

# Regina v. Wilde: Comparing the Experiences of Oscar Wilde and the Duke and Duchess of Sussex in the English Courts and the Court of Public Opinion

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I. BACKGROUND ON THE PAPER AND ITS SUBJECTS .....	349
A. <i>The Irish Peacock that took on the British Legal System</i> .....	351
B. <i>The Prince that Broke the Royal Mold</i> .....	352
II. BACKGROUND OF THE BRITISH LIBEL SYSTEM .....	355
III. OSCAR WILDE'S LIBEL CASE AND EVENTUAL CRIMINAL CHARGES .....	357
IV. THE LIBEL CASE OF PRINCE HARRY, AND HIS OTHER CASES AGAINST THE BRITISH MEDIA .....	362
V. THE COURT OF PUBLIC OPINION.....	366
A. <i>Oscar Wilde's Case Before the Court of Public Opinion</i> .....	369
B. <i>Pushing Against Societal Expectations Led to Losses in the Court of         Public Opinion</i> .....	370
VI. WILDE'S REFLECTIONS OF HIS EXPERIENCE, HIS UNTIMELY DEATH, AND HIS IMAGE TODAY .....	375
VII. THE DUKE AND DUCHESS AFTER THEIR 'BANISHMENT' FROM THE UNITED KINGDOM. ....	379
VIII. CONCLUSION .....	381

## I. BACKGROUND ON THE PAPER AND ITS SUBJECTS

*"For Man's grim Justice goes its way*

*And will not swerve aside:*

*It slays the weak, it slays the strong,*

*It has a deadly stride:*

*With iron heel it slays the strong*

*The monstrous parricide!"*

Oscar Wilde; *The Ballad of Reading Gaol*

For centuries, the British legal system has been famous for its controversial libel redress system. One reason that legal protection against libel is so famous is due to the well-known individuals that commonly utilize it. The system provides sweeping protection to those about whom libelous pieces were written, while putting the burden to deny libel on the authors.<sup>1</sup> The Court of Public

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<sup>1</sup> Claire Gill and Mathilde Groppo, *England & Wales Media Law Guide*, CARTER-RUCK, <https://www.carter-ruck.com/law-guides/defamation-and-privacy-law-in-england-wales/> [https://perma.cc/J96W-Q37N] (last visited April 3, 2025); see Ari Shapiro, *On Libel And The Law, U.S. And U.K. Go Separate Ways*, NPR (Mar. 21, 2015, 7:11AM), <https://www.npr.org/sections/parallels/2015/03/21/394273902/on-libel-and-the-law-u-s-and-u-k-go->

Opinion is an important aspect of these famous libel cases. It is important for individuals to win their case before both the legal system and the Court of Public Opinion, “lest those who find themselves seeking redress in the court of law fall prey to far broader injustice in the court of public opinion.”<sup>2</sup> Though the famous figures compared in this Note may not have technically lost their libel cases, because one case was dropped by the plaintiff, all figures arguably lost their case in the eyes of the public. This was a critical loss in the Court of Public Opinion that has later greatly affected these individuals’ lives, in varying degrees.

This Note will primarily focus on and compare two examples of British libel cases that were brought forward by famous individuals. This Note will also explore the individuals’ experiences before and after their well-publicized libel cases, and their eventual losses in the Court of Public Opinion.<sup>3</sup> This Note will look further into how the Court of Public Opinion can affect those that go through the justice system, whether they are convicted or not in court. After conclusively looking at the aftermath of the libel cases, and consequential losses in the Court of Public Opinion, this Note will then examine the individuals’ reflections of their own experiences in these systems through their published works.

As mentioned, this Note will examine two case studies of well-published libel cases: one from the early 19th Century and the second from the 21st Century; beginning with a discussion of the 19th Century case, which was one of the first and most famous libel cases in Britain. This case was brought to the court by Oscar Wilde. Wilde is known today as a famous writer whose pieces are still celebrated, along with his witty quotes. Some may know that Wilde was famously tried and imprisoned for “gross indecency” due to homosexual activities.<sup>4</sup> It is not as well-known, however, that Wilde’s own libel case that he brought forward started a domino effect that led to the aforementioned criminal charges against him, and his eventual imprisonment.<sup>5</sup>

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separate-ways [<https://perma.cc/X6VA-3NCY>] (“In American courts, the burden of proof rests with the person who brings a claim of libel. In British courts, the author or journalist has the burden of proof, and typically loses.”).

<sup>2</sup> JAMES F. HAGGERTY, *IN THE COURT OF PUBLIC OPINION: WINNING YOUR CASE WITH PUBLIC RELATIONS* 245 (2003).

<sup>3</sup> *The Court of Public/World Opinion*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/the%20court%20of%20public%20world%20opinion> [<https://perma.cc/Y44W-VZMH>] (last visited Feb. 6, 2025) (defining the court of public opinion as “the beliefs and judgment of most people”); see also Paul Holmes, *Winning in the Court of Public Opinion and the Court of Law (1993)*, PROVOKE MEDIA (Aug. 6, 1993, 11:00 PM), [https://www.provokemedia.com/latest/article/winning-in-the-court-of-public-opinion-and-the-court-of-law-\(1993\)](https://www.provokemedia.com/latest/article/winning-in-the-court-of-public-opinion-and-the-court-of-law-(1993)) [<https://perma.cc/R8GJ-8XYF>] (“...lawyers are taught the legal principle that a client is innocent until proven guilty. In the court of public opinion, however, a client is presumed guilty until proven innocent.”).

<sup>4</sup> JOSEPH BRISTOW, *OSCAR WILDE ON TRIAL: THE CRIMINAL PROCEEDINGS FROM ARREST TO IMPRISONMENT* 22 (2022).

<sup>5</sup> See History.com Editors, *Oscar Wilde Trial*, HISTORY, <https://www.history.com/topics/lgbtq/oscar-wilde-trial> [<https://perma.cc/8NRC-T3QT>] (Dec. 6, 2019); see also Mark Pearsall, *Oscar Wilde: Triumph, Tragedy and Exile*, NAT’L ARCHIVES (June 14, 2018), <https://blog.nationalarchives.gov.uk/oscar-wilde-triumph-tragedy-exile/> [<https://perma.cc/2XNT->

The next well-known figures' experiences that this Note will consider—and compare to that of Oscar Wilde—are the Duke of Sussex, and by extension his wife, the Duchess of Sussex. In recent years, the Duke and Duchess have become a focal point in international media reports.<sup>6</sup> With their magnitude of publicity have come multiple legal suits brought by the couple against news organizations for alleged false stories and harsh criticisms.<sup>7</sup> The Duke himself has also brought forward a libel case in the British legal system for one of the stories published about him in the press.<sup>8</sup> Though these figures have had similar experiences centered around libel in the British legal system, this Note will later demonstrate that they did not have similar conclusions.

#### A. *The Irish Peacock that took on the British Legal System*

To begin, one must first look at the background of these popular figures. Oscar Wilde was born to a well-off family in Ireland: His father was a “distinguished Irish surgeon and oculist, who did great public service as chairman of the Census Committee in Ireland.”<sup>9</sup> But his family did not always have firm financial resources; when Wilde’s father “died in 1876, the lack of family money was a source of hardship for his mother (a revered poet) and older brother (a budding journalist), both of whom, in a few years’ time, deserted Dublin for London.”<sup>10</sup>

His upbringing with some monetary resources did allow Wilde to become well educated, and he received awards for his early work, such as the Newdigate Prize for his poetry.<sup>11</sup> This was the first of many accomplishments that would

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XRZH] (stating “He [Wilde] then made the fateful decision to prosecute Lord Queensbury. Wilde lost the libel case in March – he was arrested on 5 April and his first trial began on 26 April; however, the jury were unable to reach a verdict. The Solicitor-General refused to halt further proceedings and a retrial went ahead from 22 to 25 May. On 25 May 1895 Wilde was convicted at the Central Criminal Court of gross indecency and sentenced to two years’ hard labour. This was the maximum sentence allowed, which was considered excessive for a man of his class at that time.”).

<sup>6</sup> See Kelsey Avalon, *Racialised Media Coverage of Meghan Markle*, OPEN EDUC. RES. COLLECTIVE, <https://oercollective.caul.edu.au/communication-concepts/chapter/racialised-media-coverage-of-meghan-markle-by-kelsey-avalon/> [<https://perma.cc/LLF6-NADH>] (last visited April 2, 2025) (“When first pictured with future husband Prince Harry in 2016, Meghan Markle, a divorced, biracial American actress, embodied a unique figure in the public imagination. Within weeks, Markle became the world’s most-Googled woman.”).

<sup>7</sup> *Prince Harry’s Battles with the British Press*, REUTERS (Jan. 22, 2025), [https://www.reuters.com/world/uk/prince-harry-his-many-lawsuits-against-press-2023-12-15/?utm\\_source=chatgpt.com](https://www.reuters.com/world/uk/prince-harry-his-many-lawsuits-against-press-2023-12-15/?utm_source=chatgpt.com); Max Foster and Laura Smith-Spark, *Meghan Accuses Palace of ‘Perpetuating Falsehoods’ Against Her and Harry*, CNN (March 4, 2021), [https://www.cnn.com/2021/03/04/europe/meghan-royal-family-falsehoods-gbr-intl/index.html?utm\\_source=chatgpt.com](https://www.cnn.com/2021/03/04/europe/meghan-royal-family-falsehoods-gbr-intl/index.html?utm_source=chatgpt.com) [<https://perma.cc/NX25-RCNB>]; *Meghan Markle Was Aware “Duchess Different” Press Coverage Was Racist and Sexist*, HARPER’S BAZAAR (July 26, 2020), <https://www.harpersbazaar.com/celebrity/latest/a33425119/meghan-markle-duchess-different-press-coverage-racist-sexist/> [<https://perma.cc/474C-3AND>].

<sup>8</sup> PRINCE HARRY, SPARE (2023) at 369–71.

<sup>9</sup> Douglas O. Linder, *Opening Speech of Sir Edward Clarke, Attorney for Wilde (April 3, 1895)*, FAMOUS TRIALS, <https://www.famous-trials.com/wilde/345-clarkespeech> [<https://perma.cc/H3T8-D4J9>] (last visited Feb. 26, 2025) [hereinafter *Sir Clarke Opening Speech*].

<sup>10</sup> BRISTOW, *supra* note 4, at 32.

<sup>11</sup> *Sir Clarke Opening Speech*, *supra* note 9.

lead to his successful career. His solution to address financial uncertainty at the beginning of his career was to embrace the harsh criticism from the press, and in turn make himself the spectacle that they fabricated in their reporting.<sup>12</sup>

Wilde may not have been able to escape financial hardships, but that did not prevent him from continuing to live a lavish lifestyle, leading to him amassing large amounts of debt early in his career.<sup>13</sup> While Wilde may have embraced this image of pageantry to address his financial situation, it also helped to solidify his celebrated image.<sup>14</sup> In a tragic irony, part of the downfall of Oscar Wilde was when this performative image was used against him in his own libel case.

Throughout his literary career, Wilde would go on to produce celebrated plays, a novel still revered today, and many other literary accomplishments.<sup>15</sup> These career accomplishments would sadly become overshadowed by the trials of Wilde, because “when the Irish Peacock took the Scarlet Marquess to court, he took on the British Establishment and passed, as he said, ‘from an eternity of fame to an eternity of infamy.’”<sup>16</sup>

### B. *The Prince that Broke the Royal Mold*

Before diving into Wilde’s libel case, this piece will look at another contemporary victim of libel: Prince Harry. Prince Harry, whose formal title was Prince Henry Charles Albert David, Duke of Sussex, Earl of Dumbarton, Baron Kilkeel, Knight Commander of the Royal Victorian Order,<sup>17</sup> has also been made into a sort of spectacle, similar to that of Oscar Wilde. Born to then-Prince Charles (now King) and Diana, Princess of Wales, Harry was born third-in-line to the throne of the United Kingdom.

Much of his life was spent in front of the press, with rumors of him not being Charles’s son swirling from his birth; to his mother’s well-publicized death and

<sup>12</sup> BRISTOW, *supra* note 4, at 32.

<sup>13</sup> *Sir Clarke Opening Speech*, *supra* note 9.

<sup>14</sup> This is exemplified through: Wilde’s piece continuing to be taught in school systems around the world, through the continued performance of his pieces such as movies based on his novel, and through the memorialization of significant places in Wilde’s life as historical locations. See *Oscar Wilde - Inductee*, LEGACY PROJECT, <https://legacyprojectchicago.org/person/oscar-wilde> [https://perma.cc/L7KA-LQKE] (last visited Feb. 26, 2025); *Oscar Wilde*, CONFINITY, <https://www.confinitly.com/legacies/oscar-wilde> [https://perma.cc/XV2H-MC85] (last visited March 16, 2025); *Explore the Life and Genius of Oscar Wilde in Dublin*, TOURISM IR. (Dec. 9, 2024), <https://www.tourismireland.com/international/en-us/news-releases/article/explore-the-life-and-genius-of-oscar-wilde-in-dublin> [https://perma.cc/3WRA-KMC7]; *A Tour of Oscar Wilde’s Dublin*, VISIT DUBLIN, <https://www.visitdublin.com/guides/oscar-wildes-dublin> [https://perma.cc/2VWU-TABS] (last visited Feb. 26, 2025).

<sup>15</sup> *Oscar Wilde*, POETRY FOUND., <https://www.poetryfoundation.org/poets/oscar-wilde> [https://perma.cc/SX7N-P8SJ] (last visited on January 3, 2024) (noting his accomplishments include the Berkeley Gold Medal for Greek from Trinity College, the Newdigate Prize from Oxford, his creation of the two fairytales *The Happy Prince and Other Tales* and *A House of Pomegranates*, the nine plays he wrote throughout his life, and essays).

<sup>16</sup> MERLIN HOLLAND, *THE REAL TRIAL OF OSCAR WILDE* xlii (2003).

<sup>17</sup> *The Duke and Duchess of Sussex*, ROYAL.UK, <https://www.royal.uk/sussex#:~:text=The%20Duke%20of%20Sussex's%20official,of%20Dumbarton%20and%20Baroness%20Kilkeel> (last visited April 4, 2025).

funeral; later, his own spectacles, including partying and rumored love connections; his grand wedding; and his eventual step down from his royal role. Prince Harry's persona and image is deeply intertwined with the history of the British Empire, due to him being a member of the royal family, and the society of the United Kingdom. Many of Prince Harry's actions continue to be connected back to his role within his family, for better or for worse.

Over time, Prince Harry's position in the line of succession for the throne has lowered in ranks as the royal family has grown. Prince Harry is now fifth-in-line for the throne, but his public image and the continued fascination with his life has not dissipated. Much of this was bolstered by his dating and eventual marriage to Meghan Markle.

For years, people had speculated about who Prince Harry would eventually marry. As acknowledged by Harry himself, the underpinning of the monarch is marriage.<sup>18</sup> "The great controversies about kings and queens, going back centuries, generally centered on whom they married, and whom they didn't, and the children who issued from those unions."<sup>19</sup> Prince Harry even went on to claim that one was not "fully [a] vested member of the Royal Family, indeed a true human being, until you were wed."<sup>20</sup> Meghan Markle was not whom the media, or some British citizens, expected Harry to marry and bring into the royal family to fill this role.<sup>21</sup> Meghan was not only a Black American actress but also a divorcee—something that has an infamous history within the royal family.<sup>22</sup> Her status as an outsider and such an unexpected choice of partner was later held against Harry and Meghan in the Court of Public Opinion.

After two years into their marriage, Harry and Meghan decided to take a step back from their royal roles.<sup>23</sup> The couple have said they made this decision due to the "unbearable intrusions and racist attitudes of the British media."<sup>24</sup>

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<sup>18</sup> PRINCE HARRY, *supra* note 8, at 230.

<sup>19</sup> *Id.* at 231.

<sup>20</sup> *Id.*

<sup>21</sup> Yochi Dreazen, *Why Meghan Markle's Engagement to Prince Harry is Controversial*, VOX (Dec. 15, 2017), <https://www.vox.com/world/2017/11/27/16705282/meghan-markle-prince-harry-engagement-royal-family> [https://perma.cc/G9TZ-3BYZ].

<sup>22</sup> "On 11 December 1936, unable to reconcile his desire for US divorcée Wallis Simpson with his role as King, Edward VIII made the shocking decision to abdicate the throne . . .". See Myles Burke, *A Royal Crisis: The Shocking Moment King Edward VIII Announced His Abdication to the Nation*, BBC (Dec. 11, 2023), <https://www.bbc.com/culture/article/20231208-a-royal-crisis-the-shocking-moment-king-edward-viii-announced-his-abdication-to-the-nation> [https://perma.cc/QF7G-RDWC] (noting Edward's decision was the first time that a British monarch had abdicated the throne to marry and caused a shift in the future of the British monarchy).

<sup>23</sup> Emily Olson, *Prince Harry is Back in the U.K. for a Lawsuit Hearing*, NPR (Mar. 27, 2023, 11:16 AM), <https://www.npr.org/2023/03/27/1166196684/prince-harry-meghan-lawsuit-anl-uk> [https://perma.cc/8D7G-RPZ9].

<sup>24</sup> The Associated Press, *Tell-All Book on Harry & Meghan Can Be Used as Defense in Meghan's Privacy Lawsuit Against Tabloid*, USA TODAY (Sept. 29, 2020, 3:33 PM), <https://web.archive.org/web/20221003061244/https://www.usatoday.com/story/entertainment/celebrities/2020/09/29/new-book-harry-meghan-can-used-defense-her-tabloid-lawsuit/3575461001/>.

They has also accused the media of “invading their privacy [and] . . . putting their lives at risk.”<sup>25</sup>

Prince Harry spoke of some of the racist and intrusive articles in the life memoir that he later wrote. Some of the headlines included “Harry’s girl is (almost) straight outta Compton” and “Harry to marry into gangster royalty?.”<sup>26</sup> Prince Harry also discussed how he directed lawyers for the Royal Family to send warnings to stop printing false and defamatory stories about Meghan, but the newspapers supposedly answered that they did not care.<sup>27</sup>

A U.K. press watchdog, the Independent Press Standards Organisation, has even determined some of the reporting about Meghan to have been sexist.<sup>28</sup> The organization found that one of these articles, written by TV personality Jeremy Clarkson, was especially sexist.<sup>29</sup> The piece spoke of Meghan “being pelted with feces as she was paraded naked through the streets” and claimed that Meghan “used ‘vivid bedroom promises’ to turn Harry into a ‘warrior of woke’ and controlled him like a sock puppet.”<sup>30</sup> Prince Harry stated himself that the article was “horrific, hurtful and cruel.”<sup>31</sup> Clarkson and the paper later apologized for the piece.<sup>32</sup>

The couple has claimed that there has been limited support from the Palace against these racist and sexist pieces.<sup>33</sup> Therefore, the couple has brought multiple lawsuits against these media outlets themselves.<sup>34</sup> These suits included a case where Prince Harry claims that his (and other celebrities’) phones were hacked by media sources, and Prince Harry’s own libel case against a story printed about him.<sup>35</sup> The Duchess of Sussex also recently won her own privacy

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<sup>25</sup> Marco della Cava, *Prince Harry Loses Lawsuit Over UK Police Protection: All his Legal Battles, Explained*, USA TODAY (Feb. 28, 2024, 8:21 AM), <https://www.usatoday.com/story/entertainment/celebrities/2023/05/23/prince-harry-duchess-meghan-lawsuits-explained/70243873007/> [https://perma.cc/3M4U-FR9Q].

<sup>26</sup> PRINCE HARRY, *supra* note 8, at 298.

<sup>27</sup> *Id.* at 299.

<sup>28</sup> Associated Press, *U.K. Press Watchdog Finds a Tabloid Column About Hate for Prince Harry’s Wife, Meghan, Was Sexist*, NY1 (July 2, 2023, 2:39 PM), <https://ny1.com/nyc/all-boroughs/international/2023/07/02/u-k--press-watchdog-finds-a-tabloid-column-about-hate-for-prince-harry-s-wife--meghan--was-sexist> [https://perma.cc/W82R-H5RH].

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Invalidations of Meghan’s Claims of Racism Hurt Black Women*, PBS NEWS (March 10, 2022), <https://www.pbs.org/newshour/arts/invalidations-of-meghans-claims-of-racism-hurt-black-women> [https://perma.cc/GU6G-BS4B]; Maya Goodfellow, *Yes, the UK Media’s Coverage of Meghan Markle Really is Racist*, VOX (Jan. 17, 2020), <https://www.vox.com/first-person/2020/1/17/21070351/meghan-markle-prince-harry-leaving-royal-family-uk-racism> [https://perma.cc/N3DM-3LYL]; Solcyre Burga, *Royal Family Removes Prince Harry’s 2016 Statement About ‘Sexist’ and ‘Racist’ Comments Against Meghan Markle*, TIME (May 28, 2024), <https://time.com/6982828/royal-family-prince-harrys-2016-statement-removed/> [https://perma.cc/3KYE-7VZL].

<sup>34</sup> PRINCE HARRY, *supra* note 8, at 369–71.

<sup>35</sup> della Cava, *supra* note 25.

case, having sued the “Associated Newspapers Ltd. after the Mail on Sunday [a British Tabloid] published extracts of a letter she wrote to her estranged father in 2018.”<sup>36</sup>

For purposes of the suit, the Duchess of Sussex was looking for exemplary damages in her case, not compensatory damages.<sup>37</sup> In the British legal system, exemplary damages are “extra-compensatory damages the aim of which is to punish the defendant for his wrongful conduct and to deter him and others from acting similarly in the future.”<sup>38</sup> In the end, the Duchess won and “her lawyers said [the case win] was . . . about the principle of privacy.”<sup>39</sup>

## II. BACKGROUND OF THE BRITISH LIBEL SYSTEM

The United Kingdom is known for its libel law, which is a lot friendlier to the person who has been written about than the author of such writing. “[T]he mere publication of material damaging a person’s reputation—public officials included—is considered defamatory on its face . . . Plaintiffs must prove only that material is defamatory, refers to them, and was communicated by the defendant . . . .”<sup>40</sup>

This standard applies even when the individual that the piece was written about was not explicitly named—if it is possible to deduce whom you are writing about, without stating their name, then you can still be sued by that individual.<sup>41</sup> “British libel law, absent any explicit guarantee of freedom of speech, is weighted heavily in favor of plaintiffs. It requires no proof of falsity or fault by publishers, who are instead burdened with proving the truth of what they published.”<sup>42</sup> The only recognized justification for reporting on and intruding upon the private lives of prominent people is a strong public interest.<sup>43</sup>

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<sup>36</sup> *Id.*

<sup>37</sup> See *Meghan to Receive £1 in Damages After Privacy Case*, BBC (Jan. 5, 20225), <https://www.bbc.com/news/entertainment-arts-59879079> [<https://perma.cc/K9M6-LSJS>] (“The £1 might sound like small change, but Meghan’s big ambition was about the principle rather than the pay-off. Her lawyers had already signalled, before the Mail on Sunday’s appeal was heard, that they only sought nominal damages over the privacy breach.”).

<sup>38</sup> James Goudkamp & Eleni Katsampouka, *Punitive Damages in Action*, UNIV. OXFORD (July 6, 2017), <https://blogs.law.ox.ac.uk/business-law-blog/blog/2017/07/punitive-damages-action> [<https://perma.cc/JQZ3-3RZC>].

<sup>39</sup> della Cava, *supra* note 25.

<sup>40</sup> George Garneau, *Importing British Libel Law; Will British Libel Law Intimidate US Publishers?*, 125 ED. & PUBLISHER 1, 3 (1992).

<sup>41</sup> TIM CROOK, *THE UK MEDIA LAW POCKETBOOK* 100 (2d ed. 2023).

<sup>42</sup> Garneau, *supra* note 40, at 7.

<sup>43</sup> CROOK, *supra* note 41, at 97.

In Britain, there are four common law definitions for determining whether an expression or communication was libelous:

- (a) What you write exposes someone to hatred, ridicule, and contempt;
- (b) What you write lowers the estimation of right-thinking people generally;
- (c) What you write damages someone in their trade, profession or office;
- (d) What you write causes people to shun and avoid your subject.<sup>44</sup>

In 2013, a new Defamation Act “created new protections for . . . operators of websites where messages are posted by third parties, and for statements the defendant reasonably believed to be in the public interest.”<sup>45</sup> In order to “discourage trivial claims, the law requires that a plaintiff show an allegedly defamatory statement ‘has caused or is likely to cause serious harm’ to his reputation.”<sup>46</sup> However,

the Defamation Act did not change the burden of proof or create a standard analogous to ‘actual malice’ for lawsuits by public figures. Nor did it directly address the exorbitant cost of defending against a defamation lawsuit. Since April 2019, however, plaintiffs can no longer enter into ‘success fee’ agreements with their solicitors and barristers, which promised a bonus for winning that often effectively doubled the legal costs that losing defendants had to pay.<sup>47</sup>

Though some necessary changes may have been made in the Defamation Act of 2013,<sup>48</sup> the British libel law system has largely appeared to stay the same. To mitigate against spectacle cases, the United Kingdom has recently ruled on a series of significant cases which have limited the success of libel claims brought to the courts.

One example of these foundational cases is *Lachaux v. Independent Print Ltd.*, from 2019.<sup>49</sup> The U.K. Supreme Court ruled in the case that only statements that cause “serious harm to a claimant’s reputation will be

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<sup>44</sup> *Id.* at 100.

<sup>45</sup> Jacob Sullum, *London Libel Lawsuits Punish Truth Tellers: The U.S. Shouldn’t Import British Defamation Law, No Matter How Much Donald Trump Would Like To*, REASON, <https://reason.com/2022/08/13/london-libel-lawsuits-punish-truth-tellers/> [<https://perma.cc/4RCR-X3BQ>] (last visited Mar. 19, 2025); Defamation Act 2013, c. 26 (UK), <https://www.legislation.gov.uk/ukpga/2013/26/contents> [<https://perma.cc/29N2-85PT>].

<sup>46</sup> Sullum, *supra* note 45.

<sup>47</sup> *Id.*

<sup>48</sup> *Defamation Act 2013: A Summary and Overview Six Years On*, BRETT WILSON LLP (Jan. 20, 2023), <https://www.brettwilson.co.uk/blog/defamation-act-2013-a-summary-and-overview-six-years-on/> [<https://perma.cc/88M2-NMMC>].

<sup>49</sup> CROOK, *supra* note 41, at 103; *see generally* *Lachaux v. Indep. Print Ltd.* [2019] UKSC 27 (appeal taken from Eng.).

successful.”<sup>50</sup> The Court also ruled that it is necessary for individuals bringing libel cases to consider to whom the supposed libel statement was made and the impact of that statement.<sup>51</sup> The claimant must have had actual serious harm to his or her reputation, not just presumed.<sup>52</sup>

Though these major changes to the libel system have been made, there are still strict criteria that must be met to defend against and avoid a libel case. One of these criteria is that the story is “true in substance and fact.”<sup>53</sup> This has always been, and continues to be, a difficult criterion to prove when a libel suit is brought against a defendant. This is the system that has had major influence and consequences for both Oscar Wilde and Prince Harry.

### III. OSCAR WILDE’S LIBEL CASE AND EVENTUAL CRIMINAL CHARGES

When he brought the suit in 1895, Wilde was a controversial but well-known figure in the literary world.<sup>54</sup> *The Picture of Dorian Gray*, Wilde’s famous novel, was published in 1891. Wilde had also found theatrical success through his plays such as *Lady Windermere’s Fan*.<sup>55</sup> This led to Lord Alfred Douglas, or “Bosie” as he was commonly known, to want to make the acquaintance of the famed Wilde.<sup>56</sup> There are different accounts of how the relationship between the two men originally developed, but in the end, in May 1892, Wilde was “infatuated” with Bosie and did not have discretion about their relationship.<sup>57</sup>

It was this very public and open relationship between Wilde and Bosie that upset the Marquess of Queensberry—Bosie’s father. He objected “in the strongest possible terms to his son’s association with Wilde and threatened to cut off Bosie’s allowance if it did not cease immediately.”<sup>58</sup> When Bosie refused, Queensbury was furious and began to stalk the couple,<sup>59</sup> while also threatening to create a public scene if he caught them together.<sup>60</sup>

After Bosie spent four months in Egypt, returning in March 1894, Queensbury accused Wilde of sodomy.<sup>61</sup> Queensbury also went to Wilde’s house later to accuse him in person. While at his house, he did not explicitly state or accuse Wilde of being a sodomite, but said “[y]ou look it and you pose as it, which

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<sup>50</sup> CROOK, *supra* note 41, at 103; Lachaux, [2019] UKSC 27 at [11].

<sup>51</sup> CROOK, *supra* note 41, at 103; Lachaux, [2019] UKSC 27 at [6].

<sup>52</sup> CROOK, *supra* note 41, at 103; Lachaux, [2019] UKSC 27 at [8].

<sup>53</sup> CROOK, *supra* note 41, at 104–05.

<sup>54</sup> HOLLAND, *supra* note 16, at xvi.

<sup>55</sup> *Id.* at xvi–ii.

<sup>56</sup> *Id.* at xvi.

<sup>57</sup> *Id.* at xvi–ii.

<sup>58</sup> *Id.* at xviii.

<sup>59</sup> *Id.*

<sup>60</sup> HOLLAND, *supra* note 16, at xviii.

<sup>61</sup> *Id.* at xviii.

is just as bad.”<sup>62</sup> Queensbury also went on to threaten that he would “thrash” Wilde if he caught him in public with Bosie again.<sup>63</sup> At this, Wilde quickly kicked Queensbury out of his house and began looking into legal actions to be brought against his threatening behavior.<sup>64</sup>

On February 18th of 1895, Queensbury left a card at Wilde’s club, the Albemarle, which stated “For Oscar Wilde posing sodomite [*sic*].”<sup>65</sup> Sodomy had been criminalized in British society as far back as King Henry VIII’s Buggery Act of 1544.<sup>66</sup> Thus, this was a serious accusation because “sodomy remained a capital offense in England until 1828. Throughout the remainder of the 1800s the act of sodomy was a felony punishable by imprisonment.”<sup>67</sup>

Section 11 of the Criminal Law Amendment Act of 1885 was the infamous provision that criminalized sodomy. It had been used to “make any indecent assault punishable,” with an amendment to “make ‘gross indecencies’-- regardless of the age of the victim--punishable as a misdemeanor.”<sup>68</sup> Specifically,

[t]he eleventh section of the Criminal Law Amendment Act 1885 stated ‘*Outrages on decency*. Any male person who, in public or private commits, or is a part to the commission of or procures (a) or attempts (b) to procure the commission by any male person of, any act of gross indecency (c) with another male person, shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.’<sup>69</sup>

Wilde received the card ten days later upon arrival at the club.<sup>70</sup> This infamous card is what led to Wilde bringing a libel case against Queensbury.<sup>71</sup> The trial began on April 3, 1895.<sup>72</sup> To address the libel claim, Queensbury’s barrister compiled a strong case against Wilde. For example, Queensbury’s counsel started his opening statement by stating that

[t]he defendant has said that [the claim of sodomy against Wilde] is true and that it is for the public benefit that the statement was made, and he has given particulars in the plea of matters which

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<sup>62</sup> *Id.* at xix.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> BRISTOW, *supra* note 4, at 5.

<sup>67</sup> Douglas O. Linder, *Homosexuality and the Law in England*, FAMOUS TRIALS, <https://www.famous-trials.com/wilde/329-homosexual> [<https://perma.cc/42PY-AUC9>] (last visited Mar. 2, 2025).

<sup>68</sup> *Id.*

<sup>69</sup> BRISTOW, *supra* note 4, at 2.

<sup>70</sup> HOLLAND, *supra* note 16, at xix.

<sup>71</sup> *The Trials of Oscar Wilde: An Account*, UMKC SCH. L., <https://www.famous-trials.com/wilde/327-home> [<https://perma.cc/5CMK-UMTU>] (last visited April 3, 2025).

<sup>72</sup> *Id.*

he has alleged show that the statement is true in regard to Mr. Oscar Wilde.<sup>73</sup>

In support of this claim, the defense compiled multiple witness statements for the plea to justify Queensbury's accusation against Wilde, termed the "plea of justification."<sup>74</sup> The witness statements came from young men, several of whom were prostitutes and alleged extortionists.<sup>75</sup> Such extortionist witnesses "made their living by threatening to expose vulnerable gentlemen for their homosexual misdeeds."<sup>76</sup> The defense also presented the issue of "questionable desires (especially the homoerotic undercurrents) that appeared in selected literary writings by Wilde."<sup>77</sup>

One piece speculated about in court was Wilde's novel, *The Picture of Dorian Gray*. Excerpts from the book were actually read out in court, and the barrister for Queensbury asked Wilde if the work could be considered a "perverted" novel.<sup>78</sup> In a similar fashion to how he responded to questioning during the trial, Wilde answered that for Dorian Gray to be seen as 'perverted,' "[t]hat could only be to brutes and illiterates. The views of Philistines on art are incalculably stupid."<sup>79</sup>

Later, the defense began to present as evidence letters that Wilde had written. Two were letters that Wilde had written to Bosie; the first had foolishly been introduced by Wilde's own lawyer.<sup>80</sup> A section of the second letter, brought up in Wilde's cross-examination, read,

Bosie, you must not make scenes with me. They kill me, they wreck the loveliness of life. I cannot see you, so Greek and gracious, distorted with passion. I cannot listen to your curved lips saying hideous things to me. I would sooner be blackmailed by every renter ['renter' was a slang term for male prostitutes] in London than to have you bitter, unjust, hating. You are the divine thing I want, the thing of grace and beauty; but I don't know how to do it.<sup>81</sup>

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<sup>73</sup> Sir Clarke Opening Speech, *supra* note 9.

<sup>74</sup> BRISTOW, *supra* note 4, at xvi.

<sup>75</sup> *Id.*

<sup>76</sup> *Id.* at 410.

<sup>77</sup> *Id.* at 15.

<sup>78</sup> Douglas O. Linder, *Testimony of Oscar Wilde on Cross Examination (April 3, 1895) (Literary Part)*, FAMOUS TRIALS, <https://www.famous-trials.com/wilde/346-literarypart> [https://perma.cc/PS72-RM6N] (last visited Feb. 28, 2025) [hereinafter *Testimony of Oscar Wilde*].

<sup>79</sup> *Id.*

<sup>80</sup> HOLLAND, *supra* note 16, at xxvii.

<sup>81</sup> Douglas O. Linder, *Letters from Oscar Wilde to Lord Alfred Douglas*, FAMOUS TRIALS, <https://www.famous-trials.com/wilde/323-letters> [https://perma.cc/2YD3-DEBY] (last visited Mar. 1, 2025).

Wilde tried to dismiss the letter as “a tender expression of my great admiration for Lord Alfred Douglas,” not “a prose poem.”<sup>82</sup>

But other letters that had been collected as evidence by the defense. These were pieces that Wilde had written to a man that had been introducing Wilde to other young men.<sup>83</sup> The letters had been “ill-advisedly left behind [in] a box of papers which [the man’s] landlady [later] gave to the detective” who had been hired to investigate Wilde’s private life.<sup>84</sup>

Queensbury’s defense provided “such detailed accounts of Wilde’s involvement with London’s queer social circles, [that] Wilde’s senior Counsel, Sir Edward Clarke, eventually advised his client to withdraw the [libel] charge.”<sup>85</sup> Two days after the case began, it ended. Wilde’s barrister said,

under these circumstances . . . if I now interpose and say on behalf of Mr. Oscar Wilde that I would ask to withdraw from the prosecution. And if you do not think that at this time of the case, and after what has taken place--if you do not think I ought to be allowed to do that on his behalf, I am prepared to submit to a verdict of not guilty, having reference, if to any part of the particulars at all, to that part of the particulars connected with the publication of *The Picture of Dorian Gray* and the publication of *The Chameleon*. I trust that this may make an end of the case.<sup>86</sup>

After Wilde’s counsel consented to a verdict of not guilty, Queensbury’s attorney went on to state,

[t]he verdict is ‘Not Guilty,’ but it is arrived at by that process. I shall have to tell the jury that justification was proved; and that it was true in substance and in fact that the prosecutor had ‘posed’ as a sodomite. I shall also have to tell them that they will have to find that the statement was published in such a manner as to be for the public benefit. If they find on these two points, the verdict will be ‘Not Guilty.’<sup>87</sup>

The jury not only found Queensbury not guilty of libel, but also that him leaving the card for Wilde was justified for the “Public Benefit” defense under the Libel Act of 1843.<sup>88</sup> Thus began the eventual arrest and criminal trial of Oscar Wilde. After the ruling of not guilty, “[l]oud applause and cheering broke out in the court, which neither the judge nor the officials made any serious

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<sup>82</sup> *Testimony of Oscar Wilde*, *supra* note 78.

<sup>83</sup> HOLLAND, *supra* note 16, at xxiv.

<sup>84</sup> *Id.*

<sup>85</sup> BRISTOW, *supra* note 4, at xvi.

<sup>86</sup> Douglas O. Linder, *Withdrawal of Prosecution (April 5, 1895)*, FAMOUS TRIALS, <https://www.famous-trials.com/wilde/348-withdrawal> [<https://perma.cc/A6GV-WXEG>] (last visited Mar. 4, 2025).

<sup>87</sup> *Id.*

<sup>88</sup> BRISTOW, *supra* note 4, at 14.

attempt to suppress . . . .”<sup>89</sup> Immediately after the end of the trial, evidence from the defense party was sent to the Director of Public Prosecutions at the Treasury, and Wilde was arrested that same evening.<sup>90</sup>

Both Wilde and Alfred Taylor, who had been a prominent figure during the libel trial, were arrested and “charged under Section 11 of the 1885 Criminal Law Amendment Act for ‘committing acts of gross indecency with other male persons.’”<sup>91</sup> Although their offenses were classified as a misdemeanor, unusually neither gentleman was allowed bail.<sup>92</sup>

Three weeks after his failed libel case, Wilde had his first criminal trial.<sup>93</sup> This trial ended in a hung jury.<sup>94</sup> The prosecution of Wilde could have ended after this hung jury trial, but the government chose to continue.<sup>95</sup> “[T]he government needed to show that it could bite as well as just bark at this unmentionable vice . . . .”<sup>96</sup> On May 25, 1895, Wilde was convicted of gross indecency and sentenced to two years hard labor<sup>97</sup>—the maximum sentence under this charge.<sup>98</sup> The Court handed down the decision of hard labor for Wilde’s “crime” thought it this was not a requirement for this sentencing.<sup>99</sup> The sentence that Wilde received for violating this act “was one of the most extreme. Never, it seems, until Wilde stood before Justice Wills, had the Old Bailey heard a jury reach a verdict on six counts involving acts of gross indecency . . . .”<sup>100</sup> At the time of the case, “it was much more common to secure charges against homosexual activity on the grounds of gross indecency according to the 1885 law than to authenticate sodomy.”<sup>101</sup> Gross indecency commonly “operated as a generalized subcategory of sodomy.”<sup>102</sup>

After the sentencing of Wilde, there was again praise from the crowds that had been following the case. One person spoke of dancing celebrations that broke outside the Old Bailey after the verdict.<sup>103</sup> Various media editorials also gloated about the verdict.<sup>104</sup> This public celebration is a prime example of how the court

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<sup>89</sup> HOLLAND, *supra* note 16, at xxix–x.

<sup>90</sup> *Id.* at xxxi.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.* at xxxiii.

<sup>94</sup> UMKC, *supra* note 71.

<sup>95</sup> HOLLAND, *supra* note 16, at xxxiii.

<sup>96</sup> *Id.*, at xxxiv.

<sup>97</sup> *Id.*

<sup>98</sup> BRISTOW, *supra* note 4, at 2.

<sup>99</sup> *Id.*

<sup>100</sup> *Id.* at 8.

<sup>101</sup> *Id.* at 22.

<sup>102</sup> *Id.* at 5.

<sup>103</sup> *Id.* at 404–05.

<sup>104</sup> BRISTOW, *supra* note 4, at 405.

system failed Wilde. Wilde had brought forward a libel charge against an individual that repeatedly presented a threat to him and his reputation. While Wilde may not have taken the most appropriate route in his decision to bring a libel case before the legal system due to the results he sought not providing him with the protection he really needed, the harrowing results from his libel claim were far outside the realm of any individual's imagination.

Not only did the British legal system quickly turn against him, but so did all of British society, as these public celebrations represented not only Wilde's loss within the Court of Public Opinion. It is important to note that this treatment of Wilde after he sought redress from the legal system is a prime example of the terrifying results that can arise when the legal courtrooms allow themselves to be influenced by a verdict from the Court of Public Opinion.

#### IV. THE LIBEL CASE OF PRINCE HARRY, AND HIS OTHER CASES AGAINST THE BRITISH MEDIA

*"There's a difference between public interest - and what interests the public." - Prince Harry<sup>105</sup>*

In 2022, Prince Harry brought a libel case against Associated Newspapers Limited, the publisher of *The Mail on Sunday*.<sup>106</sup> The claim brought to the Court was that an article published by *The Mail* was defamatory of Harry, and

bore the meaning: the Claimant [Harry] had

lied in his initial public statements to the effect that he had always been willing to pay for police protection in the UK, when the true position, as revealed by High Court documents, was that he had only made such an offer recently after his dispute with the Home Office had started and after his visit to the UK in June 2021;

improperly and cynically tried to manipulate and confuse public opinion by authorising his 'spin doctors' to put out false and misleading statements about his willingness to pay for police protection immediately after the Mail on Sunday had revealed that he was suing the Government; and

tried to keep his legal fight with the Government secret from the public, including the fact that he expected British taxpayers to pay for his police protection in a way which was improper and showed a lack of transparency on his part.<sup>107</sup>

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<sup>105</sup> Jamie Phillips et al., *Prince Harry Admits His Spare Memoir Contradicts His Evidence at Hacking Trial*, DAILY MAIL (June 6, 2023, 4:35 PM), <https://www.dailymail.co.uk/news/article-12166105/Harry-admits-Spare-contradicts-evidence-hacking-trial-tries-turn-questions-lawyer.html> [https://perma.cc/4G7T-CC34].

<sup>106</sup> *The Duke of Sussex v. Assoc. Newspapers Ltd.* [2022] EWHC 1755 (QB) [1] (U.K.).

<sup>107</sup> *Id.* at [3].

A preliminary hearing was held in June of 2022.<sup>108</sup> The hearing was held to “determine what a reader would conclude was the ‘natural and ordinary’ meaning of the *Mail*[’s] story.”<sup>109</sup> The judge ruled that the article was in fact defamatory, because it claimed that Prince Harry tried to keep his fight to reinstate police protection and his battle with the British government a secret, while also having aides put a “positive spin” on this issue.<sup>110</sup>

To decide whether the statement was defamatory according to its meaning in British common law, the judge used the following test laid out in the case of *Millett v. Corbyn*:<sup>111</sup>

At common law, a meaning is defamatory and therefore actionable if it satisfies two requirements. The first, known as ‘the consensus requirement’, is that the meaning must be one that ‘tends to lower the claimant in the estimation of right-thinking people generally.’ The Judge has to determine ‘whether the behaviour or views that the offending statement attributes to a claimant are contrary to common, shared values of our society’ . . . The second requirement is known as the ‘threshold of seriousness’. To be defamatory, the imputation must be one that would tend to have a ‘substantially adverse effect’ on the way that people would treat the claimant . . .<sup>112</sup>

The judge stated that he was “satisfied that these meanings [from *The Mail* piece] are defamatory at common law.”<sup>113</sup> The judge went on to explain that *The Mail*’s story “implied Harry had sought ‘far-reaching and unjustifiably wide’ confidentiality restrictions and was responsible for statements put out on his behalf, rather than his public relations team as the paper had argued.”<sup>114</sup> In conclusion, the judge stated that “[a] reader would also conclude the prince ‘was responsible for attempting to mislead and confuse the public as the true position,’”<sup>115</sup> thus handing Prince Harry a necessary victory in the first step of his libel case. After this ruling, Prince Harry was able to move forward with the case, while *The Mail* could put forward their own defense.<sup>116</sup> The judge did explicitly explain that this first ruling in the case was “solely concerned with the

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<sup>108</sup> Reuters, *Prince Harry Wins Legal Battle Against British Newspaper with Court Ruling Article was Defamatory*, NBC NEWS (July 8, 2022, 8:16 AM), <https://www.nbcnews.com/news/world/prince-harry-wins-legal-battle-british-newspaper-court-ruling-article-rcna37264> [<https://perma.cc/5AUB-RTQU>].

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*; The Duke of Sussex, [2022] EWHC 1755 (QB) [1], [33].

<sup>111</sup> The Duke of Sussex, [2022] EWHC 1755 (QB) [10]; *see*, *Millet v. Corbyn* [2021] EMCA Civ 567 [9] (Eng.).

<sup>112</sup> The Duke of Sussex, [2022] EWHC 1755 (QB) [10]; *see also*, *Monroe v. Hopkins* [2017] EWHC 433 (QB) [51] (U.K.); *Thornton v. Tel. Media Grp. Ltd.* [2011] EWHC 1884 (QB) [98] (U.K.) (establishing the ‘consensus requirement’ and ‘threshold of seriousness,’ respectively).

<sup>113</sup> Reuters, *supra* note 108; The Duke of Sussex, [2022] EWHC 1755 (QB) [31], [36].

<sup>114</sup> Reuters, *supra* note 108; The Duke of Sussex, [2022] EWHC 1755 (QB) [26].

<sup>115</sup> Reuters, *supra* note 108; The Duke of Sussex, [2022] EWHC 1755 (QB) [26].

<sup>116</sup> Reuters, *supra* note 108.

objective meaning of the Article published by the Defendant for the purposes of the Claimant's defamation claim,"<sup>117</sup> and that "[i]t will be a matter for determination later in the proceedings whether the claim succeeds or fails, and if so on what basis."<sup>118</sup>

While this may have seemed like a victory for Prince Harry, in December 2023, the High Court in London did hand him a loss in his libel case. The Court ordered Prince Harry to pay nearly 50,000 pounds (\$60,000) to the Associate Newspaper Ltd. for legal fees.<sup>119</sup> The High Court took a different view than the judge of the previous preliminary hearing, stating that *The Mail* "article reflected an 'honest opinion' and wasn't libelous."<sup>120</sup> Ultimately Prince Harry decided to drop his libel lawsuit in January 2024.<sup>121</sup> The case ended the same "day [Prince Harry] was due to hand over documents in the case"<sup>122</sup> and after the Court's ruling for Prince Harry to have to pay the legal fees for the Associate Newspaper Ltd. "after he failed to achieve victory without going to trial."<sup>123</sup> In the past, Prince Harry had already accepted apologies and money in other libel cases.<sup>124</sup> These other lawsuits were brought against *The Mail on Sunday* as well.<sup>125</sup>

These previous libel suits were in relation to articles that the *Mail Online*, the online version of *The Mail on Sunday*, had published about Prince Harry's relationship with the British armed forces.<sup>126</sup> The articles claimed that Prince Harry "had snubbed the Royal Marines after stepping down as a senior royal."<sup>127</sup> However, "Harry had served for a decade in the British army, and his lawyers said the articles caused considerable damage to his reputation and credibility with veterans."<sup>128</sup> Prince Harry continues to actively support veterans, and vowed to "donate the damages [from the case settlement] to the Invictus Games

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<sup>117</sup> The Duke of Sussex, [2022] EWHC 1755 (QB) [37].

<sup>118</sup> *Id.*

<sup>119</sup> Brian Melley, *Prince Harry Ordered to Pay Daily Mail Publisher Legal Fees for Failed Court Challenge*, AP NEWS (Dec. 11, 2023, 10:32 AM), <https://apnews.com/article/prince-harry-libel-lawsuit-british-tabloid-security-8aa2bcca3d9137c6f9f1312531f2281>.

<sup>120</sup> *Id.*

<sup>121</sup> Brian Melley, *Prince Harry Drops Libel Case Against Daily Mail After Damaging Pretrial Ruling*, AP NEWS (Jan. 19, 2024, 1:52 PM), <https://apnews.com/article/prince-harry-libel-lawsuit-daily-mail-3bc74f5f15f6b999db552d41b744682e>.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> *Prince Harry Accepts Newspaper's Apology and Cash Damages in Libel Case*, CBS NEWS (Feb. 1, 2021, 8:32 AM) <https://www.cbsnews.com/news/prince-harry-libel-mail-newspaper-apology-cash-damages-military-service/> [<https://perma.cc/C9S9-R47M>]; Haley Ott & Tucker Reals, *As U.K. Judge Says Prince Harry can Take the Sun Publisher to Court, Here's a Look at Harry's Legal Battles*, CBS NEWS (July 27, 2023, 12:17 PM), <https://www.cbsnews.com/news/prince-harry-uk-newspapers-phone-hacking-rupert-murdoch-lawsuits-breakdown/> [<https://perma.cc/KX44-S6BS>].

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

Foundation, a charity for wounded or sick servicemen and women that he founded.”<sup>129</sup>

These are not the only cases that Prince Harry has brought against the British media; he is also “a claimant in a privacy lawsuit against Associated Newspapers Limited” (publisher of the *Daily Mail*, *The Mail on Sunday*, and the *Mail Online*).<sup>130</sup> In this case, Prince Harry is one of multiple public figures who brought claims of unlawful information-gathering tactics against Associated Newspapers Limited.<sup>131</sup> Some of the other public figures in the case are Elton John and his partner, filmmaker David Furnish, actress Sadie Frost, and more.<sup>132</sup>

These famous plaintiffs claimed that Associated Newspapers Ltd. conducted multiple criminal activities, such as “[hiring] investigators to place listening devices into homes and vehicles, [p]aid police officials for access to sensitive information, [i]mpersonated individuals to obtain medical information from private clinics and treatment centers, [and illegally] accessed bank accounts, credit histories and financial records.”<sup>133</sup>

This case has also caused much controversy and excitement from the public due to Prince Harry’s participation. When Prince Harry took the witness box, he was the first British royal to give evidence in court in over 130 years.<sup>134</sup> Specifically, one can note its historic impact as it was “the first time a senior royal has given evidence since Edward VII testified as a witness in part of a divorce case in 1870 and 20 years later in a slander trial over a card game, both before he became king.”<sup>135</sup>

The experience of bringing these libel cases was very different for Wilde and Prince Harry, though both had their cases held against them in the Court of Public Opinion. On one hand, Wilde’s libel case fell apart within days of its beginning and led to his arrest. Along with his arrest came the harshest sentencing possible for his supposed crime.<sup>136</sup> Wilde’s libel suit was likely one of the first major spectacle cases that involved a public figure<sup>137</sup> and the theatrical trial (including Wilde’s performance) contributed to his poor treatment within, and outside of, the legal system.

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<sup>129</sup> *Id.*

<sup>130</sup> Olson, *supra* note 23; see generally *Baroness Lawrence v. Assoc. Newspapers Ltd.* [2023] EWHC 2789 (KB) (Eng.).

<sup>131</sup> Olson, *supra* note 23.

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> Michael Holden, *Harry to Become First British Royal in 130 Years to Give Evidence in Court*, REUTERS (June 2, 2023), <https://www.reuters.com/world/uk/harry-become-first-british-royal-130-years-give-evidence-court-2023-06-02/>.

<sup>135</sup> *Id.*

<sup>136</sup> Pearsall, *supra* note 5

<sup>137</sup> See Patrick Kelleher, *Oscar Wilde’s Grandson on His Trials and Preserving His Legacy*, PINK NEWS (Aug. 13, 2023), <https://www.thepinknews.com/2023/08/13/oscar-wilde-merlin-holland-gay-trial/> [https://perma.cc/S9UV-H27C].

On the other hand, Prince Harry gained a victory in the first step of bringing his libel case against a British media source.<sup>138</sup> A judge agreed that the article about him was libel and that the case could proceed.<sup>139</sup> While this was a major win for Prince Harry, it did not prevent the British media from continuing to print harsh stories about him and his wife, contributing to the public turning against the royal couple.

This raises an issue that has been repeatedly brought up by the Duke and Duchess.<sup>140</sup> The British media's continued reporting and speculation on the couple has, to a certain extent, had a detrimental effect on their lives. Wilde sought victory in the court when he brought his suit, but as shown by Prince Harry's case, this does not end the scrutiny. More pieces are written about the individual, another case must be brought, and the whole cycle begins again. Only when an individual has won their case before the Court of Public Opinion does the cycle appear to slow—though never permanently stop, because of how quickly public opinion changes.

## V. THE COURT OF PUBLIC OPINION

There is no 'official' Court of Public Opinion in any legal system in the world, but it is a court that is well-known, and to which all are subjected, public figures more so than most. As illustrated by both Oscar Wilde's and Prince Harry's cases, decisions are more commonly made first in the Court of Public Opinion rather than in the judicial court systems. In the period of Prince Harry's case, "[s]ocial media, broadcast media, newspapers, websites—these platforms spread information rapidly and make determinations before courts have delivered final decisions."<sup>141</sup> While social media and websites may not have been present during the trial of Oscar Wilde, that does not mean other media sources were unable to do similar damage. During the trials of Wilde, multiple media sources wrote about the judicial proceedings and some even gave their opinions about Wilde being guilty before the court reached a verdict.<sup>142</sup>

Many papers around the world wrote on Wilde's trials, newspapers gave lengthy accounts of each day's proceedings for their readers.<sup>143</sup> This case was so widely known and reported on that even children of the time "knew every detail of the case."<sup>144</sup> One paper, the *St. James's Gazette*, refused to publish anything

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<sup>138</sup> K.J. Yossman *Prince Harry Wins First Stage of Case Against The Mail on Sunday Over 'Defamatory' Story*, Variety, (July 2, 2022) <https://variety.com/2022/politics/news/prince-harry-daily-mail-security-1235311667/>.

<sup>139</sup> *Id.*

<sup>140</sup> Olson, *supra* note 23.

<sup>141</sup> Thomas Ciesielka, *Which Is More Powerful: The Court of Public Opinion or The Court of Law?*, LINKEDIN (Jan. 25, 2021), <https://www.linkedin.com/pulse/which-more-powerful-court-public-opinion-law-thomas-ciesielka> [<https://perma.cc/L85M-LHY7>].

<sup>142</sup> HOLLAND, *supra* note 16, at xxxii.

<sup>143</sup> *Id.*

<sup>144</sup> BRISTOW, *supra* note 4, at xxv.

on the case until a verdict had been reached, while other papers like the *Daily Telegraph* published very strong (and sometimes hateful) pieces about Wilde.<sup>145</sup>

This controversial and damaging reporting was addressed by some publishers such as the *London Figaro*:

[i]t is possible, however, to protest most vehemently against the action of the *Telegraph* and other papers in condemning Mr Wilde before he has been tried. No one denies that the evidence against him is appallingly strong, but until he has been convicted he is innocent in law, and it is dastardly and indecent thing for that section of the press which has never lost a chance of reviling Mr Wilde, to take the present opportunity of venting their spite upon him . . . it will be almost impossible for Mr Wilde to receive a fair trial . . .<sup>146</sup>

The type of pieces distributed by publishers such as the *Daily Telegraph* are dangerous because “[i]t is the initial publicity that may stick in the end. A court case might go on for years with wins, losses, evidence, verdicts . . . without the public hearing all the true details.”<sup>147</sup>

Even after Oscar Wilde received the guilty verdict in his trial, most commentators continued to write hurtful and dangerous pieces.<sup>148</sup> Some reporters and commentators were skeptical about the proceedings of the trials, “especially the presentation of evidence by individuals who admitted their involvement in the criminal world.”<sup>149</sup> The issue of the fairness of the legislation under which Wilde was charged was also raised.<sup>150</sup> Sadly, these reports were very much the minority of reporting on the case.

Instead, the public seemed enthralled by the more controversial reporting and commenting on Wilde’s trial. Publications such as the *Illustrated Police Budget* and the *Illustrated Police News* serve as examples: The public enjoyed these publishers because they “capitalized on the public’s interest in shocking crimes, especially homicides, self-murders, abductions, robberies, and tragedies at sea.”<sup>151</sup>

For the Wilde trials, the *Illustrated Police Budget* and the *Illustrated Police News* used a “fly-on-the wall” reporting style, giving readers many specific details from the trial.<sup>152</sup> The paper was also popular during the trials due to its use of “striking wood-block prints, which—through the use of this antiquated technique—injects a spontaneous hand-drawn drama into such exhilarating

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<sup>145</sup> HOLLAND, *supra* note 16, at xxxii.

<sup>146</sup> *Id.* (quoting from *London Figaro*, Apr. 11, 1895).

<sup>147</sup> Ciesielka, *supra* note 141.

<sup>148</sup> BRISTOW, *supra* note 4, at xviii.

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Id.* at xxii.

<sup>152</sup> *Id.*

episodes.”<sup>153</sup> These courtroom illustrations allowed individuals to see into the courtroom without being physically present.

Pieces and prints such as these convince the public to see an individual as guilty, even before a jury renders a verdict in a court of law. This is a dangerous practice because sometimes, even if the individual is found not guilty, the public may retain their assumptions and stigmas against them. The issue is that “[it] may take years to resolve cases in court, but it can take only 15 minutes for a judgment to be cast by the public”<sup>154</sup>—and sometimes that judgment cannot be changed.

Public opinion also has a major sway on the legal system. “In many issues of transformative legislation or rulings, courts followed the change in society, which is based heavily on public opinion.”<sup>155</sup> This is not to say that reporting on legal cases, trials, or even public figures is only detrimental, or should be stopped. Instead, the plea would be

for sound analysis, tested methodologies, informed judgment, tempered prudence, intelligent moderation, and true respect for long-term interests and values that tend to serve the improvement of the tone and quality of the critiques [or reports on an individual] . . . [W]hether the public interest can stand and absorb malinformed, drumbeaten, and heated attacks on the judicial process is worth pause and reflection.<sup>156</sup>

This caution is important to remember when thinking of how the crowds cheered and danced after Wilde’s guilty verdict in the second criminal trial.<sup>157</sup> Their celebration shows that the public had already made up their mind on Wilde being guilty of the crime. It was only when the guilty verdict was returned, supporting their opinion and validating their assumptions, that the celebrations began. This was even supported by the papers of the time. The *News of the World*, “which had already expressed misgivings about the ‘public harm’ that resulted from reporting the proceedings [of the case], appealed to its readers’ prejudices,”<sup>158</sup> which had been validated by the guilty verdict.

No one can know what would have happened if the verdict was returned not guilty, but it is not a stretch to assume that there would have been public anger and backlash against the court system. This public backlash could have put the courts in a hopeless situation. Without public support and belief in the legal system, the court system cannot work. Without the courts to uphold and interpret the laws, society will slip into consequences such as anarchy and violation of individual rights. This public celebration revealed the final verdict

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<sup>153</sup> *Id.*

<sup>154</sup> Ciesielka, *supra* note 141.

<sup>155</sup> *Id.*

<sup>156</sup> Joseph W. Bellacosa, *Judging Cases v. Courting Public Opinion*, 65 *FORDHAM L. REV.* 2381, 2388 (1997).

<sup>157</sup> BRISTOW, *supra* note 4, at 404–05.

<sup>158</sup> *Id.* at 405.

against Wilde in the Court of Public Opinion. The guilty verdict from the Court of Public Opinion would not only affect Wilde's time after the trials and during his prison sentence, but also up until he died in France.

#### A. Oscar Wilde's Case Before the Court of Public Opinion

The media continued to report on Wilde while he served his time in prison. Newspapers and other media sources informed readers about the harsh circumstance that Wilde faced.<sup>159</sup> *The Daily Telegraph* wrote to inform their readers that the prisoners

attended the prison chapel with the other occupants of the gaol, and with the exception of exercise they were confined to their cells, where they will future be kept unless their health becomes such as to entitle them to infirmary treatment, in which event the prison doctor will decide the nature of the labour they perform. By the terms of their sentences they will be isolated from their friends, except upon four occasions a year, and even this privilege may be forfeited by indifferent conduct.<sup>160</sup>

Other media sources took the opportunity to fuel the public satisfaction of Wilde's conviction by humiliating him further while he served his prison sentence. The *Illustrated Police Budget* informed its readers that

[i]t must have taken Mr. Wilde years to train and grow his hair as it stood early on Saturday; it took the prison barber just two minutes to cut all the locks off . . . . Oscar looked a poor picture when all his locks were gone. Probably when his whiskers grow, he may present a better appearance; but at the moment looks an awful sight.<sup>161</sup>

Within days of his prison sentence beginning, reports came that Wilde was both mentally and physically deteriorating.<sup>162</sup> One paper even took the time to talk about how Wilde had become "weathered" due to an attack of diarrhea.<sup>163</sup> The press also swarmed at the opportunity to report on Wilde's bankruptcy.<sup>164</sup> It was Queensberry who had initiated an action against Wilde and the court that later revealed that "Wilde's debts amounted to a staggering £3,591."<sup>165</sup>

Though Wilde was not in the public eye during his incarceration, that did not stop the public from abusing him when possible. Most of society seemed to have agreed with the Court of Public Opinion ruling that Wilde deserved to be punished. This belief in Wilde's guilt among the public was shown in Wilde's

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<sup>159</sup> *Id.* at 412.

<sup>160</sup> *Id.*

<sup>161</sup> *Id.* at 413.

<sup>162</sup> *Id.*

<sup>163</sup> BRISTOW, *supra* note 4, at 413.

<sup>164</sup> *Id.* at 416.

<sup>165</sup> *Id.*

later retelling of the anguish he experienced during a short exposure to society during his prison sentence.<sup>166</sup> While being transferred to a new prison, Wilde was forced to wait on a railway platform for half an hour while a large crowd mocked him,<sup>167</sup> writing that when

people saw me they laughed . . . . That was of course before they knew who I was. As soon as they had been informed, they laughed still more. For half an hour I stood there in the grey November rain surrounded by a jeering mob. For a year after that was done to me I wept every day at the same hour and for the same space of time.<sup>168</sup>

The prison experience was terrible, yet the Court of Public Opinion's influence appeared to make Wilde more comfortable with remaining in prison rather than facing the public outside the prison's walls again. He even wrote in a letter that he was "quite conscious of the fact when the end does come I shall return an unwelcome visitant to a world that does not want me."<sup>169</sup> This is another prime example of why society must be cognizant of and wary of verdicts from the Court of Public Opinion. Verdicts from the public continue to carry a heavy sentence for individuals even beyond the time they have served for their verdict from the legal system.

#### *B. Pushing Against Societal Expectations Led to Losses in the Court of Public Opinion*

The Duke and Duchess of Sussex have also lost their case before the Court of Public Opinion. *The Guardian* once published a headline that "[t]ormenting Meghan Markle has become a national sport that shames us,"<sup>170</sup> but Prince Harry argued that "no one was shamed, that was the problem [with the press themselves]. No one was feeling the slightest pang of conscience."<sup>171</sup>

The Duke and Duchess cannot escape the shadow of British society's expectations of them, even across the pond. The United Kingdom is a society deeply rooted in traditions and customs. When an individual challenges those traditions, and expectations for behavior, they then face backlash from the whole of British society—as seen by the public treatment of Oscar Wilde.

When it was a royal family member who broke with tradition, there was even greater backlash. The monarchy is one of Britain's oldest and most revered

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<sup>166</sup> *Id.*, at 419.

<sup>167</sup> *Id.*

<sup>168</sup> *Id.* at 420.

<sup>169</sup> BRISTOW, *supra* note 4, at 431.

<sup>170</sup> PRINCE HARRY, *supra* note 8, at 357; see Catherine Bennett, *Tormenting Meghan Markle Has Become a National Sport That Shames Us*, *GUARDIAN* (Feb. 16, 2019, 3:30 PM), <https://www.theguardian.com/commentisfree/2019/feb/16/tormenting-meghan-markle-has-become-a-national-sport-that-shames-us> [<https://perma.cc/R2R8-PMGX>].

<sup>171</sup> PRINCE HARRY, *supra* note 8, at 357.

institutions. For Prince Harry to be reported as turning his back on the Crown, it was seen as him turning his back on all of Britain.<sup>172</sup>

This contention is supported by the continued speculation in the British press and comments on social media posts from British society, even though the Duke and Duchess no longer have royal roles or even live in the country.<sup>173</sup> British citizens seem to have taken it as a personal affront for Prince Harry and Meghan to have stepped back from British society. Thus, a guilty verdict is continuously handed down to them by subjects of the United Kingdom. Despite how much the Duke and Duchess try to provide their perspective,<sup>174</sup> it is easily dismissed by those who support the guilty verdict from the Court of Public Opinion.

One of the reasons for the losses of Oscar Wilde and Prince Harry in the Court of Public Opinion was their choice of partner. Both refused to follow the model and expectations set out for them by society. Wilde did have a wife, but his love for another man was a crime at the time. After his release from prison, Wilde wrote to Bosie to say,

[e]veryone is furious with me for going back to you, but they don't understand us. I feel that it is only with you that I can do anything at all. Do remake my ruined life for me, and then our friendship and love will have a different meaning to the world. I wish that when we met at Rouen we had not parted at all. There are such wide abysses now of space and land between us. But we love each other.<sup>175</sup>

Even after all the terrible public hate and the brutal jail sentence for their love, Wilde could still not deny his feelings for Bosie. For that love, he was continuously ostracized from British society. Eventually, Wilde moved to another country and lived in poverty rather than face the British people. Sadly,

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<sup>172</sup> See Douglas Dickie, *No Way Back for Prince Harry Five Years Since Megxit as William to Shut Door on Brother's Return*, SCOTTISH DAILY EXPRESS (March 31, 2025), <https://www.scottishdailyexpress.co.uk/news/uk-news/no-way-back-prince-harry-34963448> [<https://perma.cc/JRE6-93WN>] ("Mr Harrold reckons Harry "does have some regrets about the fact that he's left his home life, his friends and his family behind to start a new life in the US". He claims the move to the US was not "as huge a sacrifice" for Meghan, who "still had her friends and, to an extent, her family in the form of her mum."); Bill Bowkett, *Prince Harry Has 'No Interest' in Returning to Britain to Resume Royal Duties*, DAILY MAIL (Sept. 2, 2024), <https://www.dailymail.co.uk/news/article-13805885/prince-harry-returning-britain-royal-duties-meghan-markle.html> [<https://perma.cc/T2JM-FWRB>] ("A source said the friend 'believes if Harry comes back to the UK with zero fuss, and does zero publicity and attends very mundane events, he could prove himself and win over the British public again.'").

<sup>173</sup> Jennifer Clarke, *Why Did Harry and Meghan Leave the Royal Family, and Where do They Get Their Money?*, BBC (March 19, 2025), <https://www.bbc.com/news/explainers-51047186> [<https://perma.cc/7TMT-VU75>].

<sup>174</sup> Katie Razzall, *Harry and Meghan: Seven Takeaways From Their Netflix Series*, BBC (Dec. 15, 2022), <https://www.bbc.com/news/entertainment-arts-63989977> [<https://perma.cc/2DZR-PHRF>]; Nylah Burton, *Harry and Meghan Critiques Royal Racism — But Does It Go Far Enough?*, REFINERY29 (Dec. 15, 2022), <https://www.refinery29.com/en-us/2022/12/11234999/harry-and-meghan-netflix-review-racism-royal-family> [<https://perma.cc/KD8M-84YX>].

<sup>175</sup> Linder, *supra* note 81.

as the years went on, Bosie and Wilde separated on bad terms.<sup>176</sup> Even worse, Bosie would turn harshly against Wilde by making terrible statements about Wilde and their love.<sup>177</sup>

On the other hand, while interracial relationships and the marriage of royal family members to divorcees were not illegal during Prince Harry's suit, his marriage to Meghan Markle still greatly upset the British public (and even the world). She was different from Prince Harry's past relationships<sup>178</sup> and thus was not the figure that many in British society may have had in mind as a future member of the royal family. The media also took the opportunity to fan the flames of this shock and anger from the British society at Prince Harry's choice of wife.

*Tatler* magazine wrote that Prince Harry had married Meghan because "foreigners' like her are 'easier' than girls 'with the right background.'" <sup>179</sup> The *Daily Mail* wrote that Meghan was "'upwardly mobile,' because she'd gone from 'slave to royalty' in just 150 years."<sup>180</sup> These do not even address all the social media comments made by members of the public on palace media pages about Meghan, calling her things such as "an escort," "a gold-digger," "a whore," and even the N-word.<sup>181</sup>

These racist views were even echoed by people connected to British politics. One example was texts from Jo Marney, girlfriend of Henry Bolton—then-leader of the United Kingdom Independence Party (UKIP). She wrote that Prince Harry's "black American fiancée would 'taint' the Royal Family, setting the stage for 'a black king.'" <sup>182</sup> In another message, Marney said that she "would never have sex with 'a Negro.'" <sup>183</sup> The reporting and racist terms got so out of hand

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<sup>176</sup> Roger Lewis, *Bosie by Douglas Murray Review — Oscar Wilde's Lover, a Malignant Peter Pan*, THE SUNDAY TIMES (Oct. 21, 2020, 5:00PM), <https://www.thetimes.com/life-style/parenting/article/bosie-the-tragic-life-of-lord-alfred-douglas-by-douglas-murray-review-a-malignant-peter-pan-gb7rntvpm> [https://perma.cc/JZE8-PYMU].

<sup>177</sup> Philip Hoare, *He Betrayed Wilde. But That Wasn't the Worst Thing Bosie Did*, THE GUARDIAN (June 3, 2000, 7:01PM), <https://www.theguardian.com/books/2000/jun/04/biography> [https://perma.cc/L8X4-R9PJ] (stating that "[During] the infamous Pemberton Billing trial of 1918... [Bosie] Douglas... took the stand to declare that Wilde was 'the greatest force of evil that has appeared in Europe during the last 350 years.'").

<sup>178</sup> Jennifer Algoo, *A Look Back At Prince Harry's Dating History*, HARPERS BAZAAR (Dec. 9, 2022), <https://www.harpersbazaar.com/celebrity/latest/g12251344/prince-harry-ex-girlfriends/> [https://perma.cc/9W5U-DX5N].

<sup>179</sup> PRINCE HARRY, *supra* note 8, at 371; see Sophia Money-Coutts, *Why Britain's Most Eligible Bachelors are Falling for Spruce All-American Charms*, TATLER (Nov. 24, 2017), <https://www.tatler.com/> [https://perma.cc/Z5AC-47U5].

<sup>180</sup> PRINCE HARRY, *supra* note 8, at 357; see Christopher Wilson, *Now That's Upwardly Mobile! How in 150 years, Meghan Markle's Family Went from Cotton Slaves to Royalty*, DAILY MAIL (Nov. 30, 2017, 4:35 AM), <https://www.dailymail.co.uk/femail/article-5130473/Meghan-Markles-upwardly-mobile-family.html> [https://perma.cc/25CE-VFW3].

<sup>181</sup> PRINCE HARRY, *supra* note 8, at 371.

<sup>182</sup> *Id.* at 371–72.

<sup>183</sup> *Id.* at 372; see *UKIP Members Vote to Sack Embattled Leader Henry Bolton*, BBC (Feb. 17, 2018), <https://www.bbc.com/news/uk-politics-43098646> [https://perma.cc/2H2S-M7M2] (reporting Bolton

that “seventy-two women in Parliament, from both main parties, had condemned the ‘colonial undertones’ of all newspaper coverage of The Duchess of Sussex.”<sup>184</sup>

Similar to Meghan Markle’s experience of being seen and tried as an ‘outsider’ due to her nationality and race, Wilde was also subjected to alienation from British society. Wilde’s background as an Irishman might have even influenced the harsh treatment he received during his legal trials.<sup>185</sup> To come in as a foreigner and challenge the well-established social norms of Victorian Society, as well as the well-respected British legal system, may have only encouraged the fury of the British people. Members of the public likely challenged that Wilde should not be so bold as to question their established system and instead should recognize his position as an outsider. Instead of following these expectations, Wilde challenged the system to save his carefully crafted image. This likely contributed to his swift loss in the Court of Public Opinion. To go against one of Britain’s established systems was to go against the British people, and they would not allow that.

There is no clear solution for the issue of the Court of Public Opinion holding sway in not only the legal system, but also the lives of individuals. The public judgment of someone being guilty of a relationship that does not meet societal expectations can have detrimental effects. Social media platforms and news sources would have to take major steps to mitigate this. Instead of reporting on ‘juicy breaking news,’ these media sources must instead take a step back. Reporting would need to focus on facts, rather than emotions, to get readers’ attention. As explained by a legal article published by Fordham Law Review,

[J]udging cases is complicated and takes time, study, and care. Shaping public opinion requires corresponding attentiveness and responsibility. Neither should be a twenty-four-hour headline-grabbing, labelling, or statistical tabulation exercise, nor a bottom line, result-oriented process. Before anyone engages in either, he should read records and opinions, pause over sources of authority, especially the constitutions, and think more than once about the short- and long-term consequences of what he says and does.<sup>186</sup>

The issue with solely blaming the media is that it is very much a ‘which came first, the chicken or the egg’ argument. To become a well-known figure, one needs public recognition. It is difficult to blame solely the media for swaying public opinion when reporting on an individual’s activities to the masses is necessary to be well-known. Typically, the famous individuals themselves need to create interesting stories and events to gain recognition and monetary resources.

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and Marney did break up after reports of these racist messages came to light, and Bolton was voted out as leader of the UKIP).

<sup>184</sup> PRINCE HARRY, *supra* note 8, at 372; see Alan Yuhas, 72 British Lawmakers Condemn ‘Colonial’ Coverage of Meghan, N.Y. TIMES (Oct. 29, 2019), <https://www.nytimes.com/2019/10/29/world/europe/meghan-markle-parliament.html>.

<sup>185</sup> BRISTOW, *supra* note 4, at xxiii.

<sup>186</sup> Bellacosa, *supra* note 156, at 2404.

Oscar Wilde made himself into a “spectacle” in order to gain fame and a steadier source of money.<sup>187</sup> Wilde fed into his flamboyant image, spoke in witty quips to cultivate an aristocratic persona, and wrote eloquent and aesthetic prose to match the literary Aesthetic movement.<sup>188</sup> All of these decisions cultivated his public image and helped to spread his notoriety. The same is true for the position of the Royal Family:

[i]t's [a] sacrosanct relationship between two of Britain's oldest institutions: the monarchy and the press. Like the symbiotic connection between trees and people, both have come to rely on each other for survival. Without the acres of coverage and visibility, the royal family would quite possibly be a shadow of itself without the nation's newspapers. And without the access, photos, and constant drama, the flagging industry of tabloids and broadsheets in the United Kingdom would be closer to death now than ever.<sup>189</sup>

It is due to the darker side of the media and public that both Oscar Wilde and the Sussexes lost their cases in the Court of Public Opinion. As a result, Wilde<sup>190</sup> and the royal couple<sup>191</sup> self-imposed exile from the United Kingdom and took refuge in other nations.

To conclude the topic of the Court of Public Opinion, two questions arise: 1) Must popular figures be put on trial before the Court of Public Opinion, when they are already subjected to the same legal system as everyone else?; 2) Should that court's verdict carry just as much, if not more, weight on people's lives than the legal system? The response to both is no.

The point of the legal system is to provide relief for criminal acts against individuals, and provide protection for the general public. The point of the legal system is not to allow the public to make convictions about individuals before the legal system does. An actual court's decision should far outweigh the preemptive decisions made in the Court of Public Opinion. Society does not get

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<sup>187</sup> BRISTOW, *supra* note 4, at 32.

<sup>188</sup> *An Introduction to the Aesthetic Movement*, V&A, [https://www.vam.ac.uk/articles/an-introduction-to-the-aesthetic-movement?srsId=AfmBOoo-vZ1XDMCeEO-FvZyff8wS\\_sZ1N9X9x3Qacwq4VKxMuQJlurwT](https://www.vam.ac.uk/articles/an-introduction-to-the-aesthetic-movement?srsId=AfmBOoo-vZ1XDMCeEO-FvZyff8wS_sZ1N9X9x3Qacwq4VKxMuQJlurwT) [https://perma.cc/R9V8-REHW] (last visited Mar. 5, 2023) (describing the Aesthetic Movement as “The Aesthetic Movement in Britain (1860 – 1900) aimed to escape the ugliness and materialism of the Industrial Age, by focusing instead on producing art that was beautiful rather than having a deeper meaning – ‘Art for Art's sake’.”); *Oscar Wilde*, THE ART STORY, <https://www.theartstory.org/influencer/wilde-oscar/> [https://perma.cc/NG6N-N7HZ] (last visited Mar. 16, 2025); see Patrick Duggan, *The Conflict Between Aestheticism and Morality in Oscar Wilde's The Picture of Dorian Gray*, BU ARTS & SCI. WRITING PROGRAM, <https://www.bu.edu/writingprogram/journal/past-issues/issue-1/duggan/> [https://perma.cc/98HE-WCET] (last visited, Mar. 5, 2023).

<sup>189</sup> Omid Scobie, *The Royal Family Is “Rattled” After Prince Harry Exposes Relationships with British Newspapers*, HARPER'S BAZAAR (Jan. 10, 2023, 2:39 PM), <https://www.harpersbazaar.com/celebrity/latest/a42448208/royal-family-reaction-prince-harry-memoir-spore-palace-uk-press-exposed/> [https://perma.cc/DCA3-PLWT].

<sup>190</sup> Pearsall, *supra* note 5

<sup>191</sup> Olson, *supra* note 23.

all the information that is presented before the courts, nor do they hear witness testimony or even see the full extent of evidence provided by barristers for the court. Missing critical pieces of information, the public's assumption should not carry such weight that it can far more negatively affect an individual's life outside of the legal system than a guilty verdict would.

People may argue that part of being a public figure is being subjected to continuous scrutiny, but that does not mean they should be put on trial twice—especially if the court's decision is disregarded to appease the public's assumptions. In the end, these are decades-old problems that have still not been addressed. From the state of our society today, it will likely not be resolved for many more decades to come.

#### VI. WILDE'S REFLECTIONS OF HIS EXPERIENCE, HIS UNTIMELY DEATH, AND HIS IMAGE TODAY

*"Oscar Wilde, I pity you, because you must suffer more than we do."*

*"No, my friend, we all suffer alike."<sup>192</sup>*

Oscar Wilde's experience in prison was nothing short of hellish. He had been sentenced to two years of hard labor, the longest and harshest sentence possible for the crime he was charged with.<sup>193</sup> The inclusion of hard labor was used only to demoralize prisoners.<sup>194</sup> The little comfort that Wilde received during this harsh sentence was his eventual transfer to H.M. Prison Reading, though it was a small improvement.<sup>195</sup> At H.M. Prison Reading, Wilde was able to request more books to read<sup>196</sup> and eventually received a pen and paper to begin writing again.<sup>197</sup> Wilde would later write his famous poem *The Ballad of Reading Gaol* about his dreadful experience in jail. Wilde also went on to write other pieces that spoke to the hardship faced within the British prison system.<sup>198</sup>

A few days before Wilde was released from prison, his affairs with his wife and children were settled.<sup>199</sup> They separated, though they did not divorce, and

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<sup>192</sup> BRISTOW, *supra* note 4, at 421.

<sup>193</sup> Pearsall, *supra* note 5.

<sup>194</sup> BRISTOW, *supra* note 4, at 412.

<sup>195</sup> *That Little Tent of Blue Which Prisoners Call the Sky: Inside the Haunting Cell where Oscar Wilde was Jailed for Two Years for Homosexuality and Inspired his Famous Poem about Reading Gaol*, THE DAILY MAIL, <https://www.dailymail.co.uk/news/article-2547594/That-little-tent-blue-prisoners-call-sky-Inside-haunting-cell-Oscar-Wilde-jailed-two-years-homosexuality-inspired-famous-poem-Reading-Gaol.html> [<https://perma.cc/CG9X-78EQ>] (Jan. 28, 2014, 2:55PM).

<sup>196</sup> BRISTOW, *supra* note 4, at 420.

<sup>197</sup> *Id.* at 430.

<sup>198</sup> *Id.* at 439.

<sup>199</sup> See Betsy Reed, *Oscar Wilde: The Unrepentant Years and Oscar's Ghost Review – Wilde After Prison*, THE GUARDIAN (Nov. 15, 2017), [https://www.theguardian.com/books/2017/nov/15/oscar-wilde-the-unrepentant-years-and-oscars-ghost-review-wilde-after-prison?utm\\_source=chatgpt.com](https://www.theguardian.com/books/2017/nov/15/oscar-wilde-the-unrepentant-years-and-oscars-ghost-review-wilde-after-prison?utm_source=chatgpt.com) [<https://perma.cc/2JRR-JUJM>] ("Three months before Oscar Wilde was released from prison, in February 1897, his wife Constance obtained a legal separation and a formal end of his responsibility for his two sons.").

she was granted sole custody of their two sons.<sup>200</sup> In return, Wilde was granted a living allowance.<sup>201</sup> Wilde's wife had family wealth to support her after this separation, whereas, without his wife's financial support, Wilde would have been destitute due to his continuing to live outside his means.<sup>202</sup>

The cousin of Wilde's wife helped to broker the separation and financial deal between Wilde and his wife.<sup>203</sup> Her cousin stated that "he did not care what kind of life Wilde might choose to lead in the future, 'provided he did not molest his wife and children, and provided he kept out of the newspapers.'"<sup>204</sup> A caveat to Wilde's allowance was that should there be "any public scandal in which Mr. Wilde was mixed up" then the allowance would be stopped.<sup>205</sup> Another major hardship of this arrangement was that Wilde was never able to see his sons again.<sup>206</sup> Wilde had their photographs with him when he eventually died.<sup>207</sup>

Staying within the United Kingdom did not seem possible for Wilde. The same day as his release from prison, Wilde's ferryboat, *La Tamise*, reached France at 4:30 in the morning.<sup>208</sup> "Never again would [Wilde] return to the land that had imprisoned him."<sup>209</sup> Wilde had not formally been banished from Britain, but after the horrific treatment he experienced from both the prison system and the British public, Wilde did not stay in this country that had turned so swiftly against him. Instead, he sought refuge in France, where he would live out the remainder of his life.<sup>210</sup>

In the weeks following his arrival to France, things seemed to be improving for Wilde in his career and life in general. He had told people that he planned to write two Biblical tragedies: *Pharoah* and *Ahab and Jezebel*.<sup>211</sup> A theater

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<sup>200</sup> *Id.* at 433.

<sup>201</sup> BRISTOW, *supra* note 4, at 433.

<sup>202</sup> Vaishali, *A Wilde Perspective on Money*, HUFFPOST, [https://www.huffpost.com/entry/meaning-of-value\\_b\\_1199823](https://www.huffpost.com/entry/meaning-of-value_b_1199823) (Mar. 18, 2012); *see also* Miranda Seymour, *Constance: The Tragic and Scandalous Life of Mrs Oscar Wilde by Franny Moyle – Review*, THE GUARDIAN (June 24, 2011), <https://www.theguardian.com/books/2011/jun/24/constance-mrs-wilde-franny-moyle-review> [<https://perma.cc/MJG9-Z33F>] ("Constance [Wilde], often presented as a hard and unforgiving woman, is more convincingly portrayed here as a valiant wife. She visited Wilde in prison. She paid his expenses when he left it.").

<sup>203</sup> BRISTOW, *supra* note 4, at 433.

<sup>204</sup> *Id.*

<sup>205</sup> *Id.*

<sup>206</sup> *Id.* at 445.

<sup>207</sup> *Id.*

<sup>208</sup> *Id.* at 438; Aaron Robertson, *One of Oscar Wilde's Last Stops in England Before Exile was a Bookstore*, LITERARY HUB (May 19, 2020, 2:06 PM), <https://lithub.com/one-of-oscar-wildes-last-stops-in-england-before-exile-was-a-bookstore/> [<https://perma.cc/YL9J-VSHZ>].

<sup>209</sup> BRISTOW, *supra* note 4, at 438.

<sup>210</sup> Jo Cahill, *Tomb of Oscar Wilde, Pere Lachaise Cemetery, Paris, France*, BEYOND THE LAMP POST (Mar. 29, 2017), <https://www.beyondthelamppost.com/tomb-oscar-wilde-paris-france/> [<https://perma.cc/8C2A-XSB6>].

<sup>211</sup> *Id.* at 445.

manager also suggested that Wilde should adapt a French play and he began writing his famous poem *The Ballad of Reading Gaol*.<sup>212</sup>

*The Ballad of Reading Gaol* spoke to his observations of the British legal system. Specifically, the piece focused on “the hanging of Charles Thomas Wooldridge, to whose memory the poem is dedicated.”<sup>213</sup> Wooldridge had been sentenced to death after cutting his wife’s throat three times.<sup>214</sup> The piece spoke of the harrowing and frightening experience within the jail leading up to and during the hanging of Wooldridge.

The poem includes passages about the atmosphere of the jail at the time, such as

[w]hen a voice behind me whispered low,  
 ‘That fellow’s got to swing.’  
 Dear Christ! the very prison walls  
 Suddenly seemed to reel,  
 And the sky above my head became  
 Like a casque of scorching steel;  
 And, though I was a soul in pain,  
 My pain I could not feel.<sup>215</sup>

Another powerful passage from the poem reads:

Silently we went round and round,  
 And through each hollow mind  
 The memory of dreadful things  
 Rushed like a dreadful wind,  
 And Horror stalked before each man,  
 And terror crept behind.<sup>216</sup>

This compelling poem helped bring public attention to the need for prison reform.<sup>217</sup> It also gave Wilde the ability to regain “some of his reputation and gain a measure of influence over a charged political issue.”<sup>218</sup> Wilde chose to publish the piece under his cell number at H.M. Prison Reading—C.3.3.<sup>219</sup> This was significant because instead of “drawing attention to the name that had scandalized the nation, the selfless cell number expressed solidarity with the ‘other souls in pain,’ who paced around the exercise yard in silence.”<sup>220</sup>

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<sup>212</sup> *Id.*

<sup>213</sup> *Id.* at 450.

<sup>214</sup> *Id.*

<sup>215</sup> OSCAR WILDE, *THE BALLAD OF READING GAOL* 2–3 (1896).

<sup>216</sup> *Id.* at 8.

<sup>217</sup> BRISTOW, *supra* note 4, at 449.

<sup>218</sup> *Id.* at 451.

<sup>219</sup> *Id.* at 450.

<sup>220</sup> *Id.*

With this popularity of the poem, Wilde became a vocal proponent for the reformation of the jail system. But storm clouds were quickly accumulating on the horizon for Wilde: after the success of *The Ballad of Reading Gaol*, he had trouble continuing his writing career.<sup>221</sup> Wilde himself called the poem his swan song.<sup>222</sup> He would not go on to publish any more works.

During his time in France, Wilde had a multitude of friendly visitors, to some of which he was very generous.<sup>223</sup> “Wilde lent funds to friends when he could least afford to do so.”<sup>224</sup> Wilde’s time in Paris also led to him exploring more sexual opportunities, as the city did not “outlaw his desires.”<sup>225</sup> While he may have had more freedom in Paris to love whomever he liked, Wilde was still very much low on funds.<sup>226</sup>

There were times that Wilde would go without meals;<sup>227</sup> at other points, he was even reduced to begging for money on the streets of Paris.<sup>228</sup> Wilde would commonly ask for money from old acquaintances when ran into them on the street.<sup>229</sup> Though his funds were low and not sustained, Wilde continued to live the ‘high life’ when he could.<sup>230</sup> Sickness would soon over take him, and Wilde eventually passed away at the age of forty-six.<sup>231</sup>

Even in death, Wilde could not escape the negative reporting of the media. Most media sources wrote pieces similar to one from the *Pall Mall Gazette*,<sup>232</sup> which reported that “[t]he verdict that a jury passed upon his conduct at the Old Bailey in 1895 destroyed forever his reputation, and condemned him . . . to ignoble obscurity for the remainder of his days.”<sup>233</sup> However, most people today

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<sup>221</sup> *Id.* at 453.

<sup>222</sup> *Id.*

<sup>223</sup> BRISTOW, *supra* note 4, at 445.

<sup>224</sup> *Id.*

<sup>225</sup> *Id.* at 451.

<sup>226</sup> See BRISTOW, *supra* note 4, at 452.

<sup>227</sup> *Id.* at 455.

<sup>228</sup> *Id.*

<sup>229</sup> *Id.*

<sup>230</sup> *Id.* at 456.

<sup>231</sup> *Id.* at 457.

<sup>232</sup> *Memorial Notices: Mr Oscar Wilde*, THE GUARDIAN (Dec. 1, 1900), <https://www.theguardian.com/books/1900/dec/01/classics.fromthearchives> [<https://perma.cc/F5CD-TAXR>]; Emily Temple, *Classic Literary Obituaries, From Virginia Woolf to Marcel Proust*, LITERARY HUB (Jan. 13, 2017), <https://lithub.com/classic-literary-obituaries-from-virginia-woolf-to-marcel-proust/> [<https://perma.cc/BL3A-GH5E>]; see also Rose Staveley-Wadham, *Exploring Evolving Attitudes To Oscar Wilde In The Years After His Death*, THE BRIT. NEWSPAPER ARCHIVE (Jun. 16, 2022), <https://blog.britishnewspaperarchive.co.uk/2022/06/16/attitudes-to-oscar-wilde-in-the-years-after-his-death/>.

<sup>233</sup> BRISTOW, *supra* note 4, at 457–58; see also Rose Staveley-Wadham, *Exploring Evolving Attitudes To Oscar Wilde In The Years After His Death*, The British Newspaper Archive – Blog (June 16, 2022), <https://blog.britishnewspaperarchive.co.uk/2022/06/16/attitudes-to-oscar-wilde-in-the-years-after-his-death/>.

would likely say that they have a positive public image of Oscar Wilde, and he is a celebrated writer.<sup>234</sup>

Wilde is well known for his famous works, and remembrances and tributes can be found around the world. These include a statue in his birthplace of Dublin, Ireland, along with a tour of famous historical sites in reference to him around the city.<sup>235</sup>

## VII. THE DUKE AND DUCHESS AFTER THEIR 'BANISHMENT' FROM THE UNITED KINGDOM.

Rather than writing anonymous pieces like Wilde, Prince Harry took the opportunity after stepping back from his royal role to publish a memoir. Detailing his perspective of his life and his experience as a royal, Prince Harry published a 416-page autobiography entitled *Spare*.<sup>236</sup> This was seen as scandalous by British society and the Royal Family themselves.<sup>237</sup>

In his book, Prince Harry connects “the dots to leaks that fed into some of the most damaging stories about himself and his wife” being from within the palace,<sup>238</sup> and possibly from their own family.<sup>239</sup> The autobiography was groundbreaking because a member of the Royal Family, which is known to keep stories and scandals under wraps when possible, had given the public a peek

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his-death#:~:text=This%20account%20of%20Oscar%20Wilde's,&text=But%20even%20this%20report%20from,slowly%20begin%20to%20outweigh%20censure., (stating “The [*Cannock Chase Courier*] newspaper went on to suppose how death had ‘soon ended what must have been a life of wretchedness and unavailing regret.’”).

<sup>234</sup> See *Oscar Wilde’s Tomb Protected From Kisses*, THE HIST. BLOG (Nov. 29, 2011), <https://www.thehistoryblog.com/archives/13776> [<https://perma.cc/68G8-HV46>]; Misha Berson, *128 Years Later, Oscar Wilde’s Warning Still Resonates*, CASCADE PBS (June 27, 2018), <https://www.cascadepbs.org/2018/06/128-years-later-oscar-wildes-warning-still-resonates> [<https://perma.cc/ZU4N-ZDHJ>]; *Oscar Wilde*, WESTMINSTER ABBEY, <https://www.westminster-abbey.org/abbey-commemorations/commemorations/oscar-wilde/> [<https://perma.cc/VGN6-AXA>] (last visited Mar. 5, 2025); *Oscar Wilde Memorial Walk Gates*, ART UK, <https://artuk.org/discover/artworks/oscar-wilde-memorial-walk-gates-304501> [<https://perma.cc/WSR7-WYFE>] (last visited Mar. 5, 2025); Maya Wilson, *The Literary Legacy of the Oscar Wilde Memorial Bookshop*, VILLAGE PRES. BLOG (Jun. 22, 2023), <https://www.villagepreservation.org/2023/06/22/the-literary-legacy-of-the-oscar-wilde-memorial-bookshop/> [<https://perma.cc/TCF6-P9MW>]; Ffion Snaith, *Immortal Words: Remembering Oscar Wilde’s Enduring Legacy*, WELL READ (Oct. 30, 2023), <https://wellreadcompany.com/blogs/well-read-company-blog/immortal-words-remembering-oscar-wildes-enduring-legacy> [<https://perma.cc/3TYY-CYEH>]; *Oscar Wilde*, THE ART STORY, <https://www.theartstory.org/influencer/wilde-oscar/> [<https://perma.cc/P3C3-4PAK>] (last visited Mar. 5, 2025).

<sup>235</sup> *The Oscar Wilde Monument, Merrion Square in Dublin, Ireland*, DANNY OSBORNE, <https://www.dannyosborne.com/oscar-wilde-monument-1> (last visited Mar. 5, 2025); *A Tour of Oscar Wilde’s Dublin*, VISIT DUBLIN, <https://www.visitdublin.com/guides/oscar-wildes-dublin> [<https://perma.cc/3WPB-GD5X>] (last visited Mar. 5, 2025).

<sup>236</sup> PRINCE HARRY, *supra* note 8.

<sup>237</sup> Scobie, *supra* note 189.

<sup>238</sup> *Id.*

<sup>239</sup> *Id.*

behind the curtain. As such, *Spare* became Britain's fastest-selling nonfiction title of all time.<sup>240</sup>

After losing their 'trial' in the Court of Public Opinion, as demonstrated through the continuous negative pieces about the royal couple and comments from members of the public, the couple was eventually 'banished' from Britain as well. Much like Wilde, Prince Harry and Meghan felt as though they did not have a choice to stay in the United Kingdom. Prince Harry described the decision to leave the country as "a question of life and death."<sup>241</sup> Security was no longer being provided to the couple due to them stepping away from their royal roles, the world's borders were beginning to close at the start of the COVID pandemic, and media reporting on their lives was relentless.<sup>242</sup> Even after leaving Britain, the couple stated that the media attacks had continued to increase.<sup>243</sup> This is still seen in 2025, with sexist comments from President Trump stating that he would not deport Prince Harry from America because "[h]e's got enough problems with his wife. She's terrible."<sup>244</sup>

Since settling in Montecito, California with their two children, the couple has "slowly disclosed more and more about their experiences with the monarchy."<sup>245</sup> One example of this, of course, is Prince Harry's autobiography; another is a now-famous interview conducted with television host Oprah Winfrey.<sup>246</sup> Now, the couple has taken to other means of communicating their own perspectives with the public.

The couple have continued their charity work by starting the Archewell Foundation.<sup>247</sup> This foundation works around "[s]upporting families, in a purpose-driven movement for change to safeguard against online harms," and "[a]ddressing the social isolation recently resettled women experience around the world and building more inclusive and connected communities."<sup>248</sup> The couple has also begun to produce podcasts and shows that build community through "diverse narratives that underscore our common humanity and celebrate community."<sup>249</sup> Their first documentary, partnering with Netflix, was about the Invictus Games, which Prince Harry helped to create.<sup>250</sup>

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<sup>240</sup> *Id.*

<sup>241</sup> PRINCE HARRY, *supra* note 8, at 388.

<sup>242</sup> *Id.*

<sup>243</sup> *Id.* at 397.

<sup>244</sup> Ailia Zehra, *Trump Says He Won't Deport Prince Harry: 'He's Got Enough Problems with His Wife'*, THE HILL (Feb. 8, 2025, 3:24 PM), <https://thehill.com/blogs/in-the-know/5134441-trump-prince-harry-meghan-markle-immigration/>.

<sup>245</sup> Olson, *supra* note 23.

<sup>246</sup> PRINCE HARRY, *supra* note 8, at 397.

<sup>247</sup> ARCHEWELL FOUNDATION, <https://archewell.org/> [<https://perma.cc/Z25Z-TE4N>] (last visited Mar. 5, 2025).

<sup>248</sup> ARCHEWELL FOUNDATION, [HTTPS://ARCHEWELL.ORG/PROGRAMS/](https://archewell.org/programs/) (last visited Mar. 5, 2025).

<sup>249</sup> ARCHEWELL PRODUCTIONS, <https://archewellproductions.com/> (last visited Mar. 5, 2025).

<sup>250</sup> *Heart of Invictus*, INVICTUS GAMES FOUND. (Aug. 16, 2023), <https://www.invictusgamesfoundation.org/news/heart-of-invictus>.

The couple have continued to pursue multiple cases against the media. Prince Harry is a part of a large phone-hacking case and pushed back when his family questioned his decision to sue.<sup>251</sup> Prince Harry said that his father and brother asked about how the lawsuit was going “because it directly affected them.”<sup>252</sup> When Prince Harry responded that it was still ongoing, his father responded that it was a “suicide mission.”<sup>253</sup> Prince Harry challenged that maybe it was, “but it’s worth it.”<sup>254</sup>

Unlike Wilde, both Meghan and Prince Harry have, on occasion, returned to England for major events. Prince Harry returned alone for his grandfather’s funeral and father’s coronation and both he and Meghan returned for Queen Elizabeth II’s funeral.<sup>255</sup> Though they generally don’t seem to stay long, they do choose to return to Britain.

## VIII. CONCLUSION

Comparing the two very different experiences of these individuals is a challenge. Both Wilde and Prince Harry, and Meghan by extension, went through the libel system, all lost their case before the Court of Public Opinion, and all these individuals were eventually ‘banished’ from Britain. Wilde died with no money, due to his extravagant lifestyle and limited work after prison, but Prince Harry and Meghan appear to be financially stable and able to live a lavish lifestyle. This assumption is based upon their charity work, media productions, comfortable living accommodations, and their other legal cases challenging the British media, but their financial situation continues to be the subject of speculation by the British media and on social media forums.<sup>256</sup>

The more pressing issue that must be reflected upon is British society’s response to these individuals and their cases. How strange it is that over a

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<sup>251</sup> Brian Melley, *Prince Harry Blames Royal Family for Delay in Hacking Suit*, AP NEWS (March 29, 2023), <https://apnews.com/article/prince-harry-british-tabloids-lawsuit-5e0c10033ffcd15bbfd9e684a95248e7> [https://perma.cc/6HF6-L2TY].

<sup>252</sup> PRINCE HARRY, *supra* note 8, at 396.

<sup>253</sup> PRINCE HARRY, *supra* note 8, at 396.

<sup>254</sup> *Id.*

<sup>255</sup> Lauren Said-Moorhouse & Eoin McSweeney, *Prince William and Harry Walk Together After Grandfather’s Funeral*, CNN (April 17, 2021), <https://www.cnn.com/2021/04/17/uk/william-harry-philip-funeral-intl-gbr-scli/index.html> [https://perma.cc/KU9E-VGT5]; Clarke, *supra* note 173.

<sup>256</sup> Faye James, *How Close Meghan Markle is to Becoming a Billionaire Following Business Ventures*, HELLO! MAG., <https://www.hellomagazine.com/royalty/823529/meghan-markle-how-close-she-is-to-becoming-a-billionaire-following-business-ventures/> [https://perma.cc/BCB2-D23T]; *When Prince Harry Turns 40, He Will Get Huge Amount of Money. Who Will Give This Money and How Much?*, THE ECONOMIC TIMES, <https://economictimes.indiatimes.com/news/international/uk/when-prince-harry-turns-40-he-will-get-huge-amount-of-money-who-will-give-this-money-and-how-much/articleshow/111997092.cms?from=mdr> [https://perma.cc/6SUA-RW2K] (July 25, 2024, 1:37AM); Chris Samuel, *Prince Harry and Meghan Markle’s Net Worth is a Fraction of Prince William’s*, EXPRESS <https://www.express.co.uk/news/royal/1952859/prince-harry-meghan-markle-net-worth-prince-william> [https://perma.cc/GMQ4-JKZE] (Sept. 24, 2024, 6:21PM); Clarke, *supra* note 173.

hundred years later, society continues to treat people with the same scrutiny; to judge someone harshly based on the person they love; to convict them in the Court of Public Opinion based upon what the media says, rather than what the results are from a lengthy legal process. And to 'banish' people from Britain if they do not fit the model created for them.

Perhaps this is a moment for society to reflect and think of what could be done better moving forward, rather than waiting until individuals die to become more tolerant of their chosen lives. While some may argue that society has grown better and more tolerant, this Note shows that that may not be the case. There is much work left to do, and we must do better.