

## **Ponderings...**

**1.** This is where theory and operation meet. Jails and prisons are over-crowded. States will commonly let people out early when they are at capacity. For example, Oklahoma has one of the most over-crowded prison populations- they commonly run at 110 percent of capacity. What do they do? They target offenders who have committed 'lesser crimes', or have 'good behavior', and release them early. There is obviously no deterrent effect to this...yet theory is only as strong as the functional aspect that our prison system can muster...

**2.** Yes...but the majority of people don't realize they are following the herd. Capitalism rests upon the premise that everyone expresses their individuality through consumer purchases...when the spectrum of choices is the same for all.

**3.** We are an image-driven consumer culture. We assume that the images provided on television are the measure of success...so we therefore must purchase products to associate with the image.

**4.** In Officer Candidate's School (Army), the evaluators were incessant about us candidates making a well-informed decision and immediately moving towards execution. We learned to make a decision, begin action, and adjust fire along the way. Many leaders cannot do this and the indecisiveness is paralyzing.

**5.** I always tell students that the only dumb question is the one not asked. I can guarantee another person has the same question. When it comes to work- I find that asking questions for clarity demonstrates that the inquisitor seeks to do the job well.

**6...**and the bad example leader says, "Do as I say, not as I do, because if you do as I do you might not do as I say"

**7.** I believe that dispositions to certain attitudes and behaviors can be inherited, yet it is the environment that the individual grows up in that determines how and when they manifest.

**8.** The media fills our bellies with desire and companies fill our wallets with credit....a dangerous combination for bankruptcy.

**9.** Education is a means which to navigate the rough waters of life with a firmly attached life preserver.

**10.** Consuming through ingesting advertising campaigns = attempted identification with the image presented + attempts to fill a personal void through purchase. Purchasing image for therapy is self-medication that creates more problems than solved.

**11.** There have been attempts to use 'average' people in advertisements...such as Dove. However, those women are far from average because they are still much slimmer, and more beautiful, than the average product consumer. It is almost a double insult- 'We use average women in our commercials...and you, the consumer, are still far from meeting this standard...'

**12.** Now, let us begin the journey which places the culture around us in a mad scientist experiment where order is found in the chaos!

**13.** The right for others to speak, even though unpopular, is when the First Amendment grows wings and breathes as a living document. One of the greatest tests of this, recently, is the Westboro Baptist Church and their detestable protests at military funerals.

**14.** Are you a leader, watching the herd glued together behind you, or are you a follower, glued in the herd without sight of the leader?

**15.** If you pull a worm away from a fish, it will swim to the next one it sees.

**16.** Never forget to think outside of the box; people that see the walls around them quickly fall inward when people outside push them.

**17.** We receive some 3,000 advertising messages daily. We are over-exposed. Therefore, it is much easier to let them think for us- at the point of purchase- instead of burdening ourselves with critical thinking at every juncture of the decision-making process.

**18.** It is the malignant heart that offends...

**19.** A government clause is only as strong as the citizen's belief in it. A government law has form only because citizens subject themselves to it.

**20.** I agree that fundamental rights cannot exist without values based on legal positivism. However, what society requires is that fundamental rights be recognized despite whether an individual actor carries the value underlying such a right. For example- one might be a racist, yet they must respect the fundamental right of equality in social and commercial interaction. The respect of fundamental rights is the stitching of our social fabric and rule of law.

**21...**so is it safe to assume that fundamental rights can be enumerated absent a value, but rather on the belief that it is 'right' for all to have the right...yet doesn't this circle back to holding the value that everyone should have the fundamental right?

**22.** Common sense is illusory anymore, much like the concept of 'fair'. 'Fair' is a social construction that we impose on others as a means to placate them while we get our way.

**23.** The number of laws a community has is a direct reflection to how much the citizens distrust each other.

**24.** I believe most people vacillate concerning judicial activism. Moreover, the public's opinion about activism depends on which side the majority falls regarding her or his opinion. People will embrace complete destruction of law if it happens to be surfing on a social current that they support.

**25.** I think of social members as cows being herded. The gauchos herding us are the legislation and religious superstructures. Laws (legal positivism) reflect specific techniques needed to keep the herd moving in a given direction. Only the suits and clergy know the direction.

**26.** Hence, written laws become reality. They are our predictable left and right boundaries. We receive predictability in the herd and find solace in the restraint (this is also classical sociological theory proposed by Emile Durkheim). There is nothing negative about this. It is how all societies function. The only conspiracy is the desire to move society forward.

**27.** It is easy to promulgate 'fundamental rights' and 'natural law' when the legislative and religious superstructures agree on them. One writes them down in law and the other bases them in moral religious teachings.

**28.** I argue that values are cultural determinants. I believe there is a clear separation between fundamental rights and values. Natural law exists in the intangible realm of the divine surrounding us (never absent). Values are terms defined by society as a means to aggregate people as a dividing line between good and bad.

**29.** Therefore, the Founding Fathers held that slaves were not citizens, yet rather 'property' where each slave was counted as 3/5 of a person for census purposes (The Great Compromise). That was a value of the culture at that time. Was it correct? Obviously not. Values are transient as culture progresses. Natural rights are not; they are always present...and the right of human beings to be free from the mental and physical bondages of slavery is natural...yet it takes those oppressed to get the government to recognize the right.

**30.** Values are the written definitions that social members agree upon when interpreting fundamental rights through the lens of a given culture.

**31.** However, if we are all aware of this, then why do the same marketing campaigns work? Are we just zombies being injected with feelings of inadequacy that triggers us to purchase a product that supposedly fills that void?

**32.** Hindsight is cheap; hindsight with regret is expensive.

**33.** We may say how progressive we are...yet there are age-old stereotypes that pervade our culture and are frequently used when they benefit the person using them (and that is any stereotype) but are shunned when a different identification is sought. That is the hypocrisy of our social condition.

**34.** Yes, as a society, we place the onus back on the consumer because we all do have free will. If we start adopting excuses to get out of contracts and the courts accept them, then a social and legal trend would develop that would flush our capitalist system. Buyer's remorse is the biggest threat to the foundation of our economy and legal system.

**35.** We can change language to sanitize the uncomfortable images that they invoke, but we cannot change social interpretation of entrenched gender roles simply with the stroke of a pen through legislative construct.

**36.** Is it that those who follow trends are weak-minded, or rather that they are simply shallow and lonely enough to identify with anything to feel as if they belong?

**37.** I do not think that most people realize that they are following the crowd- it is subconscious. They truly do not realize that they are following the trend. They mistake the autonomy at the point of purchase with individual choice- when they are truly separate identities.

**38.** We can pass as many laws as we desire, yet this will not always translate to operational equal treatment (in the real world). Laws cannot internally change people's hearts; they can only create a public level playing field that hopefully becomes reality over time.

**39.** Assimilation is what truly determines the unequal opportunities in our country for any group. It is a cultural mandate that we still give girls pink and boys blue that manifests into larger unequal opportunity in the future. There is little that can structurally be done (such as changing or adding more laws) because true equality starts with a pedagogical and paradigm shift of how our society culturally proscribes the gender roles of the sexes.

**40.** We all agree that a person should be selected based upon their merit; however, how can we legislate this? The 14th Amendment already provides Equal Protection and we have the Civil Rights Act, yet it is the passive intangibles that reproduce discrimination- and they cannot be proven in court the vast majority of times.

**41...**so I measure you view that our current Constitutional protections as adequate to protect disenfranchised groups? I am of the same opinion because I see current discrimination as rooted in our cultural assimilation and media biases- which reflect in the minds of social actors and cannot be legislated against absent direct evidence. How can we litigate the hearts and minds, and the intangible discrimination that leaks into conscious decision making, through subconscious channels?

**42.** You discuss the intangibles that cannot be litigated or legislated against unless a law is triggered- which requires direct evidence. For example, all of the laws in the world could legislate against domestic battery, but that does not force a woman (who is victim) to call the police when she is abused. There is a gap between law and the law being effectuated- and it is often psychological and sociological factors that widen this chasm.

**43.** We have enough protections under our current laws and attempts to further protect historically disenfranchised groups will not address the intangible social factors and reify in the subconscious of social actors- thus leading to selective discrimination.

**44.** Women are socially directed towards expressive leadership roles, such as child care. Men are socially directed towards instrumental leadership roles, such as management. We could possibly reverse these roles if we changed society, but the roles and pay differences will not be changed by alleged discriminatory practice. Our society's values are sick at times- we pay child-care workers low- not because women are the majority facilitating the job- but rather because capitalism does not view child care as productive in a rational economic model.

**45.** Our culture does not respect the aged, elderly, and the disabled. This is, once again, due to capitalism. Capitalism states that those citizens who do not produce are useless.

**46.** I cannot stress enough that law cannot address the collective social underpinnings that drive true discrimination. Discrimination lives in each of us individually through culture and is manifested through our actions (in aggregate). Only we, as individuals, have the power to change society- no amount of law can legislate individual thought.

**47.** Sometimes the best approach comes from those not working anywhere near the field because they are not tainted while swimming in the toxic pool that the academic discipline tends to create- groupthink.

**48....**but hasn't our government begun socializing health care already? Note that Congress cut out bargaining for pharmaceutical prices for Medicare in 2003, made it illegal to import prescription drugs from other countries in 2005, and enacted Medicare Part D in 2006. Therefore, Big Pharma sets the prices (cannot be bargained down) and seniors under Medicare Part D have to pay those prices....with government subsidies (coming from taxpayers). Medicare Part D cost taxpayers 49.3 billion dollars in 2008. Do you see what I am moving towards? Big Pharma lobbyists (4.5 for every 1 Congressperson) have effectively strangled Congress and pillaged taxpayers all while abrogating choice in the free market; this appears to be a ghost skeleton of socialized medicine to me.

**49.** It is ironic, but that is human nature- especially when politics and religion are involved. Psychologists find that we tend to listen and find what feeds our beliefs and ignore conflicting information. There is a method of justifying anything, and some people find easy comfort is religious teachings because they often require strict adherence (without questioning), thus assuaging the conscience when in a place of discomfort.

**50.** Capitalism is based upon vesting the power to express individuality with the person...and the person ultimately expresses her or himself through purchasing power. For example- cell phone ring tones and fashion. Everyone is choosing from the same menu yet believes they are individually expressing themselves with their arrangement selection. People 'keep up with or do better' than their neighbors because capitalism is based upon status through consumption i.e. driving up in a Lexus sends a different message than driving up in a Honda. The apple could be rotten, yet consumers will purchase it to replace another if they think that their neighbors will want one as well.

**51.** There is a human desire to secure social resources as a requirement for survival; society defines what resources are valued and not valued. I believe there is a biological underpinning that subconsciously guides social actors to determine what value society places on what goods and then move towards their acquisition; this is rooted strictly in survival and the impetus to secure resources for offspring.

**52.** Life presents questionable situations where the fruition of initial opportunities are veiled until the end.

**53.** I would be doing exactly what I am doing right now. I had an undergraduate advisor once ask me what I would be doing if I hit the lottery...tomorrow. Before I could answer, he told me that I should be doing that without the lottery winnings. He was right. The net result yields happiness daily and an invaluable use of our most valuable resource-time. The money comes eventually and it is not truly that expensive to live if we manage our finances correctly. The price of time becomes very expensive if it is managed incorrectly.

**54.** The entire focus of law is nothing more than to keep society in productive perpetuity. Yes, many laws are morals with precision, yet those who write the laws define what is moral or immoral. Morals are supposedly a shared collective value in a democracy because citizens vote for leaders that reflect majority values (tongue in cheek here as less than half of eligible voters vote). In theocracies, dictatorships, etc. 'moral laws' are imposed through retribution against those who do not follow them. Thus, we see two modes of natural law forming through the imposition of law.

**55.** Moral judgments are based upon the speaker's moral interpretation of the given situation, yet they are often cloaked in religious or patriotic doctrine. We all believe we are correct in our own minds, so who is actually wrong? Those that do not write the laws are wrong. Laws are written by the ruling classes and these laws benefit them. For example- our Constitution and Bill of Rights. Slaves and women were not considered citizens with vested rights. Only white men, with property, could vote. It just so happens that those who drafted our Constitution met this demographic; why give legislative voice to a minority group that might use the very document drafted to usurp power from those that drafted it?