

# The Joke Trial

by [Kirby Olson](#) (October 2018)



*Two Lawyers Conversing*, Honoré Daumier, 1862

The judge's face glowered out over the audience. Some of his ancestors had owned slaves and some had cleaned sewers. Still others had run hotels, and still others had bussed tables. He was an idiot of an ordinary variety, a friendly, backpatting, clubby sort of man, whenever it mattered, whenever he was with men who were like him, and who he needed in order to maintain his position in a community of similar men. His judgment was utterly dependent on his intuition that every person was out for themselves, although he talked about helping others with the law, and he talked about his Christian background. He had no breadth of mind whatsoever, in spite of rapid progress through law school. He

had simply befriended more powerful figures, who had given him a hand up. He could do whatever it took to get him into a position of power. He was one of those guys who lets his vested interests color his judgment, and he finds facts afterwards which conform to his self-interests. He covered this naked self-interest with high-sounding platitudes. In short, he was of sub-average intelligence, and yet thought he was one of the most brilliant legal minds ever. He was typical. Everyone who came into his courtroom was welcome to bribe him, to flatter him, to try to stay on his good side. Anyone who went against him in the slightest way would find themselves in San Quentin on the wrong side of a rock pile in a matter of minutes. The situation looked good, because I usually get along with men like this, because they are a lot like me.

However, I wanted to get drunk in the hours before the trial. I couldn't take a drink, however, because I had to worry how we were to present the defense, how we would challenge the character of the German woman who had accused me of telling a joke, how we would argue that no damage was done to either her character or her salary, and so on. Also, I didn't want to look like a besotted fool. It was a difficult case, and although we had money for excellent lawyers, the trial was to be held in Seattle, the city of victims. Therefore, the climate of opinion was against us. White men in general were being assaulted in hippie tea-rooms by women with six eyebrow rings wielding cake forks and a steady stream of anti-Chauvinist epithets. We hired a phalanx of the best handicapped women lawyers available, and marched into the courtroom.

My wife was furious. She told me she thought men were good. When the Titanic sank, men gave their lives so that women and children could live. That is normal. Jokes are all that men have, she said, so let them have them. I spent the trial massaging her hand, trying to calm her, because she was

filled with rage at women.

The offense kicked off with an argument that the last century had been a game of football between the traditional heroes, white men—and their victims—everybody else.

My chief defense attorney was a black woman. It had been very difficult to hire her but my boss had mortgaged the company in order to get her in on our side. She had read up on the alma mater of the German, Neverclean State College, the hippie school of the northwest, and called one of the founders of the school, a former jazz man.

“Sir,” my defense attorney began. “When you opened Neverclean State College, what was your idea of education?”

“Like, sister, like, what we were trying to do, is like, uh, a holistic thing. Didn’t matter if it meant, like, flower arrangement, or books, see, because it was, like, all formal learning, dig?”

“But, sir, certainly there was something behind this? A vision?”

“Like, sure.”

“In concrete terms?”

“Just, uh, whatever.”

“Did you ever think about diversity, about victim’s rights, about saving autochthonic peoples?”

“About saving what?”

“What I’m trying to get at it is: did you have an ideology?”

“Objection, your honor. The attorney must define her terms and not use senselessly vague verbiage,” the prosecuting

attorney said.

"What are your values?" My attorney rephrased.

"How do you mean?" The man laughed through his old Biblical prophet style beard. "I groove on jazz, man, jazz. Jazz changes as it goes." He began to play air sax, looking much like a kind of disheveled ZZ TOP.

"Does Neverclean have a sexual harassment code?" My lawyer asked.

"Sure."

"Does it only apply to straight white men?"

"Yes."

"Your witness," my lawyer said. The offense took up the ball.

"Sir, does your school teach its students self-respect?"

"Yeah, sure."

"And does it teach that each being is entitled to respect?"

"Yeah, sure."

"And is a spirit of mockery disrespectful?" The prosecuting attorney pressed her point.

"By definition?" He asked.

"Yes."

He stroked his long beard and said, "Yeah."

There was a brief pause while the prosecuting attorney tried to press her point. "You see," she said, "the

very spirit of joking is disrespectful. Anyone who jokes is being disrespectful. Therefore, in a community based on mutual respect, the spirit of comedy itself should be outlawed, don't you agree? As Aristotle put it, in the Nichomachean Ethics, 'Now those who carry humor beyond the proper limit are vulgar clowns, for their hearts are set on humor at any cost, and they aim rather at raising a laugh than at using decent language and not giving pain to the butt of their fun.'

"Objection!" My attorney stated. "The quote is incomplete. Aristotle also says, 'On the other hand, those who never themselves make a joke and are indignant with everybody who does, are said to be boorish and crude.'"

"Objection sustained," the judge ruled. "Your quote was taken out of context, madame."

"I would like to continue with Aristotle," the prosecuting attorney said. "It is well known that Aristotle thought that justice was a matter of good proportion, and distribution. In our society, men have been the jokers, and women the butt. In our society, by extension, men have been able to control the means of culture, which is used to ridicule women. In our society, men have had a disproportionate control of intellectual resources. We think these resources, and the money which makes them possible, must be redistributed fairly. If someone makes a joke at the expense of women, it should be an opportunity to reallocate resources to the very women who have been the butt. This is redistributive justice."

I was wondering how my lawyer would counter this argument. I wanted truth and justice to prevail, but not at my expense.

"Aristotle was also interested in prudence," my lawyer objected. "He did seem to want a redistribution, but according to merit. My client is not solely responsible for

the state of things in this society, nor should he be solely responsible for redressing them! Redistribution of his money to a German who is only trying to cash in on a harmless joke would in turn be unfair. She is not the only human being to have suffered. White men, too, suffer. My client, a Jewish man, lost his parents who had come to America to flee the Nazis when he was still a child. Should my client then be given money by those such as the German woman who was able to keep her parents with her in her native country so that she could grow up in security? Your definition of Aristotle's principle of redistribution would also apply to my client. Your client had her parents, and still does. Perhaps she should pay my client using your principles! Remember that Aristotle was quite wary of democracy itself, and how it tended to be a drain on the more resourceful citizens of the community, who continually had to help out the weaker members of the community. He said that democracy turns upon the interests of the needy and neglects the competent."

"I'm not trying to establish what Aristotle thought. What I am interested in is providing a context in which to ask the question of whether or not the head of Neverclean State College thinks that Neverclean would be a better place, if there were no jokes at all on that campus. Taken in its entirety, sir, do you think this to be the case?"

"Yes."

"Well, is comedy lawful at Neverclean?" She asked.

"No." He squirmed.

The old hippie looked up at the judge who was at this point completely asleep, nodding, and snoring. The hippie laughed, looked startled, and looked around him, as if some kind of joke were being played. Where was he? Why was he in a suit? What year was it? All the LSD he had taken in the sixties had fried his neural circuits, but there were so few

rules in the free jazz he played that no one knew.

"You may leave the stand," said the prosecuting attorney to one of the hippie founders of Neverclean State College. "No further questions, your honor."

At this point, I looked over at the young German woman. She was wearing a triple nose ring, and a couple of eyebrow rings, and had dyed her hair bright green for the occasion.

The prosecution lawyer called my therapist, the humor doctor.

"Doctor, would you say that my client Katia has a sense of humor?" The prosecuting attorney inquired.

"No, madame, none whatsoever."

To my amazement, the German feminist burst out in a laugh which echoed through the chamber of justice. My therapist looked surprised, too, as he looked over at her in some shock as to how she had given a counter-example to his testimony. It had been a thin, high, chilling laugh, but it was nevertheless a laugh.

"And wouldn't that mean, if we listen to the former president of Neverclean State College, that she has absolute respect for all beings?" She pressed the point worriedly, because she wasn't sure that her client didn't have a sense of humor, now that everybody had just heard her laugh.

"No, what I think it means is she is sick."

The German feminist began to giggle and then to laugh as if she couldn't stop.

"No, Doctor, it doesn't," the prosecuting attorney retorted. She threw her nose into the air, and then turned and glared at her client. She was trying to expose a sense of

humor as inherently evil, so why was her client laughing?

"No further questions, your honor."

My attorney had her turn.

"Doctor, doesn't not having a sense of humor imply that one is almost too sensitive, too serious, too much of a baby, to be in the real world?"

"Having no sense of humor is a common phenomenon among various extremist groups. In the ordinary world, the lack of the ability to distinguish between reality and fiction is extremely uncommon. However, in certain cults, and in most extremist political terrorist groups, it is very common. Those people join such groups in the first place so that they won't have to deal with subtlety. They need hard, clear answers, because subtlety is too great a burden. This is my understanding of the plaintiff, as well as most of the problems of the last two hundred years."

I looked over at the German feminist as she laughed and laughed and laughed. Her parents sat behind her, wearing spiked German army helmets. Like good Germans, they had Hitler moustaches just below their noses. They were laughing and laughing and laughing. They no doubt had a subtle point of view, too. Why were they laughing? Didn't they have a concern for their daughter and concern for what had become of her thinking capacity after attending an American university?

The German was called to the witness stand.

The prosecuting lawyer asked her, "How well did you do in school?"

"We all got the same evaluations. We were only trained to be watchdogs, censors, and I find the degree now to be more and more satisfactory in this regard. I learned precisely who and what needs to be destroyed." She looked at



me and laughed.

"Do you have anything to add?"

"Yes. We were taught that white men have destroyed innocent cultures all around the globe. They are a source of infection, which must be destroyed. My own father is a white man, and I love him, but he has to be destroyed." She looked over at her father. "I'm sorry, father, but you are responsible for the world's miseries."

The father and mother stopped laughing and suddenly looked annoyed.

"Are you glad you brought this suit?" The prosecuting attorney asked.

"Yes. I am proud to put my own father and all white men on trial. He makes jokes right in front of me, which is rape. He should die!"

She stared with the eyes of a crazed Doberman. If this was a normal world she'd be put in a strait jacket, I thought, but since the world had gone crazy, I was probably on my way to prison for having offended her world view.

"Order," the judge said, and the German feminist looked up. It was the first sign of sentience in the judge.

"How long were you with Dan Sweet Insurance before you decided to call Bob a sexist?" My attorney asked.

"I could see it instantly. He's white, he's male, therefore, guilty." She sneered.

"Could you give me an exact time frame?"

"A zecond."

"Did you lose any economic benefits from making the accusation?" My attorney asked.

“Well, no,” she said. “They still paid me, even though I haven’t been to work since the accusation. It’s only fair. They put me through hell at that picnic, holding me down and telling vicious jokes like that.”

“Objection, your honor,” my defense attorney said. “This is a new statement. There has never been any indication that physical force was used.”

Whether the objection was sustained or overruled was not clear, as the judge could be heard snoring at his bench. He had nodded off.

Suddenly the judge woke up in the silence, looked at his watch, and asked for closing arguments.

My lawyer argued that since there were no economic injuries, there had been no impropriety. And her lawyer said that she was deeply damaged, that her soul was massacred, and that this required a massive redistribution of society’s resources.

The judge spun a penny. Heads she wins, tails I win, he announced. He slapped it down on his desk and looked at it.

“Heads,” he said. “Heads she wins.”

The feminist broke into laughter, and started pointing her forefinger at me, and holding her hand over her mouth to contain her hilarity.

“The joke’s on you!” She cried. “You’re going to prison!”

The judge took a pack of condoms out of his pocket and threw them at the German feminist’s feet. “The bench awards the victim a pack of condoms!”

“Enjoy!” He ejaculated.

Liisa jumped up and hugged me. Everything looked fine.

"Mistrial!" The German feminist's lawyer cried. "This is a travesty!"

"Madame," the judge said. "Let me be the judge of that. The bailiff, here, Julius, will put you in prison if I find you in contempt."

Julius, a muscleman, had a trick he had practiced for hundreds of hours. He flexed his moustache, and it sailed up above his nose as he flexed his whole body.

"Patriarchy! It has been the same in western societies all the way back to the Roman Empire!" The feminist lawyer screamed.

"Julius, seize her!" The judge commanded.

Julius marched toward the lawyer. Her client, the German, took a machine pistol out of her purse and shot at him. His moustache flew off. She shot at the judge and his toupée flew off. "Put the gun away!" the lawyer screamed. "They'll sue! They'll sue! I'll lose my license!"

"You stupid woman," the German said. "Do you think I am so stupid as to be a feminist? I am a Nazi, the last of the Lapua movement, faithful to my race, not my gender. You are a traitor to the white race, which was lost at Stalingrad! You are a disgrace to your people."

"But it's gender that counts. The races can learn to get along!" The feminist lawyer shouted.

"Gender, schmender," the German said. "It's race."

The German feminist shot her lawyer right in the center of the forehead. "We are having a revolution here, not a career day," the German feminist said in a low guttural

roar. "Everybody going to die. I am the last member of Lapua, and your zilky zociety will pay."

She shot the judge directly in the temple. Blood jetted out of his cranium as he slumped beneath his bench, and soon all the members of the courtroom hit the deck as bullets began to fly every which way. Julius the bailiff held his mid-section as he fell, holding his crotch. A bullet struck my head and I went down. The trial was over. Men and women were falling as the stupid feminist opened fire at random with some kind of assault rifle. In her fury she had mown down her own father, who was lying dead in a puddle of spectators. The father had leaped to embrace his daughter, and taken ten bullets in the chest as his daughter had raked him with lead.

"Guilty as charged," the pseudo-feminist said robotically, as he fell. "Zee Liberal Azzhole."

Dozens were dead or injured, lying around screaming in agony. There was blood all over my face, and my life began to pass before my eyes. All this, I thought, because of a joke I had told at the company picnic. Was this woman a Nazi, or a feminist, or what? I reflected that I myself barely knew the difference, so how could she, especially after attending a university where such subtle distinctions were passed over in favor of flower-arranging classes?

As the psychotic Katia, if that was her name, paused to reload she could be heard to sob, "Lapua is dead! We are victims! Victims! Ve vill die!"

Before I could say anything, Liisa leaped over the pew and tackled the Nazi infiltrator and punched her in the head as they went down. "You killed your own father, bitch!"

"He deserved it! He was not a member of the movement! He denounced it! He was a liberal!"

"Crazy bitch!" Liisa cried. "How dare you shoot like

that! You fucking bitch!" The pseudo-feminist's head was smashed into the floor repeatedly.

"I am a victim!" The Nazi screamed. "A victim!"

"Enough!" Liisa roared. "Use your brain, or I'm going to knock it out the other side of your head."

"I am a victim!" She repeated mechanically.

"You are NOT a victim," Liisa said. "Now make license plates."

Liisa gave the woman a kick in the ass and she flew several feet and landed in front of the bailiff Julius, who was leaking blood from the crotch. The German woman's eyes swam in circles as she looked in anger toward what remained of her father as she tried to reload her assault rifle.

Julius was bleeding, but seized the terrorist and handcuffed her before he passed out. She'd have to spend several months behind bars. Then she could sue Neverclean State College for her faulty education which lay at the heart of her mental difficulties. I lay in a pool of blood reflecting, as if they were my last seconds on earth. I thought the taste of the judge's joke was dubious, and doubted whether it had been any great contribution to humor. Any joke was better than none. Who were all these people, and what did they believe? Did all that had happened have any ultimate meaning, or was it all just confusion and misunderstanding, based on the ridiculously small minds God had given us to try to negotiate our way through the vale?

Liisa grabbed me. "Are you ready to go home, Bob?" She asked. "Or do you just want to hang around all day, thinking about problems? Let's go for the gusto, man." I looked like I was very faint, apparently, and was holding the cut on my forehead from the pseudo-feminist's bullet.

“Buckwheat, it’s a flesh wound. Anybody can see the bullet grazed your forehead. Need a hankie? Jesus, what is the matter with this country!” The Finn looked to Heaven for relief. “If you want sympathy for a little flesh wound you’ve come to the wrong place. Get on your feet.”

I nodded. It seemed the bullet had only grazed my temple, and with a couple of bandages from the first aid crew I was fine. It all reminded me of the joke about the peppercorn and the porcupine, which I decided to tell out loud.

“Maybe you have all heard the one about the peppercorn and the porcupine,” I began. Liisa grabbed me and told me to shut up.

“Have you noticed that there are dead people present?” She asked. “You want to joke now?”

I did.

“Zip your lid.” She barked.

Jokes can be fighting words in the wrong situation, but I still felt the first amendment should cover everything! However, I bent to the stronger power, the wife.

“First I want a massage for having saved your ass in court today. Then I want you to clean up, cook me a champagne dinner, and get on top of me and make love to me like there’s no tomorrow,” Liisa said.

“No prob,” I said. She was a butterfly with an attitude. We held hands and walked out of the court together, stepping over the corpses caused by the pseudo-feminism and its confrontation with the pseudo-liberalism, both of which, I confess, were kind of hard to distinguish from neo-Nazism. I knew that there was no understanding that could ever explain these events. I didn’t know who the German feminist was, or

whether she was a Nazi, or whether she had been a student at Neverclean and had gotten her ideologies confused. This was the sort of thing some academic psycho-historians would argue over in the years to come, I figured. It wasn't something that interested me, because I knew that behind one mountain of twisted ideology, there was another mountain, and yet another mountain behind that. It was based on blind hatred, or so I thought. My life was based on another kind of blindness. It was all laughable. My sense of humor was back. But there was a time for everything: a time for jokes and a time for trials and a time for joke trials and a time for trial jokes, a time for champagne dinners and a time for hot love.

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