

American jokes about lawyers

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Abstract

In the 1980s, a substantial cycle of lawyer jokes appeared in the United States. Unlike earlier waves of American jokes, the jokes did not spread to Britain and Europe, nor did the peoples of these countries invent large numbers of new jokes about lawyers at this time. The dominant theme of the American jokes was that lawyers are canny—i.e. calculating, crafty, and fond of money. It is striking that such jokes should be told about a group so close to the very core of American society, a society defined by its laws to a far greater extent than the countries of Western Europe. The nearest comparison is with the jokes told about the stupidity of politicians and apparatchiks, the groups at the very center of the former socialist regimes in Eastern Europe in the 1980s. The latter were an indication of the economic stagnation and irrationality of socialism, and the price of stupidity was collapse and failure. The American lawyer jokes relate to the price of American success, namely the intensifying of economic competitiveness that took place in America in the 1980s. American jokes about lawyers are often satiric tales in which we are invited to rejoice in their meeting a painful death or being slain. Yet death threat jokes about lawyers have no serious counterpart; indeed it is because the jokes do not connect with reality that they circulate so freely. The relationships between our social frustrations and resentments, our choice of targets for “hostile” jokes, and our manifestations of real aggression are complex and uncertain.

Keywords: America; Jews; jokes; lawyers; Soviet.

1. Galanter's pioneering work on lawyers

From the 1980s onwards, there was a boom in jokes about canny (crafty, calculating, stingy) lawyers in the United States, which has been the basis of a number of remarkably thorough and perceptive studies by Marc Galanter (1998, 2000, 2002, 2005). Galanter (2000, 2005) has collected 6,000 specimens of jokes (some are variants on similar jokes), most of which are still in circulation. The central theme of these jokes is that lawyers are clever, tricky, greedy, and untrustworthy (Galanter 1998: 827). Some jokes of this type have always been told about lawyers in Britain and Europe as well as the United States, but the sheer scale of the cycle of jokes about lawyers in the 1980s in America is striking as is the way in which the jokes concentrate on the greed of lawyers and their lack of scruple in contrast to the much broader range of earlier lawyer jokes. As a new phenomenon it called for a social explanation and for one that was rooted in the distinctive nature of American society and its patterns of social change, for the jokes have not taken hold in other countries. American websites full of lawyer jokes are easily accessible to British and Irish surfers or indeed to Europeans with a good knowledge of English, but in these countries the new American style lawyer jokes have not been incorporated into the local patterns of jokes told in face-to-face groups. This is in marked contrast to earlier American joke cycles such as those about the alleged stupidity of America's Poles and Italians (which stimulated a revival and expansion of Britain's Irish jokes and Dutch jokes about Belgians), about disasters (notably the explosion of the Challenger space shuttle which provoked unique British jokes at the time and led later to the death of Diana joke cycle; Davies 2003), or about blondes (which in Britain became Essex Girl Jokes; Davies 1998, 2002). In America collections of the "new" jokes about lawyers in book form rapidly became best-selling paperbacks in the 1980s (Wilde 1982), but elsewhere they are just one category of jokes among many. The new lawyer jokes are an American and not a European phenomenon. Why is this the case?

2. The American jokes

Precisely because the new lawyer jokes are so relatively uncommon outside the United States, it would be as well to cite some examples from the websites www.nolo.com and www.scroom.com to make it clear what manner of jokes we are discussing.

Did you hear about the new microwave lawyer?

You spend eight minutes in his office and get billed as if you'd been there eight hours.

How many lawyers does it take to change light bulb?

How many can you afford?

"You're a cheat," shouted the client at his lawyer. "You're a scoundrel! You've kept me hanging (about) for months and got rich on my case alone!

"That's gratitude," said the offended lawyer. "And right after I named my new yacht after you."

Santa Claus, the tooth fairy, an honest lawyer, and an old drunk are walking down the street together when they simultaneously spot a hundred dollar bill. Who gets it?

The old drunk, of course, the other three are mythological creatures.

A lawyer was driving his big BMW down the highway, singing to himself, "I love my BMW, I love my BMW." Focusing on his car, not his driving, he smashed into a tree. Her miraculously survived, but his car was totaled. "My BMW! My BMW!" he sobbed.

A good Samaritan drove by and cried out, "Sir, sir, you're bleeding! And my god, your left arm is gone!"

The lawyer, horrified, screamed, "My Rolex! My Rolex!"

Partners at a big law firm gather for a picture at their annual dinner. All look glum.

The photographer tries several jokes to lighten the mood, but none work.

Finally, inspiration hits, "Just say 'fees,'" he says.

3. The relevant differences between America and Europe

There are two relevant and crucial differences between America and Europe that need to be examined in seeking an explanation of the flourishing of canny lawyers jokes in the former but not the latter. The first is the far greater prominence, indeed centrality of law and lawyers in American politics and society than is the case in Europe. The second is the higher levels of competitiveness and individualism that characterize America relative to Europe. Americans have more reason to joke about lawyers than Europeans and more reason to tell jokes about their quality of caninness. Given that this is the case, then we might reasonably expect that jokes about canny lawyers should thrive in America but fail to spread to Europe.

American perceptions of their legal system differ from those to be found in other democratic countries. Galanter (2002: 2224) cites an account of

American legal consciousness that speaks of three intertwined “perspectives on the legal.” These are (i) the law as a transcendent and majestic system, (ii) the law as commonplace, as part of everyday life, a game involving the pursuit of self-interest, (iii) the law as arbitrary and capricious to be coped with by tricks and subterfuge. Americans view the legal system in a mixture of these ways depending on circumstances and no doubt Europeans do too. However, I would put forward the tentative, but testable, hypothesis that Americans are more likely than citizens of North-Western European countries to see the law as majestic and transcendent and that they are *also* more likely to see it as arbitrary and oppressive (Brandon and Davies 1973: 224–250).

Confronted with what he called lawyer-bashing jokes and politicians, one prominent American lawyer declared in 2007:

There is no greater professional calling than to stand as a lawyer at the bar of justice and breathe life into the Constitution, the Bill of Rights, the statutory law and common law by defining, asserting and defending the rights of citizens. Lawyers play many vital roles on the world’s stage but none more important than preserving, protecting and perpetuating the rights of citizens, both individual and business. Since lawyers play such a vital role in our democracy, why has lawyer-bashing increased exponentially in recent years and how should we respond to it? (Howard L. Nations, P.C. 2008)

Could that speech, complete with erudite though debatable references to Shakespeare, have been made outside America? In North Western Europe, law and lawyers are merely an ordinary, everyday phenomena that are joked about from time to time in relation to their observed idiosyncrasies. However, where the law and its practitioners are seen as commonplace, they are unlikely to become the focus of a massive cycle of lawyer jokes. In America, impossibly high demands are made on a “majestic” legal system—which is used to try and resolve all manner of problems that in Europe are the business of politicians, welfare agencies, the ombudsman, and arbitrators. Yet also in America, there is more chicanery and more emphasis on winning regardless of whether the outcome is fair or reasonable (Brandon and Davies 1973: 239, 243–244). A legal system that is held up to be the true embodiment of everything that is excellent but which has a high sleaze factor is more likely to be the butt of more numerous jokes than one of not so great expectations but acceptable levels of delivery, as is the case in North Western Europe.

4. Law and American identity

The very definition of America is rooted in its founding constitution, i.e. in a legal document. The Dutch, the Danes, and Irish are what they are mainly because of their ancestors, their history and language or religion, which set them apart from their neighbors. Americans are a document, a proclamation of ideas and rights that are self-evident to them (though not necessarily to anyone else), together with a text to be revered (see Meese et al. 2005), to be interpreted and re-interpreted, which has become the property of its exegetes, the lawyers. The American Constitution and its amendments have taken on a “sacred” character, a sacredness which in the nation states of Europe is spread over various primordial institutions with which the people identify.

Likewise, moral controversies that would be decided in Europe by the legislature or by a referendum in America become legal questions. A classic example of this relates to the liberalization of the abortion laws that took place in many countries in the late twentieth century. In Britain, the law was drastically liberalized in 1967 by act of Parliament, on essentially Benthamite utilitarian grounds; rights did not come into it, indeed they were never mentioned in the legislative debates. The regulations concerning abortion were seen as only incidentally a matter to concern the lawyers and their revision was seen as a welfare measure (Davies 2006 [2004]: 78–90); it was also taken for granted that abortions would be provided free by the National Health Service and paid for by the tax-payer. For the British, the endless American legal wrangles about right to life versus right to choose are seen as strange and irrelevant. The arguments only make sense in America; for the laws on abortion in that country were struck down by a legal decision in *Roe v. Wade* (1973), a ruling that tortuously constructed a right to abortion from the various rights guaranteed by the American Constitution using a great deal of judicial casuistry. The dominant arguments in either country were determined by where the power lay. In Britain, it lay with Parliament, and in America with the lawyers. America is government not by men but by lawyers.

Lawyers lie at the very heart of American society. American lawyers are the most American of Americans, and they represent the central American values of social mobility—as opposed to entrenched and inherited distinctions—and entail—due process and procedure as opposed to personal discretion—and, of course, the pursuit of money. The lawyers *are* the very essence of what it means to be an American.

5. The essence of Americanism: Law, contract, and competition

The central institutions of a contractual society like America are legal ones. The lawyers both devise and enforce the rules within which Americans compete for success and are also key competitors themselves. Lawyers are the central players in American society; they are almost ideal-typical, competitive Americans. When Americans tell jokes about lawyers, they are joking about *themselves*, about their own extreme competitiveness and obsession with personal success (Merton 1968, cf. Weber 1930 [1905]: 182); these are the qualities that distinguish the culture of the American people from that of the more inert and fraternal peoples of other wealthy, democratic, capitalist societies such as the Dutch, the Japanese, the Norwegians, the Australians, and the Canadians (Gray 1998). Seymour Martin Lipset (1964) has defined the central values of American society, the values that set it apart from otherwise similar English-speaking countries, as “achievement” and “equality.” The two interact so that achievement has to be measured in terms that everyone can understand and that are quantifiable; money is therefore the main measure of achievement. Likewise, equality means the equal opportunity to achieve inequality. As Galanter (1998: 819) has pointed out, the theme of many lawyer jokes is that the “Smart guy wins.” Writing for an American readership in the *University of Cincinnati Law Review*, Galanter (1998: 819) adds “Although the lawyer may violate the canons of fraternity he is a winner who reassures us that we may justifiably pursue our claims even if the rightness of our cause is only relative, for if someone has to lose it might as well be the other guy.” The jokes about canny lawyers are jokes about the entire American social order and for the same reason the jokes have not established themselves in other countries. In America, “some lawyers have embraced the shark image as a totem, flaunting it on T-shirts, comic signs and even in advertisements” (as a sign of ferocity and power; Galanter 2002: 2229). It is difficult to imagine Danish or Dutch lawyers depicting, displaying, and disporting themselves as sharks.

6. Why did the new lawyer jokes emerge when they did?

The differences between America and Europe are such that, even had the jokes about the canny lawyers emerged in America at any time prior to the 1980s, they would have failed to take hold in Europe. That they

emerged in the 1980s in America seems to reflect two changes within the United States that intensified the distinctive qualities of that society. One was the long and cumulative tendency in America for social relations to be reduced to legal ones and for trust and informal agreement to become contract. By the 1980s, it had gone so far as to become a visible qualitative change and one that was perceived as setting America apart from other societies. The second change was the intensification of the competition between individuals generally within America in the rugged 1980s and the destruction of any lingering constraints on competition rooted in custom, convention, or the idea of a “profession” as opposed to a pure profit maximizing business (Gray 1998: 93, 103–115). The change, as Galanter notes, was felt acutely by those practicing law in the 1980s:

During the 1980s the number of lawyers increased dramatically. The world of staid clubby law firms—a world of assured tenure and little lateral movement, shrouded in confidentiality with retainers from loyal long-term clients—dissolved. It was replaced by a world of rapid growth, increased competition for clients, mergers and breakups, movement from firm to firm, fear of defection and pervasive insecurity. Collegiality was replaced by wariness. Increasingly, lawyers were competitive not with lawyers in other firms but “with their own partners and even the associates coming up the ladder.” Established partners might be “pushed off the iceberg.” (Galanter 1998: 831)

It sure sounds like the raw material for lawyer jokes: “There were three lawyers sitting on this iceberg . . .” and “How many lawyers can you fit on an iceberg . . .”

It is not then entirely surprising that lawyer jokes emerged in America at this time of tension and betrayal within the profession, particularly in view of the fact that a significant part of the telling of lawyer jokes is done by American lawyers themselves (Galanter 1998: 831–832). For those in other professions or in business or workers in an increasingly insecure labor market, who were also feeling the pressure of intensified competition and declining fraternity within America, the lawyer jokes made sense of the world as they experienced it. Intensified competition led to a tightening of the controls over those in the lower and middle levels of management hierarchies in an attempt to get more output for less pay. It was time and motion study for the middle classes, dressed up in management-speak (e.g., “downsizing” = sacking some and working the others harder, “outsourcing” = take the work away from salaried employees and give it to casual labor elsewhere); it has been accurately satirized in Scott Adam’s (1996, 1997) tales of Dilbert and Dogbert. Lawyers

were central to this intensification of work, which was often achieved by forcing staff to sign new contracts specifying their duties in far greater detail than before, particularly in order to deprive them of their autonomy. America had become even more intensely American, more competitive, more governed by the letter of the “contract,” more impersonal, more anomic (Gray 1998) than ever before and the jokes about lawyers were jokes about this assertion of American virtue.

In support of the thesis developed above, let us consider three earlier developments in the history of jokes, which cast light on each stage of the overall argument.

7. How Europeans filter American jokes

First, there is the case of the extensive American joke cycle about stupid and dirty Poles and Italians that began in the 1960s and lasted for over thirty years. The stupidity jokes spread to Britain and France and were applied to the Irish and Belgians respectively, but the dirtiness jokes never took hold (Davies 1990: 84–101). This shows that there exists a spontaneous process of cultural filtering between America and European countries, which allows through only those jokes, which make sense in the light of the everyday lived experience of the receiving culture. Those jokes which remain specific to America, even though people in other countries clearly had access to them, are a good indication of the existence of an American cultural peculiarity, in this case the American obsession with “rational” hygiene and its use in the pursuit of eternal physical perfection (Davies 1995). This phenomenon was absent in Britain and France, and so the jokes did not make sense. It is not that the British and the French were unable to understand the jokes but rather the jokes’ lack of cultural resonance outside America meant that there was no incentive to adopt or adapt them for local consumption. The American lawyer jokes failed to make it to Europe for exactly the same kind of reason.

8. Canny jokes about lawyers, Scots, and Jews: Core and liminal groups in a commercial society

Second, there is a precedent for the cycle of canny lawyer jokes that occurred in America in the 1980s. Towards the end of the eighteenth

century in Britain there began a wave of jokes about canny Scotsmen, which grew in strength throughout the nineteenth century (Davies 1990: 142–145, 2002: 18–21). It coincided with Britain’s commercial and industrial revolutions that saw an intensification of economic competition in that country. In the new canny Britain, those who could be labeled the most calculating of all, namely the Scots, became the butts of many jokes. As the industrial revolution spread to Europe, so too did the jokes—though the most usual butt of the jokes told in Continental Europe were the Jews. With the development of substantial Jewish communities in Britain and America through immigration, jokes about canny Jews became common there too (Davies 2002). The jokes about the Jews, like the subsequent lawyer jokes, often focus on the most negative aspects of canniness, such as swindling, deception, and betrayal of trust—for example jokes about Jews who commit arson in order to defraud an insurance company (Davies 1990: 117–122). The jokes are largely of Jewish origin, or at the very least there exist authentically Jewish jokes that do not substantially differ from the ones in general circulation (Davies 1990: 121–124). It is worth noting that the commercial and industrial transformation of Continental Europe in the late nineteenth and in the twentieth centuries, and the relative success of Jewish businessmen and professionals during this period, was accompanied by the development or rather re-emergence of a virulent anti-Semitism. The Jews were held to blame for the stresses that accompanied the rapid transition from a traditional *Gemeinschaft* to an impersonal and commercial society. For Marx, the supposed faults of capitalism were to be seen in their most extreme form among the Jews (Weyl 1979: 83–99). For the dedicated anti-Semites, the greater prominence of Jews in dealing or financing rather than in manufacturing where there is a visible, physical, “material” product was seen as a mark of their parasitism (there is a parallel here with the difficulty people often have in understanding what it is that lawyers produce). It is clear to anyone with an understanding of economics that these accusations are nonsense and is based on a false theory of value, in which “value” is meaninglessly defined as that which is derived from “productive” labor and incorporated in tangible material objects. Such beliefs lead to prejudice and persecution. There is an uncomfortable resemblance between the themes of the jokes about unscrupulous Jews, jokes often of Jewish origin, and the obsessions of the anti-Semites.

It should be stressed that the canny jokes about the Jews were told about a liminal group, liminal in that historically they were perceived as

living in society but not fully of it. American lawyers by contrast are a central part of the very establishment of American society and an accepted profession that the ambitious aspire to join. Where else can we find a parallel case of jokes told about those at the very center of the social order?

9. Canny American lawyers and dim-wit Soviet partocrats

Our third and final point of comparison is that just such a parallel may be found in the numerous jokes about stupidity told in Eastern Europe and the Soviet Union about those who exercised power and expounded the sacred ideology of the ruling party and the state in the former socialist countries, namely the party bosses—apparatchiks and ideologues (Davies 1998: 85–100). Stupidity jokes are usually told about ethnic, national, and regional groups living at the geographical, economic, or linguistic periphery of a country or culture (Davies 1990: 40–83), but in the former Soviet Union and its dependencies such jokes were told about those at the center—about groups occupying a functionally equivalent position to lawyers in the United States.

“In twenty years,” proclaimed the Soviet economist, “our socialist society will be so advanced that everyone will have their own private helicopter.”

“But why would anyone need one?” asked a puzzled listener.

“Well,” said the economist, “supposing you live in Moscow and one day you heard that potatoes were available in Kiev—look how quickly you could get there.” (Russian 1980s)

All Brezhnev’s speeches at the Olympic games in Moscow carried as a heading the Olympic symbol OOOOO. As a result Brezhnev began all his speeches with the phrase Oh! Oh! Oh! Oh! . . . Oh! (Russian 1980)

What is May 1st?

Socialist April Fool’s Day (Eastern European 1981)

Soviet economist: The reason why Canada and the United States supply the Soviet Union with so much grain is due to the catastrophic over-production of capitalism. (Russian 1980s)

The fearless hero of the Civil War, Vassily Ivanovitch Chapaev and his loyal orderly Pyetka were sky-diving.

“We’re only 100 meters from the ground,” said Pyetka excitedly. “It’s time to pull the ripcord Vassily Ivanovitch!”

“It’s still kind of early,” Chapaev answered calmly.

“It’s only fifty meters now,” screamed Pyetka. “Pull the ring Vassily Ivanovitch!”

“Calm down, Pyetka,” said Chapaev. “There’s still time before we hit.”
“Only three meters remaining!” cried Pyetka. “Pull!”
“It’s not worth it,” answered Chapaev. “From this height I can land without a parachute.” (Draitser 1978: 50)

A hundred people were standing in line for food in Warsaw when Jaruselski drove past in his car. He stopped. “What are people waiting for?” he asked.

“We are waiting for meat. There is no meat,” they replied.

Jaruselski said, “It is dreadful that you should have to stand like this. I must do something about it.” An hour later a truck drove up and unloaded a hundred chairs. (East European 1980s)

These jokes were translated into the main West European languages and published in both America and Europe (Beckman 1969, 1980; Draitser 1978; Filip and Steiger 1981; Isnard 1977; Kolasky 1972; Schiff and Parth 1978). The jokes were understood by their readers and perceived as funny, but no one in the West invented such jokes or adapted them to fit local circumstances. They remained someone else’s jokes in the same sense that American lawyer jokes have not caught on in Western Europe. Such jokes grew out of the experience of ordinary people in Eastern Europe of a political monopoly, an absence of political and economic competition and an oppressive inertia that was an obvious source of jokes about stupidity. It was a situation likely to produce jokes about the stupidity of those whose power and ideas were never going to be tested and legitimated by competition within the forums where cleverness can be displayed. The Eastern European stupidity jokes were not really about individuals nor were they merely jokes about politics. They were jokes about the entire extensive and intrusive socialist social order (Davies 1998: 77–83). The American jokes about canny lawyers are likewise jokes about an entire social order, albeit one that was the exact opposite of the former Soviet Union.

Just as the Soviet Union of the 1980s, which was based on socialist monopoly, inertia and rule by force generated stupidity jokes about apparatchiks and ideologues. So too its antithesis, America — a society characterized by ruthless competition between individuals, economic and technological dynamism, and the rule of law to ensure equal oppression by the laws — generated jokes about canny lawyers. The two societies represented the two polar types of industrial society in the modern world of the 1980s, with Soviet monopoly as the antithesis of American competition, just as stupid jokes are the antithesis of canny jokes. The model is summed up in Table 1 below.

Table 1. *Jokes and the social order*

	USA	USSR
Social order	Intense economic competition Dominant framework is legal and contractual	Socialist monopoly Central planning Dominant framework is party rule
Theme of jokes about central institutions	Canny	Stupid
Central institution joked about	Lawyers	Party leaders Apparatchiks Ideologues

10. Western Europe: No lawyer jokes. No political system jokes

The 1980s was the decade in which canny America defeated the stupid Soviet Union. The Soviet Union collapsed in the early 1990s under the weight of the accumulated internal contradictions of a socialist society, as had been predicted long beforehand by Hoff (1950 [1949]), von Mises (1974), Shtromas (1981), and the new American empire of global trade (Coyle 2001) running on terms drawn up by America's lawyers (Gray 1998: 103, 128) became dominant. Western Europe experienced neither the collapse of stupid socialism due to the absence of a price system nor the fearfulness of an American competitive success in which all things had their price. Western Europe fitted neither pattern, and the traditional European jokes about the stupid and the canny remain targeted at ethnic minorities and not directed towards groups at the core of the society.

This is hardly surprising since the European countries are nation states whose legitimacy is not tied to a single ideology built into a unified complex of institutions. The European nations are what they are because of their imperfect but accepted pasts and not because of some agreed much aspired to future or manifest destiny, such as the building of socialism or of the city on the hill. There is no single powerful institution at the center of any western European society that can become the focus of all jokes as happened in the socialist Soviet Union or in lawyers' America.

11. Europe: Alienation without lawyers and without jokes

Europeans also experienced a sense of alienation from the tightening of Weber's iron cage (Weber 1930 [1905]: 181–182) in the last two decades

of the twentieth century and the intensifying of the web of written rules that constrain and frustrate individuals, particularly but not exclusively in their place of work. However, whereas in Eastern Europe such pressures could be ascribed to the malevolence of the state or in America to the greed of lawyers, in Western Europe the sources of frustration in an over-regulated world could not be identified in a simple and clear way that would provide a simple target for joke tellers. In Western Europe, the origins of the increasing oppressiveness of everyday life were diffuse and it was difficult to identify who the gainers were or even to see whom ultimately exercised power. Shifts in the direction of tighter bureaucratic control caused resentment but generated very few jokes because it was difficult to perceive which individuals were invidiously benefiting from the changes. The self-interest of bureaucrats in expanding their organization and thus their status and salaries, in obtaining more information so as to provide greater justification (after the event) for decisions made under uncertainty and in exercising enhanced power is less obvious to the public than the gain derived from an increased fee and can be more easily disguised as being in the public interest (Neal and Davies 1998; Rowley et al. 1988). It is legal oppression but without lawyers. It has given rise not to jokes but to situation comedies about sly public servants who hide their pursuit of self-interest under a cloak of public concern. It is interesting that the authors of one of the best of these “Yes Minister” (Lynn and Jay 1984) admit to being influenced by the new political economy of public choice (Tullock 2006 [1976]) that has unmasked the “disinterested” civil servant. There are no jokes in Western Europe about the new army of salaried regulators, administrators, inspectors, and advisers but in America many of their functions are carried out by lawyers; the lawyers stand to gain directly through fees, and their actions are highly visible if the matter goes to court and becomes a noisy dispute about rights rather than being settled cozily in an office.

12. The first thing we do, let's kill all the lawyers

There is one other aspect of lawyer jokes that is worthy of comment, namely the existence of a large number of jokes which play gleefully with the idea that lawyers should be killed, preferably painfully; at the very least, no one should intervene to hinder their decease. The lawyers of the jokes deserved this fate, because their amoral behavior in the jokes

in pursuit of their self-interest had revealed them as less than human. It is significant that these jokes flourish in the absence of any significant threat to the lives or well being of lawyers in America. Lawyers are very rarely attacked by clients or those they encounter in their work; the risks they face on a daily basis from the violent and the hostile are far less than those encountered by police officers, firemen, social workers, school teachers, and doctors and nurses treating accident and emergency cases. The worst they can expect from the American government is legislation restricting their ambitions or capping their fees. The chances of lawyers, as a class, being persecuted or dispossessed in America is very small. Should lawyers take fright at the “nastier” lawyer jokes, it would be a perfect example of someone confusing humorous and serious discourse, since there is no independent serious evidence of any threat to lawyers or widespread popular hatred of them. Indeed, the existence of such jokes in widespread circulation in America is an indication of how safe American lawyers are, for the jokes neither evoke the general unease nor the hysterical accusations of bad taste that would be aroused if American lawyers really were hated and menaced. The jokes below are a perfect example of how jokes that seem to have a viciously hostile content can be full of sound and fury yet signifying nothing.

How do you stop a lawyer from drowning?
Shoot him before he hits the water.

What is the ideal weight for a lawyer?
About three pounds including the urn.

What is the difference between a lawyer and an onion?
You cry when you cut up an onion.

How many lawyers does it take to roof a house?
Depends how thin you slice them.

How many lawyers does it take to stop a moving bus?
Never enough.

If I had but one life to give for my country, it would be a lawyer's.

The innocuousness of these lawyer jokes is confirmed, indeed emphasized, if we substitute “Jew” for “lawyer” in the jokes above. It does not significantly change the texts of the jokes, nor do the jokes, in and of themselves, become any more threatening than they were before. The jokes, like all jokes, remain ambiguous humorous utterances that can have many and indeed contradictory meanings; to decide between these

meanings in any given instance we would need more information about the telling—about the teller, the audience, the tone, and the context, i.e. things external to the text of the joke.

Yet for a mixture of reasons—some good, some invalid—many readers might well feel uneasy about these same jokes when told about Jews, even though this had not been the case when the jokes were told about lawyers. No one has ever tried or is ever likely to try to murder all the lawyers in America. By contrast, the authorities of National Socialist Germany—with a great deal of support, participation, and indeed enthusiasm from ordinary Croats, Frenchmen, Hungarians, Latvians, Lithuanians, Romanians, Slovaks, and Ukrainians, as well as their own people—murdered six million Jews (Birnbaum 1992; Goldhagen 1996). Furthermore, there are today many in the Muslim world who strongly believe that the Jews control finance, constitute an international conspiracy, are responsible for most of the world's ills (Iganski and Kosmin 2003; Mahathir's *Dark Side* 2003: 24; Simpson 2003: 35) and ought to be harshly dealt with. Jokes about killing Jews bring to mind dark memories and fearful contemporary threats, such that we feel uneasy when we hear or read them, not because the jokes themselves are in any sense a problem, but in relation to the grim real world of which they remind us—one which we have good reason to fear. For some, this uneasiness is coupled with a failure to see that such jokes neither create nor contribute to the real world anti-Semitism about which we rightly feel uneasy. Besides, should those individuals who wish to harm the Jews enjoy jokes about the maltreatment of Jews, it is not as a disguise for hidden intentions, for they are quite open about their hostility (Oring 2003: 42–57). Wit is not a weapon; it is merely fancy decoration on the holster.

In the case of the jokes about lawyers, the holster is empty. There is no gun, merely the pretence of one. American jokes about lawyers, which accuse the wretched attorneys of all manner of perfidy, describe them as less than human and suggest that they all deserve a horrible death, have no real counterpart in the serious beliefs or actions of ordinary Americans. No one is picketing lawyers' offices or kicking their windows in. No banner is hung outside city hall proclaiming "The Lawyer is our Misfortune," or "This is a Lawyer-free City"; there is no blackmailing of those whose grandfather was a lawyer and no forcible conversion of "parasitic" lawyers to become productive ditch diggers. The U.S. Congress or the legislatures of the individual states may choose in the future to pass laws capping damages in civil cases, to ban no win no fee actions (as is the case

in many other countries), to replace lawyers with administrators or arbitrators from non-legal backgrounds, or to impose a special and punitive tax on legal fees that does not apply to other transactions, but if they did, this would be part of normal democratic politics. It would not be an indication of the collapse of American civilization but merely confirm that there are winners and losers in politics and that occasionally the lawyers are going to lose. Even powerful groups securely at the center of the social order can lose out in a democracy. American lawyer jokes have no political significance, and as with all jokes there is no simple relationship between the humorously expressed scripts contained in the joke cycle and the political sentiments that could be derived from them if they were serious statements.

13. Conclusion

Jokes play with aggression, they do not express it; aggressiveness in jokes is a matter of tone and context not of content. The relative popularity or unpopularity of lawyers over time is probably irrelevant to an explanation of why this particular joke cycle came into existence and flourished in the 1980s. Rather we must explain why the British and European jokes about lawyers that could have been told never were. The crucial piece of evidence if, of course, it exists, would be to find a country other than America or one of its dependencies where canny lawyer jokes flourish just as vigorously as they did in America and where a significant number of them show signs of having been invented locally. We could then analyze what social characteristics that country had in common with America and which set both of them apart from other countries where the cycle of lawyer jokes failed to flourish, despite an openness to American jokes in general. We can nonetheless conclude tentatively that the lawyer jokes are a product of those features of the American cultural and social order that are peculiar to that country and which set it apart from other advanced societies.

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