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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO, CENTRAL DIVISION

J.R.R. Tolkien,

Plaintiff

v.

George R.R. Martin,

Defendant

Case Number: 37-2019-00000001

**PLAINTIFF’S NOTICE OF MOTION AND
MOTION FOR DECLARATORY RELIEF
THAT EVERY ERUDITE LAWYER
SHOULD RECOGNIZE TOLKIEN IS
BETTER THAN MARTIN**

PLEASE TAKE NOTICE THAT Plaintiff moves the Court for declaratory relief that every erudite lawyer should recognize Tolkien is better than Martin.

This Motion will be based upon this Notice, the Memorandum of Points and Authorities, and the sheer majesty of Tolkien’s prose.



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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Plaintiff J.R.R. Tolkien submits this Memorandum of Points and Authorities in
3 Support of his Motion For Declaratory Relief That Every Erudite Lawyer Should
4 Recognize Tolkien Is Better Than Martin.
5

6 **I) BACKGROUND**

7 Every erudite lawyer reads, and every erudite lawyer should have read Tolkien and
8 Martin.
9

10 Tolkien has the world of Middle-earth and books like The Hobbit, The Lord of the
11 Rings, The Silmarillion, Unfinished Tales of Númenor and Middle-earth, The Children
12 of Húrin, Beren and Lúthien, and The Fall of Gondolin. Martin has the world of A Song
13 of Ice and Fire and books like A Game of Thrones, A Clash of Kings, A Storm of Swords,
14 A Feast for Crows, A Dance with Dragons, and The World of Fire and Ice.
15

16 After reading Tolkien and Martin, every erudite lawyer should recognize that Tolkien
17 is better than Martin. “Better” should be understood in a superlative sense.
18

19 **II) ARGUMENT**

20 **A. Tolkien is archetypal; Martin is atypical.**

21 Tolkien intentionally expressed myth in fantasy, whereas Martin disrupted fantasy
22 with uncouth realism.
23

24 Tolkien admitted that his work was “concerned with Fall, Mortality, and the
25 Machine.”¹ He believed “...that legends and myths are largely made of ‘truth,’ and indeed
26

27 ¹ Tolkien letter to Milton Waldman, 1951, *The Silmarillion*, Preface to the Second Edition, p. xiii
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1 present aspects of it that can only be received in this mode; and long ago certain truths
2 and modes of this kind were discovered and must always reappear.”² Tolkien recognized
3 and expressed mythical archetypes: the everlasting battle between good and evil, the
4 mysterious but inescapable and real presence of evil (e.g. Sauron and Morgoth),
5 ultimate triumph of good, and the redemptive nature of suffering. As Tolkien knew,
6 these archetypes are the real “stories” which repeatedly appear in all tales. They are
7 myths made of truth.
8

9
10 Martin’s vision is less astute: “[m]y biggest dream was to ruin the lives of my readers
11 and crush their souls.”³ Martin does not express universal archetypes; he prefers
12 relativism.⁴ Readers must determine good from evil.⁵ Martin lacks the redemptive arc
13 found in Tolkien as expressed by mythic archetypes and lures readers into sophistry by
14 portraying high fantasy as gritty realism.
15

16 **B. Tolkien is academic; Martin is philistine.**

17 The seriousness of Tolkien’s literary creation is shown by his work as a professional
18 philologist who created his own languages for his characters to speak⁶. It is also shown
19 by the fact that colleges offer classes on Tolkien.⁷ Tolkien sought to create an English
20 myth similar to the myths of the Greek and Celtic, and he largely succeeded.⁸
21
22
23

24 ² *Id.* at xv

25 ³ <https://www.popsugar.com/tech/Who-George-R-R-Martin-34970331>

26 ⁴ <http://www.infinityplus.co.uk/nonfiction/intgrm.htm>

27 ⁵ https://web.archive.org/web/20031008091617/http://www.gamepro.com/entertainment/books_comics/books/features/30598.shtml

28 ⁶ https://en.wikipedia.org/wiki/Languages_constructed_by_J._R._R._Tolkien

⁷ <https://www.tolkien-studies.com/tolkien-classes/>

⁸ *The Silmarillion*, Preface to the Second Edition, p. xi-xii.

1 Martin has written a meandering tale with unnecessary characters, pointless
2 descriptions, and peripheral storylines more reminiscent of the ABC show *Lost* than
3 classic high fantasy. His prose is unexceptional and his wording is repetitive. As he
4 blandly writes in *A Game of Thrones*:

5
6 The straw on the floor stank of urine. There was no window, no bed, not even a slop
7 bucket. He remembered walls of pale red stone festooned with patches of nitre, a
8 grey door of splintered wood, four inches thick and studded with iron. He had seen
9 them, briefly, a quick glimpse as they shoved him inside. Once the door had
10 slammed shut, he had seen no more. The dark was absolute. He had as well been
11 blind.⁹

12 Compare Tolkien in *The Lord of the Rings*:

13 Here was one with an air of high nobility such as Aragorn at times revealed, less high
14 perhaps, yet also less incalculable and remote: one of the Kings of Men born into a
15 later time, but touched with the wisdom and sadness of the Elder Race. He knew
16 now why Beregon spoke his name with love. He was a captain that men would
17 follow, that he would follow, even under the shadow of black wings.¹⁰

18 Here is Martin again in *A Dance with Dragons*:

19 He remembered none of it. Only the sound the crossbow made, and the stink of his
20 father's bowels opening. *Even in his dying, he found a way to shit on me.*¹¹

21 Read Tolkien in *The Lord of the Rings*:

22 A cold voice answered: 'Come not between the Nazgûl and his prey! Or he will not
23 slay thee in thy turn. He will bear thee away to the houses of lamentation, beyond all
24 darkness, where thy flesh shall be devoured, and thy shriveled mind be left naked to
25 the Lidless Eye.'¹²

26 ⁹ *A Game of Thrones*, Eddard, p. 605 of 802 of Kindle App edition.

¹⁰ *The Return of the King*, Ch. 4

¹¹ *A Dance with Dragons*, Tyrion, p. 17 of 1017 of Kindle App edition. Emphasis in original.

¹² *The Return of the King*, Ch. 6

1 Martin mindlessly uses severe profanity for no purposes and endlessly, even
2 gleefully, describes nipples and penises.¹³ His repertoire includes murder, rape, and
3 incest, the latter receiving a marked emphasis. Martin’s response to the disturbing
4 amount of sexual violence found in his writing is that he writes about “medieval” sex,
5 whatever that means.¹⁴ The sex and violence are simply gratuitous. Tolkien did not need
6 to cheapen his story with wanton sexual violence; it remaining compelling without it.
7

8 Tolkien also infused his prose with poetry, and it sings:

9
10 All that is gold does not glitter,
11 Not all those who wander are lost;
12 The old that is strong does not wither;
13 Deep roots are not reached by the frost.

14 From the ashes a fire shall be woken,
15 A light from the shadow shall spring;
16 Renewed shall be blade that was broken,
17 The crownless again shall be king.¹⁵

18 Martin’s poetry is puerile:

19 A bear there was, a bear, a bear!
20 All black and brown, and covered with hair!
21 The bear! The bear!
22 Oh, come, they said, oh come to the fair!
23 The fair? Said he but I’m a bear!
24 All black and brown, and covered with hair!¹⁶

25 ¹³ <http://www.dorkly.com/post/52417/7-things-from-the-game-of-thrones-books-even-more-haunting-than-the-red-wedding>

26 ¹⁴ <https://www.theatlantic.com/entertainment/archive/2011/07/george-rr-martin-on-sex-fantasy-and-a-dance-with-dragons/241738/>

27 ¹⁵ *The Lord of the Rings*

28 ¹⁶ *A Clash of Kings*

1 **C. Tolkien is legendary; Martin is transient.**

2 Tolkien has stood the test of time, and will continue to do so. Martin is a cultural
3 fetish popularized only by cable television. His transitory nature will become more
4 apparent over time, given the extremely likelihood he cannot finish the Game of
5 Thrones series.¹⁷

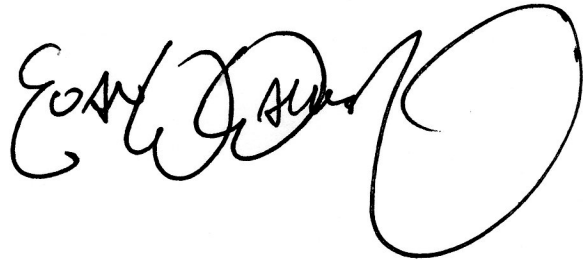
6
7 Tolkien’s influence is unmatched—he is the “father” of high fantasy,¹⁸ the muse for
8 Led Zeppelin¹⁹, and inspiration for academic journals.²⁰

9
10 Martin has angry fans²¹, LARPing in Ohio²², and an official cookbook.²³

11 **III) CONCLUSION**

12 Tolkien’s greatness is illustrated by his infusion of myth into fantasy, his elegiac
13 language, and powerful legacy. Martin has tangential storylines, flat prose, and
14 titillation.

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¹⁷ <https://www.forbes.com/sites/erikkain/2018/02/20/its-time-to-accept-the-fact-that-george-r-r-martin-may-not-finish-game-of-thrones/#7a588f8b59db>

¹⁸ https://en.wikipedia.org/wiki/Works_inspired_by_J._R._R._Tolkien

¹⁹ https://en.wikipedia.org/wiki/Works_inspired_by_J._R._R._Tolkien#Rock_music

²⁰ https://en.wikipedia.org/wiki/Elvish_Linguistic_Fellowship

²¹ <https://www.bleedingcool.com/2017/06/12/fanboy-rampage-game-thrones-creator-george-r-r-martin-vs-livejournal-commenters-winds-winter-updates/>

²² https://en.wikipedia.org/wiki/A_Song_of_Ice_and_Fire_fandom#GRRuMblers

²³ <https://www.amazon.ca/Feast-Ice-Fire-Official-Companion/dp/0345534492>