, it is suggested that Rosebery previously had a homosexual affair with Francis, another of Queensberry's good-looking sons, who had been a secretary to Rosebery when he was Foreign Minister, and whom Rosebery had elevated to the peerage in his own right as Lord Kelhead in 1893; that the death of Francis Douglas, officially killed in a hunting accident, was actually suicide; that Francis Douglas committed suicide in fear of being unmasked as a homosexual (it was King George V who remarked, when told that one of his friends was homosexual, "I thought fellows like that shot themselves"); and that Queensberry threatened to expose Rosebery if he failed aggressively to prosecute Wilde. This fanciful story is said to be corroborated by the fact that, in the period leading up to Wilde's conviction, Rosebery suffered from serious depression and insomnia, but his health suddenly improved when Wilde was convicted.

The true position between Queensberry and Rosebery was no less mundane, but lends no credence to this theory. Queensberry hated Rosebery with almost as great a passion as his hatred for Wilde. Indeed, in one of his letters which was put in evidence at the libel trial, Queensberry wrote to his father-in-law describing Wilde as a "damned cur and coward of the Rosebery type". The real cause of Queensberry's enmity towards Rosebery was the fact that, by bringing about the elevation of Francis Douglas to the peerage of the United Kingdom, the son secured a seat in the House of Lords, to which Queensberry himself was not entitled - as a Scottish marquess, Queensberry was eligible for election as a representative peer, but had failed to obtain re-election after sitting in the Lords from 1872 to 1880. Thus, in the same letter, Queensberry wrote:

... I am now fully convinced that the Rosebery-Gladstone-Royal insult that came to me though my other son, that she [Queensberry's first wife] worked that - I thought it was you. ... It shall be known some day by all that Rosebery not only insulted me by lying to the Queen, which makes her as bad as him and Gladstone, but also has made a lifelong quarrel between my son and I [sic].

Whilst the supposed political intrigues are fanciful, it is fairly clear that the government was out to get Wilde, especially at the second indecency trial. The prosecution at the first indecency trial was led by Charles Gill, who had been one of Carson's juniors at the libel trial. The Solicitor-General (Lockwood) was brought in to lead for the prosecution on the re-trial - a matter curious in itself, given that Lockwood's nephew by marriage had a significant connection with the proceedings. Lockwood made it clear from the outset that he intended to use every advantage which the law allowed to him, including his right (as a Law Officer of the Crown) to make the last address, whether or not evidence was called in the defence case.

At the first indecency trial, Wilde and Taylor were jointly charged, both with substantive offences and with conspiracy. Clarke unsuccessfully objected to the joinder of the counts, as producing the inconvenient result that, whilst the defendants were competent witnesses on their own behalf in respect of the substantive charges, they were not permitted (as the law then stood) to give evidence in respect of the conspiracy counts. The conspiracy charges were then withdrawn at the close of the prosecution case, leading to speculation that the inclusion of conspiracy charges was merely a ploy to ensure that the defendants could not successfully apply for separate trials.

At the re-trial, the prosecution again sought a joint trial of Wilde and Taylor, but, with no conspiracy count, Lockwood could not resist the force of Clarke's observation that there is "no one count in the indictment upon which both of the defendants can be convicted". Lockwood tried to pretend that his reason for seeking a joint trial was that it represented the fairest course towards the accused, drawing from Clarke this obvious yet powerful response:

The chief ground on which my learned friend has opposed the separate trial of the defendants is that such a course would involve injustice to them. The best judges of that matter are those who have the responsibility of advising and representing the defendants, and we are of opinion that it would involve injustice to both if the prisoners were put on their trial together.

Lockwood then elected to proceed first with the trial of Taylor, obviously for tactical reasons, over Clarke's strenuous objection.

In anticipation that Lockwood's closing address might be more forceful than is appropriate for a prosecutor, Clarke felt it necessary to make these observations:



Sir Frank Lockwood, S.G., Q.C., M.P.

I had the honour to hold the office of Solicitor-General, which Sir Frank Lockwood now holds, for a longer period than any man has held it during the last hundred years, and having been Solicitor-General for six years, it is not likely that I, at any place or time, will speak lightly of the responsibilities of that office. But I always look upon the responsibility of a Crown counsel, and especially upon the responsibility of a law officer of the Crown, as a public rather than a private interest or responsibility. He is a minister of justice, with a responsibility more like the responsibility of a judge than like that of a counsel retained for a particular combatant in a forensic fray. ... While, therefore, I say these things without the least unfriendliness of feeling towards the Solicitor-General, I say them in the hope that I may do something to induce my learned friend to remember - what I fear for a moment yesterday he forgot - that he is not here to try to get a verdict of guilty by any means he may have, but that he is here to lay before the jury for their judgment the facts on which they will be asked to come to a very serious consideration. ... [A]s the case has been whittled down, so the efforts of the prosecution have been redoubled; and instead of facing Mr. Gill - of the tone of whose conduct of the last case I had never for a moment to complain - down comes a law officer of the Crown armed with the strange and invidious privilege (which I myself when Solicitor-General never once exercised, and will not exercise if ever I fill that distinguished position again) of over-riding the usual practice of the Court. Whether the defendant calls witnesses or not, the Solicitor-General enjoys the right - though why he should enjoy it I cannot imagine - of the last word with the jury. But for this I might have relied upon the reading of the defendant's evidence at the last trial. Reckoning with this, the defendant, broken as he is now, as anyone who saw him at the first trial must see his is, by being kept in prison without bail - contrary to the practice, and as I believe contrary to the law - will submit himself again to the indignity and pain of going into the witness box.

Clarke's concerns were well-founded. Wilde later described Lockwood's address as an appalling denunciation - "like something out of Tacitus, like a passage in Dante, like one of Savonarola's indictments of the Popes of Rome". Lockwood alluded most improperly to the outcome in Taylor's trial, telling the jury:

I suggest to you that it was the fact that Wilde ... could rely implicitly on his intimate friend Taylor, that encouraged him to prosecute Lord Queensberry. ... No doubt my learned friend desires now to disconnect them. He wishes as a result of this trial that one should be condemned and the other left free to continue his grand literary career.

Clarke naturally protested, to which Lockwood responded with the words, "My friend hopes to preserve Wilde by means of a false glamour of art". Extraordinarily, Mr. Justice Wills over-ruled Clarke's objection, holding that "So far no mention has been made of the verdict in the other case". What was the jury to suppose when Lockwood told them that Clarke wished that "one should be condemned and the other left free to continue his grand literary career", if it was not impart the fact that another jury had already condemned Taylor?

Lockwood's conduct of the prosecution was, by any standards, a disgrace. Nor was the summing-up, by Mr. Justice Wills, much better; it contrasts poorly with the extremely even-handed summing-up given by Mr. Justice Charles at the first indecency trial. Wills J. allowed himself the luxury of speaking at length, and in a tone of righteous indignation, on matters utterly irrelevant to the issues before the jury. One example has already been mentioned - his observation that: "Lord Queensberry has drawn from these letters [from Wilde to Bosie Douglas] the conclusion that most fathers would

draw"; and he went on to describe the correspondence as being "a letter from the prisoner, of which it is difficult for me to speak with calmness, as addressed from one man to another". Referring to the (supposed) gift of a suit of clothes by Douglas to Wood, his Lordship found it "more understandable that a lad like Wood should be give cast-off clothes than cigarette cases". He told the Jury that there is "some truth in the aphorism that a man must be judged by the company he keep", and thought it "remarkable for a man like Mr. Wilde even to foregather with a man of the social position of Wood".

When the Foreman of the Jury enquired as to the position regarding Lord Alfred Douglas - commenting that "if we are to consider these letters as evidence of guilt, and if we adduce any guilt from these letters, it applies as much to Lord Alfred Douglas as to the defendant" - his Lordship reacted with the remarks:

There is a natural disposition to ask, 'Why should this man stand in the dock, and not Lord Alfred Douglas?' But the supposition that Lord Alfred Douglas will be spared because he is Lord Alfred Douglas is one of the wildest injustice - the thing is utterly and hopelessly impossible.

Dealing with evidence concerning the condition of the bed-linen in Wilde's rooms at the Savoy Hotel, the Judge described it as "a loathsome subject". A possible innocent explanation, offered by the defence, he treated with absolute contempt; referring to "the diarrhoea line of defence", as he was pleased to term it, he said:

That story, I must say, I am not able to appreciate. I have tried many other similar cases, but I have never heard that before.

His Lordship spoke with vehemence regarding the management of the Savoy Hotel, telling the Jury that:

I consider that if the housekeeper was informed of the condition of the room, and of the boy having been seen in the bed, and if she yet took no steps to prevent such a thing in the future, she was liable to become an accessory before the fact in the event of it being repeated. It is a condition of things one shudders to contemplate in a first-class hotel. If it can be assumed that such practices could be tolerated with a man who, it seems, was running up a bill of £50 a week, then it will look as if we are coming to a state of society when it will be possible to have a magnificently built place of accommodation [a euphemism for brothel] on the Thames Embankment.

After the Jury returned guilty verdicts on all counts save that relating to Edward Shelley, Mr. Justice Wills proceeded to pass sentence; but he did not miss the opportunity to spew forth another torrent of venom against Wilde and his co-accused. He described the crimes of which they were convicted as being "so bad that one has to put stern restraint upon one's self to prevent one's self from describing, in language which I would prefer not use, the sentiments which must rise in the breast of every man of honour who has heard the details of these two terrible trials"; he expressed the "hope that those who sometimes imagine that a judge is half-hearted in the cause of decency and morality because he takes care no prejudice shall enter into the case, may see that that is consistent at least with the utmost sense of indignation at the horrible charges brought home to both of you"; he opined that it was "no use for me to address you", as "People who can do these things must be dead to all sense of shame, and one cannot hope to produce any effect upon them"; that it was "the worst case I have ever tried"; and that, of the fact that Wilde had been "the centre of a circle of extensive corruption of the most hideous kind among young men", it was "impossible to doubt". His Lordship conceived that he would be "expected to pass the severest sentence that the law allows", but also added that "In my judgement it is totally inadequate for a case such as this".

Much of this was complete twaddle. The truth is that Lord Alfred Douglas did escape prosecution - not, perhaps, because he *was* Lord Alfred Douglas - but, at any rate, because he was *not* Oscar Wilde. There was not the slightest basis for suggesting that Wilde ever corrupted any of the young men in respect of whom there was a conviction - all of them, without exception, were male prostitutes, blackmailers, or both - and it might as easily have been said that they corrupted Wilde. From the moment that Lockwood hinted to the Jury that Taylor had already been convicted, the Jury should have been discharged. Perhaps, at a third trial, Wilde might not have escaped the consequences of Lockwood's enthusiasm to achieve a guilty verdict, but he might at least have hoped for a trial as fair as that which he received under Mr. Justice Charles.

Why, it might be wondered, was there this desperate impulse on the part of the government to secure a conviction? In truth, Wilde's conduct harmed nobody but himself. Of the various young men referred to in evidence, all but three chose for themselves a life of prostitution - or, to be fairer to them, were driven to it by social and economic circumstances for which the government had considerably more responsibility than Wilde. Of the other three - Conway, Grainger and Shelley - no charges were preferred in respect of two, and the charge in respect of the third resulted in an acquittal. Any moral sensibilities regarding the fact that Wilde obtained sexual gratification for money were utterly

hypocritical, at a time when female prostitution was flourishing on the streets of London, and the only concerted campaign to curb this trade seems to have been the lone efforts of the serial murderer known to history as "Jack the Ripper".

It is possible to attribute much of the anti-Wilde fervour to homophobia, in the sweltering environment of late-Victorian moral pretension. Once again, this was largely hypocritical. As one correspondent wrote to a contemporary newspaper:

Why does not the Crown prosecute every boy at a public or private school or half the men in the Universities? In the latter places 'poederism' is as common as fornication, and everybody knows it.

Nor is there much to be said for the theory - popular in some American academic circles - that Wilde was persecuted for taking on "The Establishment", in the person of Lord Queensberry. Though a member of the aristocracy, Queensberry was about as unpopular with the government as anyone could be, and not merely as a result of his personal feud with the Prime Minister, Lord Rosebery. When elected as a representative peer for Scotland, he objected to taking the necessary oath as "Christian tomfoolery"; he was outspoken as an atheist; and as a consequence, he could not muster sufficient votes amongst the Scottish aristocracy to retain his seat. His bestial treatment of his first wife - Bosie's mother - became notorious when she divorced him for cruelty. He fought with each of his sons, and on one occasion was arrested and bound over for brawling with Bosie's elder brother (Percy) in the street. His association with prize-fighting was not widely regarded as appropriate to a person of his station. He was notorious throughout London as a brute and a bully, given to offering unprovoked violence of both the verbal and the physical kind. Wilde was not the only man of letters with whom he quarrelled publically: at the performance of a play written by Lord Tennyson (then the Poet Laureate), Queensberry interrupted the proceedings with a diatribe about atheism from his seat in the stalls. He possessed just as many enemies as Wilde, if not more.

Nor, again, can much credence be given to another theory popular in America Academe - that Wilde was persecuted for poking fun at "The Establishment" in his dramatic works. In fact, his plays were fairly main-stream in their social commentary, and far less revolutionary than those of, say, George Bernard Shaw or John Galsworthy. However much Wilde liked to pose as an artist whose dramatic creations occupied a level of intellectual consciousness unattainable by the mundane minds of the ruling classes, the truth is that play-writing was his livelihood; that livelihood depended entirely on the patronage of the middle and upper classes; and Wilde was astute not to bite the hand which fed him. Wilde may have pretended to spurn society, but his own views were echoed in both *A Woman of No Importance* ("To be in it is merely a bore, but to be out of it is simply a tragedy"), and in *The Importance of Being Earnest* ("Never speak disrespectfully of Society. Only those who can't get into it do that.").

Wilde's greatest crime was, rather, that he refused to comply with the hypocritical rules by which late-Victorian society conducted itself. There is no doubt that this society included many men of a homosexual disposition - "nature's bachelors" or "spinster gentlemen" - whose inclinations were politely ignored, because they behaved themselves discretely. The discretion expected of them was inconvenient, but pragmatic, involving three basic rules: first, that they should not get caught; secondly, if they were caught, that they should retire abroad for some time; and thirdly, if a major scandal threatened, that they should do the gentlemanly thing and commit suicide. The Bishop of Cloger, discovered *in flagrante delicto* with a private soldier in the back room of the White Lion Tavern in 1822, had the decency to skip bail and flee the country; the same course was taken in 1841 by William Bankers, Member of Parliament for Dorset, who was apprehended with a soldier in a public lavatory outside Westminster Abbey; and by Lord Arthur Somerset, an officer in the household of the Prince of Wales, who was arrested in 1889 following a police raid on premises in Cleveland Street, frequented by aristocrats for homosexual purposes. The Marquess of Londonderry (better known under his courtesy title as Viscount Castlereagh), when Foreign Minister, adopted the more decisive course of action - as, it is said, did Tchaikowsky, the great Russian composer, when a court of honour comprising members of his former regiment called upon him to do so.

Wilde's arrest evidently reminded many others of their social obligation to make themselves scarce. As Frank Harris wrote in *Oscar Wilde, His Life and Confessions*:

The mere news that Oscar Wilde had been arrested ... startled London and gave the signal for a strange exodus. Every train to Dover was crowded; every steamer to Calais thronged with members of the aristocratic and leisured classes, who seemed to prefer Paris, or even Nice out of season, to a city like London, where the police might act with such unexpected vigour. ...

Never was Paris so crowded with members of the English governing classes; here was to be seen a famous ex-Minister; there the fine face of the president of a Royal society; at one table in the Café de la Paix, a millionaire recently ennobled, and celebrated for his exquisite taste in art; opposite to him a famous general. It was even said that a celebrated English actor took a return ticket for three or four days to Paris, just to be in the fashion.

Wilde was offered every opportunity to withdraw from the United Kingdom. The evening preceding the abandonment of the libel prosecution, he conferred with Clarke. Contrary to the impression given in more than one screenplay, Clarke did not expressly advise Wilde to depart for the Continent - which would not have been entirely proper advice for a lawyer to give - but as Clarke subsequently recorded the details of the conference:

I advised him in his own interest to allow me to make a statement to the Court, and to withdraw from the prosecution; and I said that, if the case went to its end and the jury found that the accusations were justified, the judge would unquestionably order his arrest. He listened quietly and gravely, and then thanked me for my advice and said he was prepared to act upon it. I then told him that there was no necessity for his presence in Court while the announcement was being made. I hoped and expected that he would take the opportunity of escaping from the country, and I believe he would have found no difficulty in doing so.

Even Queensberry encouraged Wilde to flee, passing a note to him at the conclusion of the libel proceedings, before the papers had been sent to the Director of Prosecutions, reading:

If the country allows you to leave, all the better for the country; but if you take my son with you, I will follow you wherever you go and shoot you.

An hour and a half before Wilde's arrest, a news reporter called on Wilde at the Cadogan Hotel, and warned him that a warrant had been issued. Wilde did nothing.

Wilde was not granted bail pending the first indecency trial - at which the prosecution, it might be thought, "went soft". But when the first jury disagreed, Wilde was released on bail of £5,000, which was furnished by two sureties - Queensberry's eldest surviving son, Percy, and Rev. Stewart Headlam, an Anglican clergyman entirely unknown to Wilde. We have it on the authority of his junior counsel, Travers Humphreys, that Wilde was discretely informed that his sureties would not suffer if he absconded. His friend, Frank Harris, had arrangements in hand to escape by a private steam yacht; his wife, Constance, and his nearest friends - with the sole exception of his mother - urged him to go. But he refused.

In February of 1895, London celebrated Wilde's genius at the opening of *The Importance of Being Earnest*. Just three months later, Wilde was utterly destroyed, for no better reason than this: that God, or nature, or whatever it was that gave him an extraordinary talent, chose to invest that talent in a man who (along with between 7% and 15% of the male population) experienced a sexual attraction to other men. Yet this tragedy would never have occurred but for Wilde's own blinding stupidity.

Wilde as a Gay Icon

It is perfectly monstrous the way people go about nowadays saying things against one behind one's back that are absolutely and entirely true.

- Oscar Wilde,
The Picture of Dorian Gray (1890), Ch. 15

Wilde's persecution has made him something of an icon for the modern gay community. In September 1997, a poll conducted by a gay magazine listed him at number 2 in the top 500 lesbian and gay heroes - curiously, first place went to Diana, Princess of Wales, a person who would never have become a celebrity but for her marriage.

But Wilde was, at best, a reluctant martyr. He did not remain in England, proudly to confess his conduct and make a political statement - he remained in England to perjure himself, falsely denying on oath the acts to which he later admitted in *De Profundis*, in the pathetic belief that his own intelligence and wit would enable him to deceive the jury. He was no more a martyr for gay rights than Bill Clinton was a martyr for the cause of adultery, or of heterosexual men who choose to take advantage of female subordinates in the workplace.

However, Wilde's notoriety as a convicted homosexual inevitably led to his adoption as patron saint of the gay rights movement, which began in the United Kingdom in the 1950s, but is now usually thought of as an American phenomenon and dated to the Stonewall riots in 1969. Wilde's trademark green carnation became one of the first symbols adopted by homosexual men to identify themselves, although latterly supplanted by the pink triangle (adapted from the distinctive markings used to identify homosexual prisoners in Nazi concentration camps), the rainbow pride flag, the lambda symbol, and, more recently, the red AIDS awareness ribbon.

This may well have surprised Wilde, because, when asked what the green carnation signified, he replied: "Nothing whatever, but that is just what nobody will guess". When a novel was published anonymously with the title *The Green Carnation* in 1894, satirising the relationship between Wilde and Bosie Douglas, and Wilde was suspected of being its author, he wrote to the *Pall Mall Gazette*:

I invented that magnificent flower. But with the middle-class and mediocre book that usurps its strangely beautiful name I have, I need hardly say, nothing whatsoever to do. The flower is a work of art. The book is not.

In fact, it was Wilde's successor as the most fashionable playwright of his era - Noël Coward - who, in his 1929 musical *Bittersweet*, publicised green carnations as a symbol of homosexuality, with the lyrics:

Pretty boys, witty boys,
You may sneer
At our disintegration.
Haughty boys, naughty boys,
Dear, dear, dear!
Swooning with affectation ...
And as we are the reason
For the Nineties being gay,
We all wear a green carnation.

Coward was not a particular fan of Oscar Wilde. In his *Diaries* - not intended for publication during his lifetime - Coward wrote:

I have read the Oscar Wilde letters and have come to the reluctant conclusion that he was one of the silliest, most conceited and unattractive characters that ever existed. His love letters to Lord Alfred Douglas are humourless, affected and embarrassing, and his crawling letter from prison to the Home Secretary beneath contempt. *De Profundis* is one long wail of self-pity. It is extraordinary indeed that such a posing, artificial old queen should have written one of the greatest comedies in the English language. In my opinion it was the only thing of the least *importance* that he did write.

Elsewhere in the *Diaries*, Coward wrote:

Read the unexpurgated *De Profundis*. Poor Oscar Wilde, what a silly, conceited, inadequate creature he was and what a dread self-deceiver. It is odd that such brilliant wit should be allied to no humour at all. I didn't expect him to enjoy prison life and to be speechless with laughter from morning till night, but, after all, there are people even in gaol and he might have had a little warm human joke occasionally, if only with the warder. The trouble with him was that he was a 'beauty-lover'. Read Maughan's *Writer's Notebook*. So clear and unpretentious and accurate after that poor, podgy pseudo-philosopher.

The significant difference between Wilde and Coward, in terms of their homosexuality, is that Coward practised both honesty and discretion. Coward never married, and was apparently faithful to his long-term male lovers. There are clues to his homosexuality in much of his writing, but one has the impression that these were "in" jokes intended for the amusement of those who understood the references - nothing like Wilde's heavy-handed allusions to homosexuality, particularly in *Dorian Gray*, which appear almost as an unconscious attempt to "out" himself. Coward lived most of his life under the same legal regime as Wilde, but behaved with the kind of discretion of which Wilde was seemingly incapable. Privately, he expressed his views in these terms:

Any sexual activities when over-advertised are tasteless, and for as long as these barbarous laws exist it should be remembered that homosexuality is a penal offence and should be considered as such socially, although not morally. This places on the natural homo a burden of responsibility to himself, his friends and society which he is too prone to forget.



Sir Noël Coward

Coward welcomed the decriminalisation of homosexual conduct in 1967, recording these thoughts in the *Diaries*:

The Homosexual Bill has passed through the House of Commons with a majority of fifty-five votes. I read the debate in the Telegraph. Really some of the opposition speeches were so bigoted, ignorant and silly that one can hardly believe that adult minds, particularly those adult minds concerned with our Government, should be so basically idiotic. However, now all will be well apparently and the law will be changed at the next session. Nothing will convince the bigots, but the blackmailers will be discouraged and fewer haunted, terrified young men will commit suicide.

Still, when encouraged to "out" himself in solidarity with others of his sexual orientation, Coward declined to do so, saying "There are still a few old ladies in Worthing who don't know". It is not surprising that Coward's discretion and sense of duty has made him much less fashionable than Wilde, in circles of gay activism.

The landmark *Wolfenden Report* was published in 1957, recommending the decriminalisation of homosexuality in the United Kingdom, but the Government was slow to adopt the majority recommendations. The situation was not assisted by the subsequent disclosure that the son of the Committee's chair, John Wolfenden, was gay: Wolfenden reportedly wrote to his son requesting "1) That we stay out of each other's way for the time being; 2) That you wear rather less make-up."

In the decade between the publication of the *Wolfenden Report* and its legislative adoption, Oscar Wilde was trotted out as a posthumous champion for the cause which he had so desperately tried to convince three successive juries was not his own. It is no coincidence that, in 1960, two different movies about Wilde's life were released - the Robert Morley movie, and the Peter Finch movie. Both were aimed squarely at shoring up public opinion in favour of the Wolfenden recommendations.

One might think that a more natural champion for the gay rights cause would have been a man like Alan Turing, the brilliant mathematician, creator of the first working computer, and leader of the code-breaking team at Bletchley Park which decrypted the German "Enigma" code during the Second World War. In 1952, Turing was arrested after he reported to police the theft of his wallet by a rent-boy whose services Turing had engaged. Unlike Wilde, Turing made no perjured attempt to deny the facts: he admitted his conduct, and sought only to argue that what occurred between consenting adults, in the privacy of his home, could not be characterised as indecent. He was convicted and, offered the alternatives of a year's imprisonment or chemical castration, opted for the latter. As the details of his wartime work were still heavily classified, his immeasurable contribution to the war effort - the huge number of British and Allied lives saved through his code-breaking efforts, his decisive contributions to victory in the Battle of Britain and the Battle of the Atlantic, and the likelihood that he alone advanced the Allied victory by as much as 12 months - could not be taken into account on sentencing. He committed suicide two years later.

Alternatively, if one looks for a more dashing and chivalrous gay icon, numerous names spring to mind, from Alexander the Great, to Richard the Lionheart, to Lawrence of Arabia. Then again, if artistic talent is the criterion, surely Michelangelo and Tchaikowsky have claims which at least equals Wilde's. Or if pathos and tragedy are the necessary ingredients for a gay hero, could there be a more awful story than that of Edward II, King of England, who, after affairs with Piers Gaveston and Hugh Dispenser, was agonisingly murdered at Berkeley Castle in 1327 by the insertion of a red-hot poker through his rectum?

Yet it is Wilde, more than any other historical, literary or artistic figure, who has become the standard-bearer of gay activism. Though he never wrote a single line which was openly supportive of homosexuality - though he lived a life of deceit to his wife, family and friends - though he was so upset by the mere suggestion that he posed as a homosexual, that he prosecuted Queensberry for a libel which nobody else ever read until Wilde himself chose to place it in the public domain - though, through his counsel, he characterised homosexual intimacy as "the gravest of all offences" - though, by his own sworn testimony, he vehemently (and falsely) denied both the inclinations and the acts for which he is now promoted as a champion - despite all of this, he has been canonised as patron saint in the gay Martyrology. Why? Maybe because, at his first indecency trial, the prosecutor Charles Gill - lacking either the finesse of his leader (Carson) at the libel trial, or the aggression of his leader (Lockwood) at the second indecency trial - offered Wilde the opportunity to say something meaningful, rather than something witty, flippant or shallow. Gill's seemingly innocuous question - "What is 'the love that dare not speak its name'?" - produced this remarkable *ex tempore* response, possibly the profoundest thing Oscar Wilde ever uttered, and certainly the most sincere remark that passed his lips throughout three successive trials:

'The Love that dare not speak its name' in this century is such a great affection of an elder for a younger man as there was between David and Jonathan, such as Plato made the very basis of his philosophy, and such as you find in the sonnets of Michelangelo and Shakespeare. It is that deep, spiritual affection that is as pure as it is perfect. It dictates and pervades great works of art like those of Shakespeare and Michelangelo, and those two letters of mine, such as they are. It is in this century misunderstood, so much misunderstood that it may be

described as the Love that dare not speak its name, and on account of it I am placed where I am now. It is beautiful, it is fine, it is the noblest form of affection. There is nothing unnatural about it. It is intellectual, and it repeatedly exists between an elder and a younger man, when the elder man has intellect, and the younger man has all the joy, hope and glamour of life before him. That it should be so, the world does not understand. The world mocks at it and sometimes puts one in the pillory for it.