


Entrenched dogmas versus empirical experience: some reflections on a talk at the National Association of Scholars

By Lev Tsitrin

I don't remember how I got on the email list of [NAS](#) – an organization that pushes back on academic “wokeness” and seeks to restore sanity to universities, but thus far I only listened to their webcasts – discussions of academic politics as well as of the history of American history, science, technology, and invention which they later post on their [youtube channel](#). So when they announced an in-person event that featured the talk by professors Wax, Weiss and Widdowson who dared to question the present-day politico-academic orthodoxy in their respective areas of expertise, and were forced to go through academia's inquisitorial proceedings (the latter two getting booted, while the former still hanging in, threatening to sue), I signed up.

A banner for the National Association of Scholars. On the left, there is a stylized American flag with wavy stripes. To the right of the flag, the text "For reasoned scholarship in a free society." is written in a serif font. The background of the banner is a light teal color.

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National Association of Scholars

My reason was more personal than academic. One of the “WWW” trio was a professor of law – and I always seek out events with legal scholars to ask for their thoughts on judicial fraud – the swindly practice of judges adjudicating judges' own, bogus argument instead of the argument presented by the

parties, so as to decide cases not “according to law,” but according to judges’ whim – those swindler-judges shielding themselves with a self-given in *Pierson v Ray* right to act from the bench “maliciously and corruptly.”

With a roomful of very interesting people – mostly professors, active and retired, as well as a sprinkle of graduate students, all eager to discuss their work and their perspectives over wine and cheese, it was a very fun gathering even before the talk started. Given my interest in fighting Islamist terrorism, one gentleman in particular stood out – a former counter-terrorism officer. Needless to say, I asked his opinion of my idea of fighting terrorism by exposing the factual falsity of the hidden premise that underpins Islamism – the idea that one can know with certainty whether God talked to Mohammed. Because of what I called “the problem of the third party” – the inherent unreliability of any two-step communication involving three parties, the communication in which the first party allegedly supplies information to the second one, and that second party – called “prophet” or “messenger” – disseminates it among the community of third parties, the “ummah,” the members of the latter can’t possibly know whether the middleman-“messenger” misinforms them or not. The thing is simply impossible – so when the likes of Iran’s Khamenei argue the divine origin of the Koran as justification of their power – and their policies – they talk what is, in secular terms, called “nonsense” – but far more interestingly, what is in religious terms near and dear to the Islamists’ hearts, is called “idolatry,” the worship as a god an object of human manufacture – something that is, to Moslems, a worst possible sin. Here we go – the Islamists are the worst thing in Islam: they are idol-worshippers. Why don’t we make this simple fact public, thus clearing heads of nonsense, and ending the terrorism that is caused by the mental garbage occupying too many brains?

Since there was no time to fully elaborate on the idea as,

with constant arrival of more people, conversations started moving along different tangents, I asked this gentleman for his email address, suggesting that he forwards my article on the subject to his colleagues – which he agreed to do. One great win already, I thought. And indeed, he later replied to my email – but not in a way that made me optimistic, though his reply was very kind and understanding indeed. In a “perfect world,” he wrote, that argument would work. But – describing his past work in the world we actually live in – we have to rely on the force of arms, not of mind. Hence, he described to me – in very general terms, of course – his focus on building multi-layer defense perimeters to protect sensitive sites. Wars of ideas are for the “perfect world.” In the current political climate, it is brute force – and only brute force – that seems to be on the minds of the people tasked with protecting us from Islamist terrorism (which, incidentally, was something I already knew that from talking, years back, to a former US assistant Defense Secretary who was appalled by my ideas.)

Needless to say, such attitude is far cry from what National Association of Scholars stands for: the reasoned debate, in which facts are what counts, not politics. Scholarship is ultimately rooted in the wish to know causes – that’s what discovery is all about. Centuries ago, the big question was “why do celestial bodies move the way they do?” The political and the factual clashed, giving birth to the Western civilization when the factual, famously represented by Galileo, ultimately triumphed over the political, as famously represented by the Inquisition when the seemingly-vanquished Galileo muttered defiantly, “but still it moves!” We want to know causes. “Why?” is always the question.

When covering high-profile shootings, the journalists ask, “what was the motive?” – and are disappointed when investigators give them no answer. Yet when it comes to terrorism, the question is not even being asked. The motives

are better not looked into – their discovery may turn one into an “Islamophobe,” and what can be more horrible nowadays? Pointing to the fact of Islamist idol-worship as the cause of Islamist terrorism runs afoul of the present political climate – since it ultimately amounts to disparaging “identity” and “culture,” things so sacred that nothing can justify eyeing them critically. (I once talked to a head of religious studies department of a major university who instantly admitted that Islamism is idolatrous – but she was taken aback when I suggested that this should be publicly pointed out to Iran’s Khamenei and his ilk!) It is a Galileo story all over again, the fight of the factual against the political. I guess we should replace my respondent’s regretful “in the perfect world” with equally regretful “in the Western world” – “Western” as represented by allowing Galileo’s spirit of unrestricted investigation of causes, the world of fearless rational thinking that is slipping away, despite NAS’ best effort, under the tide of new religions of “wokesm,” “diversity,” and “political correctness.”

But at least, this was an interesting exchange. Yet my original goal of attending the NAS event – an attempt to acquaint the law professor with the “corrupt and malicious” judging routinely practiced in federal courts – was futile. To be sure, we talked. She told me, over a glass of wine, that she never encountered a situation I described. When I emailed her an article with a detailed description of my case in which judges adjudicated the argument that neither my, nor government’s lawyer presented, the judges acting as government’s lawyers in clear-cut violation of due process, her reply was simply “Your arguments just amount to the courts deciding against you – at least that is my take on things. Not corruption.” (She made no comment on the “malice” part of *Pierson v Ray*’s immunity for judges. Unlike the professor, the DAs who invoked *Pierson* – and from whom I learned about it when I sued a bunch of federal judges for fraud, surely discerned either “corruption,” or “malice” (or both) in

judicial actions; else, they would not have invoked Pierson.) My follow-up question of whether in her opinion judicial “pitching and batting” that had been condemned by the Chief Justice Roberts in his nomination hearings was OK, and whether the total absence of “due process” from the judicial decision-making process was fine and good, remained unanswered.

Despite the disappointment, I found this extremely interesting (and instructive) because it is so revealing of the human nature – an evidence of the too-frequent inability of the lived human experience to overcome the ingrained views grafted into us since childhood. My grandfather, raised from an early age in a wealthy household where he – an orphaned little kid – was brought to work as a helper and servant, maintained throughout his life what he learned from his boss way back when in Tsarist Russia – that all one needs to do in order to do well in life is to work diligently and honestly. Yet his own life after the Bolshevik Revolution should have proven to him that what his employer told him wasn't true. The new government, ever-worried that the virus of private property would feed “petite-bourgeois” hopes for merely improving creature comfort, replacing grand visions of worldwide class struggle and proletarian revolution that should be the sole concern of every working man, taxed the likes of my grandfather (who had a horse and a dray, operating what we would call today a single-employee moving business) into oblivion by making it impossible for them to feed their families. My Mom who was a little girl before the war, kept retelling of what must have gotten seared into her memory – a sight of her mother weeping and running after the town's tax assessor who dragged out of their yard the bicycle that was the pride of one of my Mom's brother (later killed in action in WW2) who, like so many teens, worked small jobs in the summer to buy it, his bike being his pride, and the envy of the boys in the neighborhood, Or her story how, right before the war, the assessor decided to confiscate in lieu of taxes the firewood my grandfather bought for cooking, and heating

the house in the winter, sealing the shed where it was stored – and when German bombs started falling and the town was aflame, people running around this way and that, my grandfather happened to run into this very tax assessor, and grabbed him by his collar and dragged him to his burning shed, yelling “you wanted the firewood? It is all yours! go take it!” (Eventually, he was forced to sell his horse and dray to the “collective,” and work there for a salary). And yet, despite all this, my grandpa always maintained, as the greatest piece of wisdom he learned in his life, that all one has to do, is to work honestly. No amount of Soviet tax assessors wringing his meager earnings out of him, and of careerist Communist apparatchicks who lived far better than he did just by mouthing Bolshevik demagoguery, made him change his mind. Experience has nothing over early training; it did not make him clear out of his mind what his boss put into it way before the Revolution, when my grandpa was still a small orphan.

And I guess this runs in the family – I had an uncle who served seven and a half years in Gulag (he was sentenced to fifteen, but got out early when Stalin died – the Soviets having a strange custom of announcing global amnesty on occasion of a ruler’s death, or a new one’s accession – I never figured which) – and yet he remained, till his death in New York at the age of 97, an ardent Stalinist. (Needless to say, this instinctive disregard for reality runs in larger groups too. To look at my tribe through a wider lens – what can be more weird than three quarters of American Jews voting for Obama in 2008? Or crazier still, if that were possible – 70% of them voting for him twice?)

Neither my grandpa nor my uncle was a tenured professor of law in a major American university – yet I wonder whether, in the final analysis, the professor’s “answer” to my question manifests the very same triumph of the upbringing over the experience. One of her own grievances she mentioned in her

talk was that she was threatened dismissal not on the basis of what she said, but of what the others said she said. Clearly, she feels that it is unfair and unjust to be judged based on bogus information – yet somehow, in her mind this does not extend to courts, only to the university. I am sure she would have been very disappointed if I reacted, at the end of her presentation, with (to replace just one word in her reply to me) – “Your arguments just amount to the university deciding against you – at least that is my take on things. Not corruption [or malice].” Somehow, it does not occur to the law professor that the same criteria of honest procedure should apply to a court of law – and it is just as right to be indignant about courts’ falsification of argument as about university’s, Oddly, she even mentioned in her talk Justice Robert’s assertion that courts should be neutral – yet somehow, she fails to see that judges adjudicating judges’ own, bogus argument violate the very neutrality and honesty she champions and expects when it comes to her own experience. She must have been trained from the early age that judges are sacred figures, to be respected no matter what – and she sticks to that dictum without a further thought, even while protesting the exactly identical dishonesty in her treatment by her employer, the university! How is this not the same behavior as my grandfather’s and my uncle’s, all three being unable to process their life experience into rejection of the dogma instilled in them at the childhood?

Go figure. Humans are complicated creatures, in whom reason that presumably causally processes life experiences rarely prevails. This, it turns out, can be said even of a law professor who is a member of the National Association of Scholars – which, still, is an admirable organization whose events – held online or otherwise, I can’t recommend strongly enough.

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Guide to What's Wrong with American Law"