

# Capital Crimes

by Bill Herbst

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That's *Capital* crimes, not *Capitol* crimes. This commentary is not about the assault on the U.S. Capitol Building on January 6th. Nor is it about crimes that violate federal, state or local laws for which one can be arrested, tried, and (if found guilty) incarcerated in prison or perhaps even put to death.

The capital crimes I'm writing about today are statutory violations that exist only within my personal, if not quite totally private, legal system of right and wrong. Think of it as my own one-man kingdom, where I alone am solely responsible for defining the laws, enforcing them, and acting as prosecutor, judge, and jury. Sentencing for a guilty verdict in my personal kingdom doesn't result in jail time. No one found guilty is subject to slander, social ruin, or execution. No one loses tenure, is fired from a job, or gets black-balled from social media. The one and only punishment I impose is banishment from my personal realm, which means that I no longer wish to have anything to do with the convicted criminals. I won't engage or continue relationships with those found guilty. Hell, they can buy houses in my neighborhood if they wish and move right in, but I won't invite them over for a welcoming dinner or chat with them over the back fence.

I suppose this amounts to a kind of shunning, a practice observed within some religious communities where a person can be rejected for violation of the rules through complete social exclusion. Is that akin to the now notorious popular meme called Cancel Culture? Maybe, but I really don't care one way or the other. As I say, this is *my* kingdom — my personal realm — and these are *capital* crimes. It's not like I shun someone for jaywalking, being late for (or even forgetting completely about) an appointment, or any of a thousand other failings or slights. Those are misdemeanors, and the affront is minor.

I engage in the punishment of shunning (and yes, it is conspicuously a form of retributive punishment) only as a last resort and usually after years of failed efforts to work things out. It means that I've reached the end of my rope and have finally given up any hope of reaching mutual understanding and acceptance of our differences. I can forgive most sins, but not all.

This does resonate with a certain (dare I say) Old Testament severity — *an eye for an eye* — as well as a faux libertarian lean that harkens back to the bad old days of signs in lunch counters, bakeries, and other businesses announcing that

"*We reserve the right to refuse service to anyone.*" I never liked that stance much, since it was almost always a not-so-subtly veiled code for racial bigotry, ethnic and religious prejudice, or culturally-conservative bias, but in these current days of horror and insanity I feel painted into a nasty corner where I find it necessary to put up a similar sign myself.

Only three offenses qualify as capital for me. Numerous other crimes fall under the headings of misdemeanors or felonies in my personal and private courts, but prosecution for such lesser violations doesn't result in banishment. For instance, no one gets shunned in my kingdom for lying. Everyone lies. If I shunned people for lying, I'd never speak to anyone again, including myself. So, lying remains a misdemeanor. Anyone I prosecute and convict for minor crimes gets suspended sentences and maybe a slight slap on the wrist, but that's about it.

In addition, someone convicted within either of my subordinate categories (misdemeanor or felony) has the right to appeal. As often as possible, I try to work things out with people, to arrive at an understanding of our differences and mutual forgiveness for our failings. But capital crimes are a different matter. My high courts are secret. Convictions are not published. I feel no responsibility to explain anything to the defendants, since they will never know that they were accused and prosecuted.

Is it cruel to withdraw and be silent, to not inform the convicted that they were found guilty? Probably. From where I sit, however, they've forfeited their right to my authenticity, and I feel no compunction to announce my verdict and be honest or forthcoming with them any further.

OK, so what are these crimes? The first and most serious is *superiority* — the belief that one is better than others, meaning that others are somehow inferior. Context matters, however: I should probably define what I mean by "better than." The crime of superiority does *not* include realistic assessments of talent, skill, or achievement. Personal recognition of one's accomplishments is not only permitted, but encouraged. We can be "better than" others at a wide range of experiences, activities, or tasks *without* feeling superior to them.

Sure, such assessments inevitably involve some comparison to others, but that's not moral or spiritual. Being talented or skilled at anything is worthwhile and lovely, but others are routinely skilled and talented in ways I'm not. And even if I can't see any talents and skills in certain people, I hope they find those in themselves, because we all need evidence of our self-worth to keep our lives out of the pit of constant torment and private suffering. There are both joyful and sad qualities and experiences within every individual life-journey with which we can empathize.

The bottom line here is that humility seems to me an essential foundation for anyone traveling down the long path toward spiritual maturity. I consider it also

a minimum requirement for citizenship in my kingdom. But wait. Doesn't my shunning of certain people for their narcissistic sins of pride indicate a lack of humility in myself? Is this not the pot calling the kettle black? Maybe. I think of it more as retributive justice. The lack of empathy in those who judge themselves as superior invalidates *everyone*. I feel that even if they include me in their club of superiority, and it rubs me the wrong way. Big time. I am offended not just for me, but for us all.

I wish I could reason with these people or love them back to health and sanity. But narcissism is an illness we don't know how to treat, much less cure. At some point, the weight of forgiveness becomes more than I can bear, and I choose instead to protect myself from further harm by holding court inside myself. If convicted, defendants get to have their lives as before and believe whatever they want about themselves or anything else, but I simply will not play with them. In every way I can make it so, they are banished from my realm. And if circumstances make interacting with such people necessary or unavoidable, as sometimes happens, I give them as little of myself as I can. If any contact occurs, I keep the interactions limited and as brief as possible.

That first capital crime has been on the books inside me for a long time, pretty much from adolescence on, but more pointedly in my later years. Fewer prosecutions occurred when we didn't realize where civilization was headed. I tended back then to let slide the offense of feigned superiority. Now that we see how dire our future is, and how urgent our need to grow up, my court docket is much busier. Superiority is as toxic as any virus, and just as deadly.

The other two capital crimes in my personal kingdom are relatively recent additions to the statutes, having been moved up by me incrementally over the past four decades from the lesser violations of misdemeanors or felonies to the most serious and major offense category. Both are political, although politics, culture, and spirituality tend to commingle.

The more recent of the two is supporting Donald Trump, which means having voted for him in either the 2016 or 2020 Presidential elections. On the surface, this may seem excessively harsh, since at least some of Trump's supporters have recanted along the way, acknowledging their mistake. The original crime — that too many Americans could be easily hoodwinked into believing that a life-long scumbag like Trump could or would do anything to address, ameliorate, or correct what ails us collectively — is so utterly damning in my book that even expressions of subsequent regret are insufficient to reduce the sentence. Although no one has yet made such an appeal to me, they would probably fall on deaf ears in my inner court. I am not inclined to grant either clemency or pardons.

The last capital crime of the three in my personal kingdom is being a Republican or voting for Republicans. When I was young, this was a misdemeanor. By my

mid-adulthood, meaning the Reagan 1980s and the Clinton 1990s, it had been elevated to a felony. About 20 years ago, beginning with the invasions of Afghanistan and then Iraq, it became a capital crime. Now it's a full-blown hanging offense.

In my kingdom, Republicans are classified as the most obvious and active purveyors of Death Culture. That includes all of them, even the few so-called "moderate" Republicans — politicians and voters alike. In earlier drafts of this commentary, I detailed some of what I don't like about Republicans, but I've written all that before and don't really need to repeat it. All I want to say here is that Republicans have been banished from my kingdom.

By contrast, being a Democrat or voting for Democrats has been added to my criminal statutes, but typically one step lower than Republicans. When I was very young, I didn't even have it on the books as a crime. Being a Democrat or voting Democratic were, conceivably at least, honorable endeavors. By my mid-life in the Clinton 1990s, however, that had become a misdemeanor, but with Obama and now Biden it's now been elevated to a felony.

Is it possible to be a Democrat or vote for Democratic candidates and not get hauled into court in my kingdom? I suppose it's possible, but the list of those awaiting trial grows longer by the month. I don't know if the talk of creating a third major political party is feasible or not, nor am I sanguine that it would do any good, but it's clear that the two parties we have now amount to a cruel joke.

I'm inclined to think that the problems we face are more cultural than political, and finally more spiritual than cultural. Politics won't solve the ever-increasing toxicity of our collective human footprint. Culture is very unlikely to restore the rapidly vanishing wild environment upon which Nature depends for the propagation of complex life-forms. Hell, the wild is already 95% gone. On top of that, precious little of what is discussed or proposed as solutions will heal the deep wounds, emptiness, alienation, and ongoing trauma of modern civilization for human beings. Do you believe that technology will save us? Think again.

Something more fundamental has to change. I wish I were optimistic about that, but I'm not. In the meantime, the population of my personal kingdom keeps shrinking. In terms of universal compassion, that's not a good sign, but it seems to be the tenor of the times.