Art as a defence

On Oscar Wilde and his use of the discourse of Art in his effort to not comply with late nineteenth-century thought on homosexual identity

'One should either be a work of art, or wear a work of art.' – Oscar Wilde
Photographer unknown

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Introduction

Oscar Wilde personified the perfect gentleman in late nineteenth-century Victorian England. After graduation from the University of Oxford, he spent most of his years leading a successful life as a lecturer, poet and he became one of London's most famous playwrights. He was an eloquent and fashionable dandy, intellectually contributing to the aesthetic- as well as to the decadent movement in England. In short, he had every virtue that the upper class of society appreciated.[1] Wilde was also a man who dared to wander on the edge of the socially tolerable. When he thought an ethical standard to be too uptight, he simply refused to comply with it in his artistic work.[2] This made his plays and poetry anything but plain and dull. This artistic standpoint added to the phenomenon of Wilde; his works as well as his personality were gripping to most of the Victorian upper class.

Oscar Wilde's reputation started to alter with the publication of his book, *The Picture of Dorian Gray* in 1890. The novel caused a lot of commotion in late nineteenth-century London society. A commonly heard critique was that the book hinted too much at indecent intimacy between young men. This critique was in no way far-fetched, because one of the protagonists in the book frequently verbalizes his deep admiration for the appearance of his male friend.

Wilde wrote this book in the late-Victorian era. Within Victorian standards, the most unheard of relationship between males was the kind that we would today define as a homosexual relationship. Especially the practice of intercourse was severely punishable by law under the Labouchere Amendment of 1885. Because of these standards, all the male-to-male allusions that Wilde made in his book were thought to be most indecent. A reviewer of the *St James's Gazette*, a London evening newspaper at the time, expressed the perplexity that was more commonly felt within the upper class after the publication of this book. He consciously chose not to analyse the story, because he was more concerned with Wilde's motives. Why did a promising person like Wilde choose to put his reputation at stake?

> We do not propose to analyse "The Picture of Dorian Gray": that would be to advertise the developments of an esoteric prurience. … The puzzle is that a young man of decent parts, who enjoyed the opportunity of associating with gentlemen, should put his name to so stupid and vulgar a piece of work.[3]

In his quick reply to the *Gazette*, Wilde expressed for the first time an argument which he would use frequently in the future and which will be the topic of this essay. Whenever Wilde had

1 M. Holland, *Irish Peacock & Scarlet Marquess. The Real Trial of Oscar Wilde* (London 2003) XVI.
2 N. Frankel (ed.), *The Picture of Dorian Gray: an annotated, uncensored edition* (London 2011) 151 and 192.
3 M.P. Gillespie (ed.), *The Picture of Dorian Gray* (New York 2007) 358.

to defend his work against critics, he would voice a statement which I will call the discourse of Art. In his reply he said: 'I am quite incapable of understanding how any work of art can be criticized from a moral standpoint. The sphere of art and the sphere of ethics are absolutely distinct and separate.'[4] The point that Wilde wanted to make was that it is undesirable and even impossible to criticize any piece of art based on ethical standards. In other words, the protagonists of *The Picture of Dorian Gray* should not be evaluated on the basis of conduct in the light of moral principles.

Five years after the appearance of *The Picture of Dorian Gray*, Wilde started a libel trial against the Marquess of Queensberry, the father of an intimate friend of Wilde, because the latter accused Wilde of posing as a sodomite. The Marquess himself was surprised by the huge amount of evidence that his lawyer collected in just a couple of days. A lot of male prostitutes, or rent boys, were eager to testify against Wilde to prove his homosexual liaisons. Wilde lost the libel trial and this led to his own arrest and trial on charges of *gross indecency*[5] under the previously mentioned amendment. Large parts of the book were read out aloud by the prosecutor to prove that the defendant was guilty as charged.

The court case shows that Wilde's book and letters were used to determine who Wilde was as a person. This might explain why Wilde put so much effort into defending his work; next to the book, he was defending himself. The prosecution argued that not only the protagonist in the story, but also that Wilde himself preferred men over women. Why else would he write about a man who deeply admires another man's appearance? The book was eagerly used in court as additional evidence to prove that Wilde fitted into the late nineteenth-century discourse on homosexual identity. The historian Michel Foucault has convincingly explained how the modern discourse of identity arose during this century. Because this subject will be thoroughly discussed in chapter one, I will now briefly touch upon it. Foucault's idea about sexuality as an inner identity ensures that we associate or unite a person with his or her actions; somebody's identity consists out of actions. In other words, what one does, provides information about who that person is. For example, from the end of the nineteenth century onwards, the fact that a man has homosexual intercourse, would naturally lead to the conclusion that that man is a homosexual. I will come to explaining how prevalent this deduction was in the late-Victorian era.

Wilde wanted to convince his adversaries that he did not belong to this discourse. In this essay I will explicate which phrasing he chose to make his standpoint clear. I have mentioned previously that Wilde's type of argument belongs to the discourse of Art. My research question

4 M. Holland and R. Hart-Davis (ed.), *The Complete Letters of Oscar Wilde* (New York 2000) 428.
5 Victorian morality demurred from precise descriptions of immoral acts, thus the he amendment reads: 'Any male person who, in public or private, commits, or is a party to the commission of, or procures, or attempts to procure the commission by any male person of, any act of gross indecency with an other male person, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labour.'

will be: How did Oscar Wilde use the discourse of Art to propose that he did not belong to the nineteenth-century discourse on homosexual identity?

The answer to this question will be of value to anybody who is interested in the direct consequences of the discourse of identity for individual human beings, in this case Oscar Wilde. I believe that a thorough examination of the grounds on which Wilde was prosecuted and condemned, will help us to better understand the comments that Foucault made about discourses and the formation of identities. I further believe that the examination of a late nineteenth-century identity case will help us become aware of our own near inability to think beyond the discourse of identity. Within the history of humanity, people only quite recently started to think in identities because of actions.

Nonetheless, I believe the answer to this question is also relevant because it will shed light on an aspect which Foucault has forgotten. I believe that Foucault did not put enough attention into the individual's chance to change situations; Foucault forgot about agency. By examining the reply that Wilde gave to all of the accusations, I actually study Wilde's agency. I will describe the space that Wilde had to put forward his own perspective on reality. I will prove that the discourse on homosexuality did not provide the only explanation to Wilde's conduct and that he himself could come up with an alternative. This insight will let us realize the potential of agency, even though Wilde's sentence directly confronts us with its limits. Nonetheless, the transcript provides me with sufficient reason to dispute the lack of agency.

I will now briefly touch upon the historiography of homosexuality. To better understand the studies that have been done for England, I will pay attention to the historiography of homosexuality at large. I previously mentioned Foucault and his study into identity. His book *The History of Sexuality* is crucial to understand the late nineteenth-century discourse on homosexual identity. The first volume, *The Will to Knowledge*, provides the theoretical framework to this theme.[6] Foucault has been of great influence to everybody who studies the creation of the homosexual identity, but his insights have also been challenged by some scholars. The scholar Theo van der Meer uses Foucault's concept of identity, but convincingly argues that the core of thinking about sexuality did not just come from within medicine but rather from a pre-existing common-sense knowledge, rooted in age-old discourses.[7] This is an important nuance that Van der Meer made, and in the present essay I will also assume that a very basic and undeveloped notion of who the homosexual was, had already 'rooted' earlier in the century. To explain this standpoint, I will use the master's thesis about the formation of the homosexual identity of the undergraduate Annemarie Bas. She explained how the nineteenth-century Count August von Platen began to create a notion of self-awareness early in the nineteenth century, she

6 R. Hurley (ed.), *The History of Sexuality. The Will to Knowledge* volume 1 (London 1998).
7 T. van der Meer, 'Sodomy and Its Discontents: Discourse, Desire, and the Rise of a Same-Sex Proto-Something in the Early Modern Dutch Republic', *Historical Reflections/Reflexions Historiques* 33:1 (Spring 2007) 66.

does this by analysing his diaries. With different reasoning than Van der Meer, Bas also argues that the creation of identity should be situated earlier in the nineteenth century than Foucault suggested, she does this primarily from the perspective of the 'proto-homosexual' himself.

Next to the international similarities, the historian Ivan Dalley Crozier rightly discusses the national differences in homosexual discourse. For example, he argues that English medical professionals hesitated to familiarize themselves with the subject of homosexual practices because they believed it to be a particularly continental problem. Because of this standpoint, they gave way to legal professionals to take over the formation. In other words, I will propose that law had a greater influence on the construction of the homosexual identity than doctors had, at least in England. Furthermore, the historian Alan Sinfield has written in his book *The Wilde Century*, about the respective use of the words 'sodomite' and 'homosexual' in England throughout the centuries. This insight will be of value because it proves to be difficult to distinguish what Victorians meant when they used those words. The historian Michael Foldy and the sociologist Jeffrey Weeks made insightful attempts to clear the matter up by discussing Victorian morals and standards. Weeks has additionally given a helpful synopsis of the British history of sexuality since 1800 and he includes valuable comments on this history coming from the sexologist Havelock Ellis.

In chapter two, I will examine how the discourse on homosexuality was effectively used in the first trial of Oscar Wilde. Merlin Holland, the grandson of Wilde, obtained the complete longhand manuscript of his grandfather's first trial at the latter's centenary celebration at the British Library. He was the legitimate copy-right holder and fortunately chose to publish it. As a case study, I will analyse the impact that the discourse of homosexuality had within court by using his transcript.

In chapter three, I will first further explicate the discourse of Art and then examine how Wilde tried to draw upon this discourse in his effort to not belong to the discourse on homosexuality. In this chapter, I will consequently pay attention to the gap in the work of Foucault: the individual's own agency. Furthermore, I will state my argument in this chapter; Oscar Wilde's promising effort to draw upon the discourse of Art did not prove to be successful, mainly because he fitted perfectly into the late nineteenth-century discourse on homosexual identity.

What one should not expect to read in this essay are assumptions about Oscar Wilde's truth or the truth about Oscar Wilde. I do not presume to be able to 'get into his head'; I will not provide an answer to the question if Wilde himself thought that his actions undeniably made him a homosexual. This essay is concerned with the phrasing that Wilde used to evade condemnation. I can merely examine the process by which other people came to think of Wilde as a homosexual.

Chapter one Discourse and morality

Homosexuality as an inner identity in nineteenth-century England

Because of Michel Foucault's influential book *The Will to Knowledge*, the first volume of *The History of Sexuality*, the invention of 'identity' has often been situated at the end of the nineteenth century. During this century, science had become widely popular; people began to believe that scientists could provide more trustworthy explanations and more credible solutions than traditional authority could. While the traditional influence of vicars faded, the stage was cleared for professionals of law and medicine to create a novel worldview in accordance with their findings. Foucault argued that these professionals started to classify people according to their prominent activities. The spotlight was shifted from the examination of one's actions, to the examination of one's self. Before the nineteenth-century, individuals were punished for the crimes they committed, without further paying regard to the identity of the perpetrator. Nineteenth-century scientific professionals created a system in which a crime corresponded to a 'type' of person. For example, a man who frequently stole in his life would be regarded as a kleptomaniac. His crime had become a part of who he was; his identity. In short, activities and crimes of people were examined and used to define what a person was at heart. Knowing about what one was at heart, one's so called identity, turned out to be useful information that made the classification of humanity possible.

Homosexuality is the primary topic of this essay. According to Foucault, the homosexual identity was one of these novel classifications that were forged by professionals of law and medicine during the late nineteenth century. In pre-modern times, a homosexual identity did not exist; there were men who had intercourse with other men, but every man could be tempted to do the same. This is what the scholar Theo van der Meer has previously defined as the 'slippery slope of excess'.[8] Van der Meer meant that it was commonly believed in pre-modern Europe that, if one would start to commit sin and gluttony, one could eventually end up as a sodomite.[9] While Foucault situated the formation of the homosexual identity at the end of the nineteenth century and stated that professionals had created it, Van der Meer argues that common people already began to form a sense of homosexual awareness a century earlier. The latter argued that the professionals only elaborated on what was already commonplace to people at the end of the eighteenth century. The primary disagreement of the scholars is whether and when common people or scientific professionals coined the term homosexual identity. What both scholars on the other hand agree upon is that a minority of men began to be seen as homosexuals, either from the end of the eighteenth century onwards or during the nineteenth.

8 Van der Meer, 'Sodomy and Its Discontents', 49.
9 Ibidem.

Van der Meer does not stand alone in his assertion that common people already had a basic notion of the homosexual early in the nineteenth century. The undergraduate Annemarie Bas studied the diaries of Count August von Platen and she also argues that the development of the homosexual identity has to be situated earlier. By analysing a diary of the year 1813, Bas found that Platen struggled to distinguish between intimate friendship, passion and lust. For this reason the latter must have associated his intimate male relationship with his sexuality.[10] Because of this, Bas disputes the idea that homosexuality was only associated with male intercourse: the undeniable act of physical penetration. This last idea has been forwarded by the historian Harry Oosterhuis. The latter argues that intimate relationships between men were not associated with sexuality until doctors started to theorize about homosexuality at the turn of the century. Sexuality, he argues, was only then associated with an emotional connection and intimacy between couples.[11] I agree with Van der Meer and Bas that common people had a very basic, but in no way definite nor consistent, notion of homosexuality prior to the influence of professionals. Even though I can solely conclude that the completion of the homosexual identity was at the hands of professionals. I will now clarify this standpoint.

Other scholars besides Foucault have argued that a clear and consistent notion of the homosexual only came into being at the turn of the century. While reading the transcript of the trials of Oscar Wilde, I could not withstand the same conclusion; his identity became definite and was formed during the many cross-examinations in court. The basic and inconsistent assumptions of how 'the homosexual' acted and who he was as a person rapidly evolved into a coherent identity because of Edward Carson's (the barrister of John Douglas) navigating and witty speech. He draw cleverly on persistent common-sense assumptions, for example the assumption that words written in novels contained truth about the author, to create the total image of Oscar Wilde. In chapter two I will further elaborate on the words spoken during the first trial, now I will come to address a particularly difficult issue in this study.

Alan Sinfield has put into words how tricky studying (the English version) of the formation of the homosexual identity is. He mentioned that Victorians placed emphases that we do not place and that they saw vices where we see trivia.[12] Furthermore, he argues that there has not been a well-defined concept of homosexuality for a long time. 'The commonest legal and medical terms for same-sex practices were sodomy and buggery, but these were (by our notions) ill-defined.'[13] These facts make it difficult for the contemporary scholar to define exactly how the discourse of homosexuality influenced the manner of speaking about homosexuals in Wilde's days. Luckily, Foldy has convincingly asserted that Victorians associated practitioners of

10 J.C.M. Bas, *De dagboeken van Graaf August von Platen. In het kader van de ontwikkeling van het homoseksuele zelf* (zp 2012) 49.
11 Bas, *De dagboeken van Graaf August von Platen*, 18.
12 A. Sinfield, *The Wilde Century. Effeminacy, Oscar Wilde and the Queer Moment* (New York 1994) 102.
13 Sinfield, *The Wilde Century*, 30.

same-sex intercourse with a threat to public health.[14] With this information, the historian is able to recognize references to unhealthiness, insanity and uncleanliness as coded imputations of homosexuality. This is why I propose to speak about a basic notion of homosexuality early in the nineteenth century, even though the exact term of 'homosexual' was not in use.

Yet, the historian Nicholas Frankel preaches wariness into this matter: 'It is worth bearing in mind that in the Victorian era, sexual preference was less clearly seen as an identity. … Wilde and the other men who participated in London's homosexual subculture, many of them leading secret double lives, would have been viewed by the majority not as homosexuals per se but as men indulging in 'unclean' vices.'[15] If identity was not connected to sexual preference in the late-Victorian era, how can I assert that people started to think of Wilde as a homosexual? Van der Meer probably rightfully uses a vague term like the 'same-sex proto-something' in his discussion of the matter.[16] Especially, because the word homosexual did not enter the English language until 1892, when it was used adjectivally in a translation of Richard Krafft-Ebing's book *Psychopathia Sexualis.* Its first use as a noun was in 1912.[17] I assert that the present discourse on homosexuality, the concept that we have of the entity of the homosexual, has thus only become definite since the turn of the previous century and to a great extent because of legal cases. Sexologist Havelock Ellis wrote that 'the Wilde Trials appeared to have generally contributed to give definiteness and self-consciousness to the manifestations of homosexuality, and to have aroused inverts to take up a definite stand.'[18]

Even though Ellis stated this in the 1930s, and studies the formation of the homosexual identity have much developed since, I argue that he was quite right. This is exactly why Wilde put so much effort into defending his art; he was primarily trying to safeguard his respectable image from turning into the manifestation of homosexuality. He must have assumed that he had a fair chance of convincing the jury that his conduct and work were an expression of his artistic being. If he believed to have had no chance he would never have sued Queensberry in the first place. The space that Wilde felt to argue with the barristers in court touches upon the subject of one's individual agency. In the introduction, I have argued that Wilde had more agency than Foucault lets us assume in his concept of discourse. I will further explicate the limits and potential of agency in chapter three, where I will analyse Wilde's replies.

In addition to Ellis, Weeks has also written about the formation of homosexuality in court:

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[14] M.S. Foldy, *The Trials of Oscar Wilde. Deviance, Morality, and Late-Victorian Society* (London 1997) chapter 6.
[15] Frankel, *The Picture of Dorian Gray*, 7.
[16] Van der Meer, 'Sodomy and Its Discontents', 41-67.
[17] Frankel, *The Picture of Dorian Gray*, 7.
[18] J. Weeks, *Sex, Politics & Society. The Regulation of Sexuality Since 1800* (New York 1989) 103.

'It seems likely that the new forms of legal regulation, whatever their vagaries in application, had the effect of forcing home to many the fact of their difference and thus creating a new community of knowledge, if not of life and feeling, amongst many men with homosexual leanings. There was clear evidence in the later decades of the nineteenth century of the development of a new sense of identity amongst many homosexual individuals, and a crucial element in this would undoubtedly have been the new public salience of homosexuality, dramatized by the legal situation.'[19]

In this formulation, Weeks makes the primary importance of law very clear. Legal regulation bears a certain rigidity that forced practitioners of same-sex intercourse, as well as their adversaries, to take up a definite stand. The legal situation in England made the existence of homosexuals strikingly apparent to the public. Physicians, on the other hand, could have had little influence in the trials of Oscar Wilde. No doctor was drawn upon and no medical information was used during the trials. Furthermore, neither of the barristers used any medical insight. What both Wilde, his barrister and the counterpart did speak about, was morality and impermissible conduct. Moral concepts played a much bigger role in the case of Oscar Wilde than medical insights did. This is exactly why Wilde was not questioned about whether his conduct was natural or not. What he did have to fend off were accusations about his presumed immorality. Bas mentions in her conclusion that homosexual men started to judge themselves differently because of medical insights. She states that, because of medicalization, homosexuals started to refer to their feelings as unnatural, while before those men would judge their actions as immoral. While this might be true for the men who wrote letters to the psychologist Richard von Krafft-Ebbing,[20] I assert that in Wilde's case morality did not lose its importance.

The historian Ivan Dalley proved that doctors were even wary to fiddle in the discussion. They thought homosexuality to be a problem that did not occur as frequently as it did on the Continent. Crozier interestingly argues that knowledge about sodomy in English medical circles was scant.[21] He adds: 'This is hardly surprising in late-Victorian times.'[22] Crozier found a striking statement of an English doctor to prove his argument: 'I have abstained from studying the subject [sodomy] which is repulsive in itself and not likely to be of any service to me professionally.'[23] This statement indicates that sodomy was intertwined with Victorian morals. This intertwined relation ensured that practitioners of law could get to Wilde simply by referring to the obviousness of his immoral conduct. I assume that the uptight Victorian morality

[19] Weeks, *Sex, Politics & Society*, 103.
[20] Bas, *De dagboeken van Graaf August von Platen*, 19.
21 I.D. Crozier, 'The medical construction of homosexuality and its relation to the law in nineteenth-century England', *Medical History* 45 (2001) 72.
[22] Crozier, 'The medical construction of homosexuality', 72.
[23] Ibidem 71.

reduced the need for medical insights. Morality had a considerable influence on the subject, and might have overshadowed medical thought about whether homosexual practice was 'natural' or not. This conclusion seems to be valid only for England; Crozier shows that medical thought on the Continent underwent a different development.

Now I have established that the legal situation had a great influence on the development of the homosexual identity, I come to the analysis of the first libel trial in chapter two. I will examine what this legal influence exactly implied for the trial of Wilde. The primary purpose will be to define how Edward Carson used common-sense knowledge from society to make Wilde fit into the discourse on homosexuality.

Chapter two Accusations in court

The making of the homosexual in nineteenth-century England

Lord Alfred Douglas, a handsome young man, was introduced to Oscar Wilde in 1891. Douglas soon initiated Wilde into the Victorian underground of rent boys and prostitution, ensuring that Wilde met Alfred Taylor, a procurer of a notorious male brothel. Taylor started to introduce Wilde to renters in 1892, and soon Wilde was spotted in public with these young men. The rendezvous with these workingclass boys gave Wilde other experiences than he was used to. The homosexual men he had spent time with before, were all part of his aesthetic circle. Oscar wrote in a letter to Douglas:

'People thought it dreadful of me to have entertained at dinner the evil things of life, and to have found pleasure in their company. … It was like feasting with panthers. The danger was half the excitement. … They were the brightest of gilded snakes. Their poison was part of their perfection. … I don't feel at all ashamed of having known them. They were intensely interesting.'[24]

Strangely, seeing workingclass boys did not initially get Wilde into trouble. It was the father of the charming Lord Alfred Douglas that could not stand the relation between Wilde and his son. In February 1895, Wilde initiated a private prosecution against Douglas' father, the Marquess of Queensberry. Wilde charged John Douglas for criminal libel, because the latter had made the public accusation that Wilde posed as a sodomite. Going to court would not prove to be advantageous for Wilde, because a significant number of the workingclass boys testified against Wilde in exchange for considerable sums of money.[25] Not in the last place because of these testimonies, the jury found that there was truth in the accusation. This verdict led to his own prosecution on charges of sodomy and gross indecency in two following trials. The third and final trial resulted in a sentence for Wilde of two years of hard labour in prison: Wilde got the severest punishment possible by law.

Fortunately, the transcript of what has been said in court has been preserved. The transcript of the first libel trial will be used to find out which accusations were being made by Carson. With this information, I will determine how this barrister tried to use the discourse on homosexuality in his effort to get Wilde convicted. But first, I have to share some details about the source.

[24] Edwards, O.D., B. Terence and D. Kiberd (ed.), *Complete Works of Oscar Wilde* (London 2003) 1042.
[25] Holland, *Irish Peacock & Scarlet Marquess*, XXXVII.

The deceased barrister Harford Montgomery Hyde was one of the first to collect the transcripts of the trials in 1948.[26] He mainly had to rely on newspapers and on the memory of one single attendee present at the time. Hyde's transcript of the first trial consists of approximately thirty thousand words. Merlin Holland, the grandson of Oscar Wilde, got his hands on an authentic handwritten script of the same trial several years ago and published it. The additional value of Holland's collection is that it fills many of the gaps that exist in the work of Hyde. Holland's text, in striking comparison to Hyde's, runs to some eighty-five thousand words.[27] Nobody has yet taken the effort to improve Hyde's transcript of the second and third trial, simply because the official transcripts to these trials are without a trace. This is why I have chosen to focus on the first trial.

The scholar Michael Foldy offers an extensive reading of Wilde's trial transcripts in his book *The Trials of Oscar Wilde*.[28] He sets an adequate example of how we can use a primary source of this kind. Because this source contains the exact words that were spoken at the time, it is valuable from multiple perspectives. For example, Foldy has used the transcripts to represent the different forces and trends that were moving British politics and society and he also claimed that he could use it to represent the views, values and attitudes that were expressed by Wilde and his contemporaries.[29] I agree with Foldy that this source can give us these insights. Unfortunately however, Foldy used an even older transcript in his research than the collection of 1948. This means that there is still a need to expand our understanding of the Wilde trials, especially since Holland's complete collection has only been used by a few scholars.

Now the source is clear, I can begin to share some interesting remarks that were made during the first libel trial. Carson uses sentences from *The Picture of Dorian Gray* to make his point clear:

'CARSON: *'I quite admit that I adored you madly, extravagantly, desperately. I was jealous of everyone.' Have you yourself ever had that feeling towards a young man?*

…

CARSON: *Have you ever adored a young man, some twenty-one years younger than yourself, madly?*

…

CARSON: *'I grew afraid that the world would know of my idolatry.' Why should he grow afraid that the world should know of it? Was it anything to be concealed?'*[30]

26 H.M. Hyde (ed.), *The Trials of Oscar Wilde* (Harmondsworth 1962).
27 Holland, *Irish Peacock & Scarlet Marquess*, XLI.
28 Foldy, *The Trials of Oscar Wilde*
29 Ibidem XI.
30 Holland, *Irish Peacock & Scarlet Marquess*, 93.

On many occasions Carson proposes this exact same thing in court: if Wilde has written about a man who has immoral feelings towards another man, the author is most likely to also feel the same in real life. At another point in the trial, Carson questioned Wilde about one of the letters he wrote to his dear friend Lord Alfred Douglas. While Carson again tried to shine light on Wilde's feelings for other men, the way in which Wilde uses the discourse of Art also becomes clear:

'CARSON: *'Your sonnet is quite lovely. It is a marvel that those red rose-leaf lips of yours should be made no less for music of song than for madness of kissing.'*
WILDE: *Yes.*
CARSON: *Do you mean to tell me, sir, that that was a natural and proper way to address a young man?*
WILDE: *I am afraid you are criticizing a poem on the ground –*
CARSON: *I want to see what you say.*
WILDE: *Yes, I think it is a beautiful letter. If you ask me whether it is proper, you might as well ask me whether King Lear is proper, or a sonnet of Shakespeare is proper. It was a beautiful letter. It was not concerned with – the letter was not written – with the object of writing propriety; it was written with the object of making a beautiful thing.*
CARSON: *But apart from art?*
WILDE: *Ah! I cannot do that.*
CARSON: *But apart from art?*
WILDE: *I cannot answer any question apart from art.'*[31]

This dialogue is interesting because the standpoint of both parties become evident. While Carson uses Wilde's poem quite literally and asserts that it is highly improper to long for a kiss of Douglas, Wilde dismisses this interpretation and proposes that it was simply an artistic expression. Now I have shown some of the action in court, I come to make some conclusions. I am aware of the fact that it might seem hasty to assert anything on the basis of two moments in court. But in this chapter, I have chosen to stay concise and therefore I will not share more examples of the same process. The previously mentioned parts are great examples of the process in which Carson tried to use the discourse of homosexuality against Wilde. Next to the overwhelming witness evidence that was given by rent boys, Carson used Wilde's art to assert that the latter practiced homosexual liaisons.

The outcome of the trials is clear; the jury did not believe Wilde. Especially Wilde's works of art had made him a vulnerable target, because during the nineteenth century it was more

[31] Holland, *Irish Peacock & Scarlet Marquess*, 93.

common to believe that books, letters and plays represented the truth. Because of this, they judged that his book was not just an artistic expression. What Wilde wrote about homosexual passions corresponded to what they heard about him from the barrister and through witnesses. In other words, the jury believed that *The Picture of Dorian Gray* contained parts of Wilde's reality, or even parts of his identity.

Wilde's argument that his encounters with younger men merely had an intellectual purpose, neither made the barrister waver, nor made the judges doubt. Because of the fact that Wilde was eventually sentenced, I argue that Wilde's defence simply held no truth for the jury. As I have shown in the previous chapter, people already had an inconsistent notion of who the homosexual was. It was up to the practitioner of law to make the image consistent and complete, and Carson undoubtedly succeeded in this task. In Wilde, the jury began to see the perfect example of this ill-defined minority that little was known of but what was evident was that this minority could not repudiate their inner selves. Homosexuals formed a constant threat to society. The previous makes me certain that Wilde's effort to draw upon the discourse of Art, which will be the subject to the next chapter, was fruitless.

Nonetheless, I did not propose to investigate whether Wilde succeeded at his task or not. That question has been answered beforehand: the sheer fact that Wilde received a sentence means that Wilde did not succeed. My purpose is to study how Wilde used this discourse of Art to not comply with the nineteenth-century discourse on homosexuality. I will treat this matter in the following chapter.

Chapter three The discourse of Art

Wilde's manoeuvre to fend off the accusations

As I have mentioned in chapter one, I am inspired by the work of Michel Foucault on discourses and the concept of inner sexuality. Foucault proved convincingly that discourse began to limit as well as shape the manner in which people thought about homosexual relationships at the end of the nineteenth century. On the contrary, I believe that (and this is where my conviction collides with that of Foucault) discourse makes no puppets of people. Wilde proved to have agency in the events before and within the actual trials itself. This chapter's aim is to show that Wilde used this agency to defend himself against everybody who began to think of him as a homosexual. In other words, the discourse of Art has been Wilde's reply to the discourse of homosexuality which was held up by the late-Victorian society.

'I treated Art as the supreme reality, and life as a mere mode of fiction.'[32] Oscar Wilde's highest aim in life was to dedicate himself entirely to art, which he spelled with a capital 'a' if he meant his 'supreme reality'. In this chapter, I will come to explicate what I will call Wilde's discourse of Art. I also spell this with capital 'a', because I do not mean mere works of art, but Wilde's supreme reality.[33] The historian William E. Buckler states that the literary climate in the nineteenth century differs undeniably from the present. In the nineteenth century, readers had a fascination with literature as a quite distinctive fine art whose ends other than art itself were clearly secondary. The present reader is characterized by a disinclination to involve itself in aesthetic issues to any significant degree at all.[34] Nowadays the words art and artist are terms widely used, but those who use them rarely explain what they mean. This is why I have clearly distinguished between art and its capitalized form: Art.

Instead of giving in to all of the accusations that were made publicly and in his trials, Wilde did everything in his power to let people judge him differently. He claimed that everything he said, wrote and most importantly, everything he did, was in the spirit of an artist and in tribute to Art. Before I come to examples of this claim, I have to mention something about the use and truthfulness of his argument.

That Wilde was not bound to what was dictated by discourse, does not necessarily mean that he was not influenced by it as well. But to comply and give in to the accusations of homosexuality was not an option; it would result in severe punishment. To him, evading conviction became the primary importance. In his effort to stay out of prison, the only option he

32 Edwards, *Complete Works of Oscar Wilde*, 1016.

33 Wilde distinguished clearly between 'works of art' and 'Art' as his supreme reality. In his letter De Profundis he wrote: 'I treated Art as the supreme reality, and life as mere mode of fiction.' Furthermore, when he defends himself or his artistic work against critics, he also tends to capitalize the word.

34 William E. Buckler, 'Oscar Wilde's Aesthetic of the Self: Art as Imaginative Self-Realization in De Profundis', *Biography* 12:2 (Spring 1989) 98.

had was to give an alternative explanation to his conduct than the explanation that the discourse on homosexuality provided. I have thought about the possibility that Wilde tried to fool his contemporaries with the discourse of Art, while he actually 'knew' he was a homosexual. He could have made up this concept as a means of lowering the chance of a prison sentence. If this is the case, Wilde would not have succeeded to free himself of the late nineteenth-century thought on identity. Just like everybody else's, his thought would have been shaped by the identity discourse. He would have felt that his actions (indecencies) provided information about his identity (being a homosexual). As I have mentioned in my introduction, it is not my purpose to take a stand in the matter of sincerity and truth. This purpose is not feasible, simply because it is extremely difficult to judge any discourse by sincerity. Analysing the nineteenth-century use of 'sincerity' seems particularly tricky, because sincerity was the primary ideal, and it did not necessarily mean total honesty. For example, autobiography was written in a highly conventional, even prescriptive form. Sincerity was such a convention, and to the contemporary reader it would have been easier to separate sincerity from honesty, to the reader in this age this is much more difficult.

Nonetheless, I must discuss this topic, because I cannot rightfully advocate the discourse of Art, which Wilde used counter to the prevalent discourse on homosexuality, if I am not convinced of its credibility. I will use *De Profundis* (from the depths), one of Wilde's most extensive letters, to test whether Wilde spoke his truth or not. He wrote the letter as a final outreach to get to the heart of Douglas: 'I have written to you with perfect freedom. … Whatever you have to say for yourself, say it without fear. Don't write what you don't mean: that is all. If anything in your letter is false or counterfeit I shall detect it by the ring at once. … Perhaps we have yet to know each other.'[35] By writing a sincere letter, Wilde hoped to get an unfeigned letter in return. Still, this valuable comment does not solve the matter. *De Profundis* was written by an author who intended to reveal his true identity to the world (Wilde made a copy of the letter before he sent it to Douglas) as much as he wanted to reveal himself to himself. Buckler concludes that *De Profundis* is consistent with one of the principal observations that Wilde made about art: that, like the Greek classical writers, the artist must acquire a full knowledge of his true self.[36] And this is what Wilde tries to do in his letter.

The previous attempt lacks value because we can never exactly determine what Wilde felt or knew to be true. I can only examine what is said and written in the battle of identity between Wilde and his opponents. It is in this battle that I recognize two parties; Wilde's adversaries who thought that Wilde fitted into the discourse on homosexuality, and Wilde himself, a man who did everything in his power to not comply with the allegations. It is within

35 Edwards, *The Complete Works of Oscar Wilde*, 1058.
36 Buckler, 'Oscar Wilde's Aesthetic of the Self', 96.

this continuous struggle that I obtained certainty about the discourse of Art. Wilde's speech would not have been as strong, his persistence not as vigorous, if his thought about Art was utterly insignificant and submissive next to the discourse of homosexuality.

In *De Profundis* we find several interesting examples of this vigorous persistence. First, I will situate the letter. Wilde wrote it to his male lover, Lord Alfred Douglas, to explicate his displeasure with Douglas' conduct over the past few years. In his constant effort to let Douglas think about the way he behaved, Wilde compares his own behaviour and his reality to that of his friend. He mentions that Douglas' desires were in Life, while his interests were in Art.[37] At the time he wrote his work, Wilde had been in prison for about one and half years for committing indecencies with other men. In the previous chapter, I have discussed the events which led to Wilde's trials and his final condemnation. For now, it is sufficient to keep in mind that Wilde blamed Douglas for his punishment. If it had not been for Douglas, Wilde would have never brought Douglas' father to court when the latter publicly accused him of being a sodomite. Wilde felt rather disgusted with the whole situation in prison, especially since Douglas did not keep in touch with Wilde ever since he was held there. Wilde wrote this letter to let Douglas realize all the wrongdoings in his life. Because of the division he makes between Douglas' reality and that of his own, this letter is an interesting aid to determine how Wilde made sense of his world and in what way he believed one should act in it. In *De Profundis*, he expresses a concept that we have come to know as the discourse of Art. Wilde uses this concept of Art many times as an explanation of the differences between Douglas and himself, or as guideline for conduct for both of them. All of the artistic statements he made in *De Profundis* are in congruence with what he had said earlier about Art. Furthermore, every single comment he made about Art, seems to be an additional argument to prove that Art is the 'supreme reality'. In an essay, Buckler describes Wilde's art-for-art's-sake philosophy, with which the latter re-affirmed Art as the 'great primal note' of his being.[38] It was not only for success and fame that art meant a lot to Wilde, he was an aesthete. He determinedly excluded any socio-political theme in his work, in order to focus solely on the beauty of art itself.

I will come to discussing a selection of sentences of *De Profundis* in which Wilde shows that Art is his reality. In the middle part of this fifty thousand words letter, Wilde discusses the direction that his life had taken and he shares the valuable insights that he received while contemplating in prison. Buckler argues convincingly that the letter is a perfect example of spiritual autobiography. It reflects a Romantic sensibility that sets a higher value on "the private and the inward" than on "the public and the outward". According to Buckler, this had become the

37 Edwards, *The Complete Works of Oscar Wilde*, 982.
38 Buckler, 'Oscar Wilde's Aesthetic of the Self', 95.

dominant mode of autobiography in the English tradition of the nineteenth century.[39] This mode of biography is very evident in the following part of *De Profundis.* In the following part, Wilde recalls a moment with a friend. This friend told Wilde that he never believed any of the accusations:

'I burst into tears at what he said, and told him that while there was much amongst your father's definite charges that was quite untrue and transferred to me by revolting malice, still that my life had been full of perverse pleasures and strange passions, and that unless he accepted that fact as a fact about me and realised it to the full, I could not possibly be friends with him anymore, or even be in his company. It was a terrible shock to him, but we are friends, and I have not got his friendship on false pretences. I have said to you that to speak the truth is a painful thing. To be forced to tell lies is much worse.'[40]

Here, Wilde talks of his life as filled with perverse pleasures and strange passions. It really is an interesting passage, since Wilde mentions that he thinks it important to speak the truth. He did not want his friendship to be based on false pretences. However, Wilde does not seem to morally condemn his actions. In the following part, I will try to explain why he did not. In the same letter, Wilde writes: 'Art only begins where Imitation ends.'[41] This exemplifies his urge never to follow in somebody's lead; his art should be original and sometimes even provocative. To Wilde, provocation equals the stimulation of thought, which can never be a wrong thing. He also writes: 'He [Jesus] would not hear of life being sacrificed to any system of thought or morals. He pointed out that forms and ceremonies were made for man, not man for forms and ceremonies.'[42] Wilde frequently stated that self-development is the primary goal in life, and this development can only occur in its finest form if there is no imitation and no surrendering to any 'system of thought or morals'. Wilde also speaks more directly to his recipient; he blames Douglas because he caused Wilde to abide by the morals of Puritanism:

'There is where I found myself after two years' friendship with you, right in the centre of Philistia, away from everything that was beautiful, or brilliant, or wonderful, or daring. At the end I had to come forward, on your behalf, as the champion of Respectability in conduct, of Puritanism, in life, and of Morality in Art. *Voilà où mènent les mauvais chemins!* [That's where evil ways lead.]'[43]

39 Buckler, 'Oscar Wilde's Aesthetic of the Self', 95.
40 Edwards, *The Complete Works of Oscar Wilde*, 1050.
41 Ibidem 1039.
42 Ibidem 1036.
43 Ibidem 1042.

Wilde hated to have become 'the champion of Morality in Art, in his *Phrases and Philosophies for the Use of the Young*, he had written: 'Any preoccupation with ideas of what is right and wrong in conduct shows an arrested intellectual development.'[44] He simply did not want to distinguish between right and wrong. In his play *Lady Windermere's Fan,* he made one of his actors quite seriously say: 'It is absurd to divide people into good and bad. People are either charming or tedious.'[45] According to Wilde, art stands on its own and has little to do with reality. He primarily argued that an artist's work cannot be translated one-on-one to mean the same thing in (his) real life. For example, he replied the following to Carson's last question in the first brief example that I have given in the previous chapter:

WILDE: *Yes, [it is to be concealed]; because there are people in the world who cannot understand the intense devotion and affection and admiration that an artist can feel for a wonderful and beautiful person, or for a wonderful and beautiful mind. Those are the conditions under which we live. I regret them.*[46]

Here Wilde clearly distinguishes between the manner in which an artist can feel intense devotion, and the manner in which a normal person feels this. I will now turn to *The Picture of Dorian Gray* to further analyse the discourse of Art.

The Picture of Dorian Gray

'The books that the world calls immoral are books that show the world its own shame.'[47]

As I mentioned in the introduction, Oscar Wilde's novel *The Picture of Dorian Gray* was received negatively in society. It initially appeared as the lead story in the July issue of *Lippincott's Monthly Magazine* in 1890 and within a week a significant segment of the British press reacted with outright hostility, condemning the novel as 'vulgar', 'unclean', 'poisonous', 'discreditable', and 'a sham'.[48] One *Daily Chronicle* review runs: 'It is a tale spawned from the leprous literature of the French Décadents – a poisonous book, the atmosphere of which is heavy with the mephitic odours of moral and spiritual putrefaction.'[49] Wilde took up the sword and wrote vigorous replies to the *Chronicle, St James's Gazette* and the *Scots Observer*; he was determined to safeguard his art. Reviewers in office were not his only adversaries, also private individuals

[44] Edwards, *The Complete Works of Oscar Wilde*, 1245.
45 Ibidem 423.
[46] Merlin Holland, *Irish Peacock & Scarlet Marquess*, 93
[47] Gillespie, *The Picture of Dorian Gray*, 180.
[48] Frankel, *The Picture of Dorian Gray*, 5.
[49] Holland, *The Complete Letters of Oscar Wilde*, 435.

made themselves heard. To the *Scots Observer* Wilde wrote that, apart from newspaper reviews, he received two hundred and sixteen private criticisms on his novel since its appearance in *Lippincott's* two months earlier.[50] While paying no regard to most of the private letters, (Wilde mentions that he had passed them from the library table straight in a wastepaper basket in the same letter) he did publicly give the *St James Gazette* the following reply:

'Finally, sir, allow me to say this. Such an article as you have published really makes one despair of the possibility of any general culture in England. Were I a French author, and my book brought out in Paris, there is not a single literary critic in France, on any paper of high standing, who would think for a moment of criticising it from an ethical standpoint. If he did so, he would stultify himself, not merely in the eyes of all men of letters, but in the eyes of the majority of the public. You have yourself spoken against Puritanism, to which your critic has given expression, that is always marring the artistic instinct of the English. … To art belong all things that are and all things that are not, and even the editor of a London paper has no right to restrain the freedom of art in the selection of subject-matter.'[51]

Here, especially the comparison that Wilde makes with France is striking. Again Puritanism is called upon to explain the difference between the two countries. Wilde certainly wrote this letter at a demeaning tone. Wilde really could not stand his art being criticised from an ethical standpoint. In the same manner of speech *The Daily Chronicle* received the following:

'Finally, let me say this – the aesthetic movement produced certain colours, subtle in their loveliness and fascinating in their almost mystical tone. They were, and are, our reaction against the crude primaries of a doubtless more respectable but certainly less cultivated age. My story is an essay on decorative art. It reacts against the crude brutality of plain realism. It is poisonous if you like, but you cannot deny that it is also perfect, and perfection is what we artists aim at.'[52]

A year later, Wilde added a defensive preface to the story when it first appeared in book form. He also revised the particular sentences that caused the utmost commotion. At this point, one would assume that the story would have lost all its edginess, especially since the editors of *Lippincott's* had already censored roughly five hundred words when it appeared in the magazine. Still, the new edition caused renewed contempt and stimulated Wilde to reply. This time, a few letters were directed at personal recipients instead of public newspapers. To one certain 'R. Clegg', he writes:

[50] Holland, *The Complete Letters of Oscar Wilde*, 447.
[51] Ibidem 432.
[52] Ibidem 436.

'My dear Sir, Art is useless because its aim is simply to create a mood. It is not meant to instruct, or to influence action in any way. It is superbly sterile, and the note of its pleasure is sterility. If the contemplation of a work of art is followed by activity of any kind, the work is either of a very second-rate order, or the spectator has failed to realize the complete artistic impression.'

I will now take a closer look at the defensive preface to show that Wilde already expressed the discourse of Art long before he was in court. The first sentence treats the desirable standpoint of the artist towards his work: 'No artist has ethical sympathies. An ethical sympathy in an artist is an unpardonable mannerism of style.'[53] By mentioning that the 'sympathy towards ethics' in an artist is a 'mannerism of style', Wilde actually said that ethics cannot successfully be integrated into a piece of art, at the most it can be present strategically or insincerely.

The second sentence is on a work of art itself. Wilde states that we cannot speak of morality in a book; 'There is no such thing as a moral or an immoral book. Books are well written, or badly written. That is all.'[54] Just like in his reply to the *Gazette*, the author argues that morality in a book simply does not exist. In other words, the approval or disapproval of conduct in no way belongs to the sphere of art. Wilde concludes his preface with; 'All art is quite useless.'[55] Especially this last sentence triggered me to explore the manner in which Wilde wanted to dismiss all the negative comments on his book. How is it possible that an artist argues that a work of his hands has no use at all? Wilde gave the answer in his letter to Clegg: if art is useful, it has the potential of influencing the thought or actions of people. Wilde did not want to influence anybody, because there is no such thing as a good influence. In chapter two of *The Picture of Dorian Gray* he writes:

'There is no such thing as a good influence, Mr. Gray. All influence is immoral – immoral from the scientific point of view.' 'Why?'
'Because to influence a person is to give him one's own soul. He does not think his natural thoughts, or burn with his natural passions. His virtues are not real to him. His sins, if there are such things as sins, are borrowed. He becomes an echo of some one else's music, an actor of a part that has not been written for him.'[56]

Frankel mentions that Wilde, like many late-Victorians, was fascinated by the dynamics of interpersonal influence. In his commonplace book Wilde had written: 'those organisms which

53 Gillespie, The Picture of Dorian Gray, 3.
54 Ibidem.
55 Ibidem 4.
56 Frankel, The Picture of Dorian Gray, 94.

are entirely subject to external influences do not progress any more than a mind entirely subject to authority.'[57] To mention that his art was not meant to be useful or to influence anybody, it seems as if Wilde again proposes that nobody has to expect any danger from it. In Chapter nineteen of *The Picture of Dorian Gray* it is as if Oscar Wilde predicted the snake pit that he would fall into after the appearance of his story; Wilde took a similar line at his first trial in defending *Dorian Gray* against charges of its alleged malicious influence. 'As for being poisoned by a book, there is no such thing as that. Art has no influence upon action. It annihilates the desire to act. It is superbly sterile.'[58] Furthermore, he writes in *De Profundis:*

'We call ourselves a utilitarian age, and we do not know the uses of any single thing. We have forgotten that Water can cleanse, and Fire purify, and that the Earth is mother to us all. As a consequence our Art is of the Moon and plays with shadows, while Greek art is of the sun and deals directly with things.'[59]

By now, I hope to have explained clearly how Wilde thought about Art, and why he believed he posed no threat to Victorian morals because of this perception of Art. Art was Wilde's consistent argument against the discourse of homosexuality.

[57] Frankel, *The Picture of Dorian Gray*, 94.
[58] Gillespie, *The picture of Dorian Gray*, 180.
[59] Edwards, *The Complete Works of Oscar Wilde*, 1057.

Conclusion

In this essay I have studied how Oscar Wilde used the discourse of Art to propose that he did not belong to the nineteenth-century discourse on homosexual identity. In chapter one I stated that the homosexual identity arose in the first quarter of this century, but had only taken its definite form at the end of it. Common people became consciously aware of the manifestations of the homosexual because of impressive prosecutions of men with homosexual leanings from 1885 onwards. The published cross-examinations in daily newspapers and the final sentence had a great attraction on people, causing them to eagerly follow the news on this subject. Because of this, prosecutions shaped the discourse on homosexuality and consequently provided the format by which 'the homosexual' could be recognized by the common man. I propose that Michel Foucault has thus rightfully argued that the homosexuality discourse was shaped at the end of the nineteenth century by legal and medical professionals.

Nonetheless, while analysing the trials of Oscar Wilde I was struck by the complete absence of doctors or medical information within court. Even though I endorse Foucault's concept of the discourse on homosexuality, I do dispute that professional English physicians had a great influence on the development of it. This thought is reinforced by Ivan Dalley Crozier; he wrote that English physicians were unique in their strong disapproval of sodomy. This moral disapproval caused them to refrain from doing sufficient research on the matter. I propose that this subsequently resulted in the withdrawn position of doctors in cases where homosexuals were involved. On the other hand, I firmly argue that legal professionals as well as practitioners of law had great influence on the completion of the homosexual identity. Especially the speech and interrogations of Edward Carson, the barrister who advocated against Wilde during the first trial, provide interesting examples of this influence. Carson was an eloquent barrister who knew exactly how to stay focused on the subjects that he wanted to be discussed. The barrister focused on the manner of behaviour that the jury, the magistrate and the audience already 'knew' to be typical for homosexuals according to ill-defined notion. Carson led Wilde to jail by insisting on answers that fitted in, as well as contributed to, the discourse of homosexuality.

Nonetheless, professionals like Carson were no omniscient narrators; they could not give a panoramic description of other participants in court if it seemed unrealistic to themselves. What obstructed them is the simple fact that they are as much actors in this grand play of discourse as all others are. To convince anybody, they must thus draw upon the homosexual discourse that is most prevalent in society at that moment. The only effective assertions are consequently assertions that fit neatly into the homosexual discourse, because only those assertions will convince the majority of people. Furthermore, nobody independently decides

what fits into the homosexuality discourse and what does not. Carson could only describe Wilde within a concept that was as much real to himself, as it was in general.

This concept, what was generally thought about men with homosexual leanings, does not arise from one day to another nor do I think it likely that age-old discourses can be instantly superseded. Instead, discourse alters, and in this case that implies that what people knew about sodomites and same-sex practice before, was intertwined with the subsequent information about identity that arose at the end of the nineteenth century. Annemarie Bas and Theo van der Meer have convincingly argued that homosexual awareness arose early in the nineteenth century and not due to the private efforts of legal or medical professionals. I assert that common-sense knowledge about homosexuality prescribed what professionals could add to the homosexual discourse. In other words, professionals did not receive a blank sheet of paper when their professions became widely recognized at the turn of the century.

Within the late-Victorian discourse of homosexuality, morals and standards retained an influential and encompassing role up until and during the trials of Oscar Wilde in 1895. It was solely on the ground of Wilde's impermissible moral conduct that he was prosecuted. This in striking difference with the homosexual discourse on the Continent; there the psychological framework was introduced and used by professionals to determine the 'nature' of the homosexual. Bas asserted that even homosexuals adopted this framework and started to qualify themselves as 'unnatural' instead of 'immoral'. In England, where morals stayed firmly established, Oscar Wilde applied a particular kind of defence that I have called the discourse of Art. It was his consistent answer to the accusations of immoral behaviour. He asserted that Art is completely distinct from morality, and therefore his works of art were not immoral. He argued in a similar manner that, as an artist, he could impossibly be judged on moral grounds. This interesting manner of speech exemplifies Wilde's agency. He had drawn upon a discourse other than the more prevalent one, with the purpose to overrule it and to convince others of his own reality. Wilde shows that he was able to think outside the box and that he had notable space to define his own destiny. This consequently makes the lack of agency highly unlikely.

Nonetheless, the sentence that Wilde eventually received, is a clear indication that agency should neither be overestimated. During the trial, it became clear that Oscar Wilde perfectly fitted in the late nineteenth-century discourse on homosexuality. He became 'the homosexual' and this meant that he walked the wrong path in the eyes of late-Victorian society. His effort was witty, daring and quite apt, but the Victorian primarily came to think of him as a threat to society. His unwillingness to comply was something that could not be tolerated and had to be answered with the severest condemnation.

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60 The transcript of the first libel trial came to Holland in handwritten manuscript (the official records are lost). Holland chose to make some small editorial changes, mostly to improve readability. By law, this makes him the author instead of the editor. Because of this, I did not add '(ed.)'.