

*Sightings 7/12/07*

Mercy, Mercy  
-- Michael Kessler

It's been a big few weeks for mercy.

First, Paris Hilton was released from a Los Angeles jail, after being incarcerated for violating the terms of her probation on alcohol-related driving violations. While the LA sheriff was rebuked for his attempt to mercifully spare Hilton from weeks of incarceration, Hilton's divine guardian gave her a second chance at a life more worthwhile than "models and bottles."

When Barbara Walters interviewed Hilton from her jail cell, asking, "How are you different?" the young socialite waxed theological: "I'm not the same person I was," she said. "I used to act dumb. It was an act .... It is not who I am, nor do I want to be that person for the young girls who looked up to me. I know now that I can make a difference, that I have the power to do that. I have been thinking that I want to do different things when I am out of here. I have become much more spiritual. God has given me this new chance."

Then on July 2, President Bush commuted the prison sentence of I. Lewis "Scooter" Libby, the vice president's chief of staff, convicted of perjuring himself to a federal grand jury during the investigation of the release of the classified CIA status of Valerie Plame. While defending the process that led to Libby's conviction, Bush considered the sentence of thirty months to be "excessive," and thus worthy of his (unusual) intervention.

Usually the president has argued for harsher punishments; the news analysis that has followed the commutation shows the inconsistency of Bush's treatment of "Scooter" with his handling of every other request for sovereign mercy that has come across his desk.

These two events have more in common than their timing. Both Bush's mercy toward Libby and Hilton's claim of a divinely awarded "second chance" operate on the principle that the individuals in question deserve special treatment from the sovereign.

In Hilton's case, her position as wealthy heiress and (may the gods save us!) role model for young girls everywhere means, in her mind, that God intends for her to put her life to better use, making a "difference" in others' lives. Presumably, she deserves this merciful second chance because of her prominent position and capacity to fund a life pursuing more worthwhile goals than constant partying. The jury is out on whether she'll put this opportunity to good use (perhaps she's another Darfur spokesperson in the making?).

But isn't there an arrogance in her declaration of special divine beneficence that runs counter to a long tradition in Western theology? The Western tradition is saturated with an Augustinian-inspired disdain for an individual's arrogant assumption that one is so important as to be essential to the unfolding of God's plan. Moreover, there is a deep biblical tradition that "God is no respecter of persons" (Acts 10:34). Unmoved by riches or earthly power, God is said to be interested only in our internal motivations: "For the Lord sees not as man sees; for man looks on

the outward appearance, but the Lord looks on the heart" (1 Samuel 16:7). Perhaps Hilton's God reads *People* and sees an opportunity.

But why does Hilton think herself privileged enough to get out of jail, reformed and tasked with a new mission, while her cellmates languish under the burdens of under-representation, poverty, disease, and despair? After all, the same lord who "gave" her the second chance implores us to remember that "the rich and poor meet together: the Lord is the maker of them all" (Proverbs 22:2). Is she really that special?

These questions are more easily answered in Libby's case. While Libby has been silent, it is clear that the reason Scooter got special treatment was precisely due to his position as trusted friend. Unlike Yahweh, Bush does respect persons -- in this case the close confidant and right hand of the vice president.

Perhaps this is how it should be with the leaders of earthly kingdoms? We are, after all, humans easily seduced by our own powers. Friends of the sovereign win special favor. And, legally, the commutational power exercised by the president is unambiguously granted by constitutional authority. As Carl Schmitt argued, sovereignty is most transparent not in the routine moments of its exercise, but in the exceptions to the general rules. In this special case, the sovereign Bush decided that the friend Libby deserved an exception to the harsh sentences consistently imposed elsewhere. And there's not one thing to be done about this except try to shame a sovereign who seems to have forgotten how to blush.

We should ponder this order of justice and mercy. You and I would not receive such mercy from the seat of earthly or heavenly power. Justice for us is meted out through rigid application of rules, unless we are the favored chief of staff (or party girl) seated at the right hand of the ruler.

Likewise, most of us do not have the financial safety cushion to turn the lemons of incarceration into the lemonade of a new social mission. In fact, such incarceration would leave us indelibly tarred as convicted felons, unable to access many social and economic opportunities needed to seize our second chance.

A Hiltonesque jailhouse conversion, whether sincere or not, would not save us from a difficult restoration of our dignity in the eyes of others. No committee of political operatives will fundraise for our defense, nor will the media powers broadcast our conversion testimony. You and I, poor schlubs in a merciless world, are on our own.

Michael Kessler is Assistant Director of the Berkley Center for Religion, Peace, and World Affairs, and Visiting Assistant Professor of Government at Georgetown University.

-----

The current Religion and Culture Web Forum features "Christian Responses to Vietnam: The Organization of Dissent," by Mark Toulouse. To read this article, please visit: <http://marty-center.uchicago.edu/webforum/index.shtml>.