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Keith Aoki

PROLOGUE

There once was a man named Pierre
Who to Legal Pundits said:
    I just don’t care,
    for all your implausible schemes
    and high-minded dreams,
    dreamt up to hide Reason’s disrepair.
So see this story, my friend
And perhaps in the end
You can draw
Your own conclusions there.

2 Rational Epistemic Analytic Systemic Ontologic Normativos (R.E.A.S.O.N.)

* Professor, University of Oregon School of Law. Sincere thanks for encouragement and comments to Pierre Schlag, Anthony Paul Farley, Maria Grahn-Farley, Michael Fischl, Phyllis Goldfarb, Peter Goodrich, Duncan Kennedy, Bert Westbrook, as well as Dean Dennis Lynch and the rest of the participants in the February 2002 “Beyond Right and Reason” Symposium hosted by the University of Miami School of Law. Particular gratitude is due to Professor Martha Ertman for introducing me to Maurice Sendak’s book, “PIERRE: A CAUTIONARY TALE IN FIVE CHAPTERS AND A PROLOGUE” (Harper & Row, 1962) thereby providing both a conceptual frame and a jumping off point. Thanks are also due to the work of Jim Steranko, Jack Kirby and Stan Lee who created “NICK FURY, AGENT OF S.H.I.E.L.D.” for Marvel Comics in the 1960s and served as a stylistic touchstone and inspiration. And thanks to Francisco Goya & Beto Juarez.
AT THE LAW REVIEW EXECUTIVE MEETING...

YEAH, WE HAVE A PROBLEM!! SINCE WE ACCEPTED THIS "PIERRE" SYMPOSIUM, WE HAVEN'T SEEN ANY PIECES WITH MORE THAN 20 FOOTNOTES!!

MY CITE-CHECKERS ARE COMPLAINING...

"S'WARNING THE BOARD ABOUT THIS..."

YES, BUT...

WE MUST DO SOMETHING! THE LACUNAE ARE SAPPING OUR JURISPRUDENTIAL MOXIE!

WE COULD JUST START OVER...? HEN!

COME ON, GET REAL! NOW, SOME OF THESE PIECES CAN BE "DOCTORED" UP INTO RESPECTABLE LEGAL SCHOLARSHIP... BUT...

GET A LOAD OF THIS...

HMMM... YOU MEAN SOMEONE SENT DRAWINGS IN?! A... COMIC STRIP???

YOU SEE WE DO HAVE A PROBLEM..."
NORM ATIYOE, AGENT OF R.E.A.S.O.N.!
RATIONAL EPISTEMIC ANALYTIC SYSTEMIC ONTOLOGIC NORMATIVOS

BLOW-BACK!

IN A TOP SECRET UNDERGROUND FORTRESS, AN ALL-SEEING PANOPTIC VIDEOSCREEN OPERATED BY A TEAM OF MERCILESS, PANISTIC ANTI-RATIONALISTS PURVEYS A EUPHONIOUS SIGHT!!!

IT'S NORM ATIYOE EXACTLY AS THEORY PREDICTS!!!

HE MUST FEEL BOLD IN KNOWING THAT R.E.A.S.O.N. ALWAYS PREVAILS!

HE'S WEARING ONE OF REASON'S LATEST AUTO-DICTACT TRANSPORT PODS FOR SURREPTITIOUS DESCENT!!

IT'S CLEAR IT RUNS ON HIGHLY-PRESURIZED HOT AIR!!

LIKE A SMALLER VERSION OF REASON'S VAST ACADEMIC HOVERING HEADQUARTERS!!

...LITTLE DOES HE KNOW THAT HE WILL NEVER HEAR HIS PRECIOUS LITTLE LEGAL GRID AGAIN!!!
WE SHALL ALLOW NORM ATIVO TO TOUCH DOWN WITH OUT INCIDENT!!  HE MUST REPORT BACK THAT ALL IS NORMATIVELY REASONABLE!

THEN, WHILE REASON WALLOWS IN FATAL COMPLACENCY AND FALSE SECURITY --- WE SHALL STRIKE!!

WE WILL BLAST HIM OUT OF THE FRAME!!

THE TIME HAS COME TO CALL THEM ON THE CHAOS AT THE HEART OF THEIR HALLUCINATION!

MEANWHILE, IN THE BARREN DESERT ABOVE, PIERRE'S SECRET UNDERGROUND HQ...

I WONDER WHO THEY REALLY ARE BEHIND THOSE "PIERRE" MASKS?

ONE THING FOR SURE: REASON HAS PINPOINTED THEM AS A "THREAT TO THE GRID"... AND THE "GRID" MUST BE PROTECTED - AT ANY COST!!

WHAT?? IT DIDN'T EVEN SLOW THE ROBOT DOWN!!

OH NO!! EVIL ROBOTS!!

IT HAS ENOUGH MUSCLE TO DEMOLISH A TANK!!
A robot raises an arm, and...something.
Can't see or hear or think!

Don't bother reaching for your prang pistol, Mr. Ativo! It can't help you now!!

Nothing can.

Later, in Pierre's underground HQ...

You are so very reasonable, Mr. Ativo. You recovered quickly from my robot's stun blast!

Damn! I needed my frame.

So, Mr. Ativo, are you going to call us self-indulgent, deviant, ugly, weak, unsocialized, hedonistic scoundrels? If so, don't bother wasting your breath.

I suppose you're going to insist the only alternative to waring into the 'grid' is--let me guess--chaos. Forget it, Pierre! Your unethical, faithless piggery ain't a pretty sight.

You dirty rat! Don't you know REASON will find a way to stop you!!

Stop me?? STOP ME??
Moo hahaha ha ha!

Do you expect me to believe in your feeble attempts at critical reflexivity and your pitiful shots at frame construction?

The field of pain and death.

Mere wishful thinking, Mr. Ativo.

This is what your 'grid,' your dream of REASON will come to.

Woom!
Meanwhile, high above Megaton City, the flying command centers of R.E.A.S.O.N. hovers...

Inside the massive craft lies the headquarters of R.E.A.S.O.N., voraciously devouring information...

Ceaselessly deploying the grid of surveillance.

Un-ooh! Ativo's dropped off the grid!

The council must be informed!

As the high council of R.E.A.S.O.N. judiciously deliberates...

Yes, I was reconnoitering those irrationalist evildoers from P.I.E.R.R.E.!!

Yes, yes, yes, we here all agree with each other...

Truly.

We understand Norm Ativo's reappears.

I'm fed up with those deranged absolutists who demand far too much of R.E.A.S.O.N.!!

If at all.

Now that we've mapped P.I.E.R.R.E.'s location, we must deploy our Trumpet Missiles, "Asif" bombers and our self-replicating smart bombs!!

Our mission is crystal clear!!

We must proceed without mercy or restraint... the minions of P.I.E.R.R.E. must not be allowed to burrow in and carve out any exceptions!!

We shall show P.I.E.R.R.E. that our sound and reasoned judgement always prevails!!

We strike for truth, goodness and..... fate!!

Yes, yes

And...
Don't you realize your insane scheme will never work! The grid is everywhere—in the food you eat, the air you breathe!

If you come to your senses and release me, you'll get an endowed chair at Yale. For starters, I come on, be reasonable!

WISHFUL THINKING, MR. ATIVO!

The grid is a figment of your poor, befuddled imagination.

As for Yale, I (and P.I.R.E.R.E.) don't care!!!

And, Mr. Ativo, R.E.A.S.O.N. should not be surprised at P.I.R.E.R.E.'s own propensity for "self-defense"—refanged critical reflexivity indeed!

KA-THOOM!

Hurry, you dolts! I must have my disguise in place immediately!

Yes master! Lower the facial morph program to maximum!

Sir, you are prepared for morphing?

Within moments, you will have a new face! You will be an indistinguishable replica of Norman Ativo, agent of R.E.A.S.O.N.!
I MUS T DON A TIVOS PROFESSORIAL GARD.

AND WHILE R.E.A.S.O.N.'S ASIF STRATO Bom Bers CLOSE IN... I SHALL ESCAPE THEIR BOMBS IN MY NEUTRONIC JET CRUISER.


GROUND ZERO DEPLOY THE "ASIF" BOMB!

..."ASIF" BOMB LAUNCHED!!

LET THEM STICK THAT IN THEIR RIFS AND SMOKE THEM OUT!
WELL, THAT'S PRETTY STUPID—"OPERATION BLOOMBACK"? A COMIC STRIP? WE SHOULDN'T EVEN BE LOOKING AT THIS TRASH, LET ALONE THINKING ABOUT PUBLISHING IT!

WHAT DO YOU MEAN "STUPID"? ONE PERSON'S "STUPID" IS ANOTHER PERSON'S INNOVATIVE!

OH, COME ON, DON'T PULL THE MANHATTAN "EVERYTHING IS RELATIVE" ARGUMENT ON ME... PULL-EZEB!

IF WE PUBLISH THIS PIECE, IT'S CLEAR OUR REPUTATION WILL SUFFER! AFTER ALL, OUR LAW REVIEW IS KNOWN FOR SERIOUS WORK THAT CONTRIBUTES TO LEGAL SCHOLARSHIP...

...WHICH THIS PIECE MOST DECIDEDLY DOES NOT!!

I THINK WE SHOULD DUMP THIS SO-CALLED "PIECE". FOR THAT MATTER, I WAS AGAINST US DOING THIS SO-CALLED "BEHIND THE SCENES" SYMPOSIUM!

I'M TROUBLED BY THIS PIECE TOO, BUT FOR A SLIGHTLY DIFFERENT REASON...

I MEAN... LOOK AT IT, LOOK AT THE CHARACTERS IN THE STORYLINE...

IT HAS ABSOLUTELY NO WOMEN IN IT! WHAT KIND OF STATEMENT IS THAT, NOT TO MENTION THE GRATUITOUS VIRUS!

I GUESS IF YOU THINK LEGAL SCHOLARSHIP IS LIKE A BAD '80S SPY MOVIE, THIS PIECE IS OK... I VOTE TO REJECT THIS PIECE!

OK, LET'S TAKE A VOTE ON WHETHER TO ACCEPT THIS PIECE.

I, FOR ONE, THINK THE SYMPOSIUM IN GENERAL, AND THIS PIECE IN PARTICULAR, ARE INTERESTING... VOTE TO ACCEPT!

WELL, WHILE I HAVE QUALMS ABOUT THE FEWNESS OF FOOTNOTES, I VOTE TO ACCEPT...

WE SHOULD REJECT THIS PIECE. IF PROFESSIONALS CAN'T POLICE THEMSELVES FOR QUALITY... WE'VE GOT TO! I VOTE TO REJECT...

I'M WITH TONY. WHY NOT TAKE A CHANCE WITH SOMETHING DIFFERENT? I VOTE TO ACCEPT!

I VOTE TO REJECT. NO SELF-ASSIGNED LAW REVIEW SHOULD TOUCH THIS TYPE OF STUFF... WE NEED MORE EMPIRICAL WORK, NOT TRIVIAL MUSKETEERS OF LAME...

I VOTE TO REJECT... THIS PIECE INFLUENCES ME ON THE LEVEL OF REPRESENTATION...

I'VE GONNA GO NOW TO MY CRNAVATH INTERVIEW 3-3-1... OK—THAT'S 3-3. REJECT... REJECT... REJECT!!
So, the Pundits did scold
But failed to behold
The fact that Pierre didn’t care
About how reason’s delusion\(^3\)
Leads to entropic confusion
And the further dissolution
Of Legal Thought into thin air.

The “Moral” of P.I.E.R.R.E.
may be: BEWARE!

\(^3\) "El Encanto de la Razón Produce Monstruos También" ("The Enchantment of Reason Produces Monsters Too").