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PARADIGM FOR HUMAN RIGHTS

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# ANGELS AND DIPLOMATS: A PLEROMATIC PARADIGM FOR HUMAN RIGHTS

Christopher N. Warren \*

*Knowledge, culture, welfare, art, conversation. . . . the life of angels*<sup>1</sup>

*Orders and degrees/Jar not with liberty*<sup>2</sup>

## INTRODUCTION

The main question this Article addresses is: what can angels and diplomats teach us about the intellectual history of sovereignty and human rights? This may well seem like a strange question, and in many ways, it is. But this Article contends that angels and diplomats are important both for our descriptive and normative accounts of human rights. Methodologically, it also models an approach that might be called a new philology of human rights. More on that in Part III below.

Parts I and II of this Article show as a descriptive matter that the conceptual histories of early modern angels and diplomats are interlinked, and that their shared etymology opens into a new intellectual history of human rights—one that extends and, in some cases, revises previous work by thinkers like Jacques Derrida, Carl Schmitt, Samuel Moyn, and Jeremy Waldron. If, as Waldron argues, “the use of ‘human dignity’ in constitutional and human rights law can be understood as the attribution of a high legal rank or status to every human being,” angels and diplomats are key but neglected figures in history’s “upwards equalization of rank” culminating

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\* Christopher Warren is an Associate Professor of English and History (by courtesy) at Carnegie Mellon University. The author thanks audiences at the CUNY Graduate Center and the University of Pittsburgh School of Law for opportunities to present this work in progress and especially Julie Kachniasz and Shaina Trapedo for extremely helpful suggestions on earlier drafts.

<sup>1</sup> MICHEL SERRES, ANGELS: A MODERN MYTH 55 (Philippa Hurd ed., Francis Cowper trans., 1995).

<sup>2</sup> JOHN MILTON, *Paradise Lost*, in THE COMPLETE POETRY AND ESSENTIAL PROSE OF JOHN MILTON 283, 372–73 (William Kerrigan, John Rumrich & Stephen M. Fallon eds., 2007).

in the age of human rights.<sup>3</sup> Angels and diplomats are figures of abundance and plenitude. As such, they throw into relief minimalist conceptions of human rights that, in certain scholars' view, have become "eroded,"<sup>4</sup> "a worldwide slogan in a time of downsized ambition,"<sup>5</sup> "weak and cheap,"<sup>6</sup> and "prisoners of the contemporary age of inequality."<sup>7</sup> Angels and diplomats, by contrast, exemplify what this Article calls a *pleromatic paradigm* of inviolable fullness—fullness of dignity, fullness of power, fullness of rights, and even fullness of resources. Borrowing from the ancient Greek term for fullness, *pleroma*, this so-called pleromatic paradigm—more so than the downsized version of human rights criticized by scholars like Samuel Moyn<sup>8</sup>—imposes more substantial correlative duties and liabilities onto sovereignty. However, the pleromatic paradigm's sources in hierarchical, monotheistic political theology invite consideration of whether we ought to bring angels and diplomats back down to earth in the name of political equality or whether, on the other hand, the pleromatic paradigm calls us toward fuller, more ambitious manifestations of human rights.

## I. FROM ANIMALS TO ANGELS

Conventionally, rights thinking proceeds by distilling superficial differences until an essential similarity emerges. In the foundational texts of Roman law, such as the Roman *Digest* and the *Institutes*, for example, there is an important and commonly echoed distinction between the *ius naturae*, "a law not specific to mankind . . . but common to all animals," and the *ius gentium*, "common only to human beings among themselves."<sup>9</sup> For the many thinkers of rights who think (begrudgingly or not) in Roman law's long, secular shadow, the story of human rights cannot be told without referencing animal nature—a nature typically associated with creaturely needs of survival that subtend more refined and strictly

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<sup>3</sup> JEREMY WALDRON, DIGNITY, RANK, AND RIGHTS 66 (Meir Dan-Cohen ed., 2012); *id.* at 33.

<sup>4</sup> Arundhati Roy, *Peace and the New Corporate Liberation Theology*, in MY SEDITIOUS HEART: COLLECTED NONFICTION 356, 356 (2019).

<sup>5</sup> SAMUEL MOYN, NOT ENOUGH: HUMAN RIGHTS IN AN UNEQUAL WORLD 6 (2018).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* For a helpful historical taxonomy of human rights critiques, see JUSTINE LACROIX & JEAN-YVES PRANCHÈRE, HUMAN RIGHTS ON TRIAL: A GENEALOGY OF THE CRITIQUE OF HUMAN RIGHTS (Stefan-Ludwig Hoffmann & Samuel Moyn eds., Gabrielle Mass trans., Cambridge Univ. Press 2018) (2016).

<sup>8</sup> MOYN, *supra* note 5.

<sup>9</sup> Book One, in 1 THE DIGEST OF JUSTINIAN 1, 1 (Alan Watson trans., rev. English-language ed., 1995).

human aspects of humanity. As scholars like Annabel Brett, Martha Nussbaum, and Jacques Derrida have noted, animal essence is the ground upon which the rights of the human achieve figuration.<sup>10</sup> Even Laurie Shannon, whose revisionist account argues that “early modern culture is less provincially human than ours,” acknowledges that “from Aristotle to Aquinas, to Hobbes to Agamben,” “normal definitions of politics . . . make animals their first . . . exclusion.”<sup>11</sup>

The prominent story in which human rights become human rights by excluding the animal is not wrong, but neither is it complete. Recall Hamlet:

What a piece of work is a man! How noble in reason, how infinite in faculty, in form and moving how express and admirable, in action how like an angel, in apprehension how like a god—the beauty of the world, the paragon of animals!<sup>12</sup>

Adjacency on the great chain of being draws our attention to the animal, but human rights emerged from an early modern context in which the human had neighbors not on one but on two sides. While some, like the poet Lucy Hutchinson, considered angels’ “sublime natures and . . . agile powers/ . . . vastly so superior to ours,”<sup>13</sup> others, like John Milton, yoked humans and angels more tightly: “angels and men . . . are far superior to other creatures,” he wrote in a section of *De Doctrina Christiana* called “The Special Government of Angels.”<sup>14</sup> “Let us compete with the angels in dignity and glory,” Pico della Mirandola exhorted in his classic neo-Platonic Oration *On the Dignity of Man*: “we . . . are in pursuit of an angelic life.”<sup>15</sup>

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<sup>10</sup> See ANNABEL BRETT, *CHANGES OF STATE: NATURE AND THE LIMITS OF THE CITY IN EARLY MODERN NATURAL LAW* (2011); MARTHA C. NUSSBAUM, *FRONTIERS OF JUSTICE: DISABILITY, NATIONALITY, SPECIES MEMBERSHIP* (First Harvard Univ. Press paperback ed. 2007); 1 JACQUES DERRIDA, *THE BEAST AND THE SOVEREIGN* (Michel Lisse, Marie-Louis Mallet & Ginette Michaud eds., Geoffrey Bennington trans., The Univ. of Chicago Press 2009) (2008).

<sup>11</sup> LAURIE SHANNON, *THE ACCOMMODATED ANIMAL: COSMOPOLITY IN SHAKESPEAREAN LOCALES* 8 (2013); *id.* at 56; *id.* at 53–54.

<sup>12</sup> WILLIAM SHAKESPEARE, *Hamlet*, in *THE NORTON SHAKESPEARE 1697, 1697* (Stephen Greenblatt, Walter Cohen, Jean E. Howard & Katharine Eisaman Maus eds., 1997).

<sup>13</sup> LUCY HUTCHINSON, *ORDER AND DISORDER* 1.255–56 (David Norbrook ed., 2001).

<sup>14</sup> JOHN MILTON, *Christian Doctrine*, in *THE COMPLETE POETRY AND ESSENTIAL PROSE OF JOHN MILTON*, *supra* note 2, at 1216.

<sup>15</sup> PICO DELLA MIRANDOLA, *ON THE DIGNITY OF MAN* 7 (Paul J.W. Miller ed., Charles Glenn Wallis trans., photo reprint. 1998) (1965); *id.* at 9.

This Article contends that it is this latter legacy of angelology, rather than the one more closely tied to animal bodies, that offers the fullest context for understanding something like the enlarged rights guaranteed by the Vienna Convention on Diplomatic Relations (“VCDR”).<sup>16</sup> According to Articles 27–47 of VCDR, which formalized a long prior history of customary diplomatic rights, ambassadors enjoy rights to the territory for diplomatic missions; to display a flag on the mission and residence; to free communication, whether through diplomatic couriers or messages in code or cipher; to move freely throughout the destination country and through third states on diplomatic travel; and to equal treatment according to national origin.<sup>17</sup> By the same treaty, diplomats are immunized against searches, property taxes, criminal jurisdiction, compulsion to give evidence, public service such as military service or billeting, social security provisions, and most civil and administrative jurisdictions.<sup>18</sup> Ambassadors’ bodies, offices, residences, archives, documents, and correspondences all enjoy the fullest possible security through the claim that they are all “inviolable” due to the “dignity” of diplomatic office.<sup>19</sup>

Dignity, understood here as holding the duties, attitudes, virtues, and bearing of beings with high rank or status, is, of course, a key term in human rights discourse, but what is often overlooked is that the term is hardly exclusive to humanity.<sup>20</sup> “Free will is part of man’s dignity,” Aquinas averred, “but the angels’ dignity surpasses that of men.”<sup>21</sup> Angels’ dignity corresponded with a unique set of powers, privileges, rights, claims, and immunities. To orient ourselves to this way of thinking, let us

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<sup>16</sup> Vienna Convention on Diplomatic Relations, art. 27–47, Apr. 18, 1961, 23 U.S.T. 3227, 500 U.N.T.S. 95, [https://legal.un.org/ilc/texts/instruments/english/conventions/9\\_1\\_1961.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf) [<https://perma.cc/3937-W2LG>].

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* Connecting diplomatic law with literary developments, Matthew Hart observes that the jurisprudence of diplomats treats people “poised between places and potencies,” and he sees the wider literary landscape “trending extraterritorial.” MATTHEW HART, EXTRATERRITORIAL: A POLITICAL GEOGRAPHY OF CONTEMPORARY FICTION 15 (2020); *id.* at 9. On the conflicts between diplomatic law and human rights, see Marko Milanovic, *The Murder of Jamal Khashoggi: Immunities, Inviolability and the Human Right to Life*, 20 HUM. RTS. L. REV. 1 (2020); Francisco Orrego Vicuna, *Diplomatic and Consular Immunities and Human Rights*, 40 INT’L & COMPAR. L.Q. 34 (1991).

<sup>20</sup> ANDREA SANGIOVANNI, HUMANITY WITHOUT DIGNITY: MORAL EQUALITY, RESPECT, AND HUMAN RIGHTS 16 (2017).

<sup>21</sup> THOMAS AQUINAS, *On the Angels*, in SUMMA THEOLOGICA pt. 1, question 59, art. 3 (Fathers of the English Dominican Province trans., Christian Classics, complete English ed. 1981) (1947).

listen to the seventeenth-century Jesuit theologian Robert Bellarmine, who wrote that God:

hath so bound the human soule to the body, as that without the one, the other cannot move; but *God* hath not tyed the Angels to any body, but hath given them power to passe from heaven to earth, and from the earth to heaven, whensoever they will, and that speedily: so that an Angel by the dignity of his nature being nearest to *God*; by his subtilty also after a sort imitateth the omnipresence of *God*. For *God* is always every where, by the immensity of his nature, neither needs hee change of place, seeing he is every where: and an Angell by the swiftnesse of his motion so easily passeth from place to place, and exhibits his presence so easily to all places, that in a manner he seemes to be every where.<sup>22</sup>

Subjecting angels to a kind of Hohfeldian analysis of powers, privileges, rights, claims, and immunities does not come naturally to folks in the secular twenty-first century academy—but angels are good to think with.<sup>23</sup> In contrast with accounts of rights anchored in creaturely self-preservation, angels open new directions—into potentialities and abundance, fullness and flourishing. In general, angels possess the powers of movement, annunciation, ministering, and assisting. Immune to the passage of time or human decay, they have privileged access to knowledge and enjoy the rights to be received anywhere on earth. Samuel Moyn perhaps accidentally hints at the lacuna in our stories of rights when he refers, time and again, to the twentieth century “*annunciation* of human rights,” as if the angels were, at last, transmitting what was theirs.<sup>24</sup>

## II. FROM ANGELS TO DIPLOMATS

Angels’ rights were intimately bound with the rights of *human* ambassadors, for whom traditional appellations like “dignitaries” and “plenipotentiaries” signal

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<sup>22</sup> ROBERT BELLARMINE, S.J., *JACOB’S LADDER CONSISTING OF FIFTEENE DEGREES OR ASCENTS TO THE KNOWLEDGE OF GOD BY THE CONSIDERATION OF HIS CREATURES AND ATTRIBUTES* 222–23 (Henry Isaacson trans., Elizabeth Purslowe 1638) (emphasis omitted).

<sup>23</sup> See Wesley Hohfeld, *Fundamental Legal Conceptions as Applied in Judicial Reasoning*, 26 *YALE L.J.* 410 (1917); Lorraine Daston, *Intelligences: Angelic, Animal, Human*, in *THINKING WITH ANIMALS* 37 (Lorraine Daston & Gregg Mitman eds., 2005); SERRES, *supra* note 1.

<sup>24</sup> SAMUEL MOYN, *CHRISTIAN HUMAN RIGHTS* 8, 109, 111 (2015). For a recent analysis of time in international law that draws from Ernst Kantorowicz’s discussion of angels, see Natasha Wheatley, *Law and the Time of Angels: International Law’s Method Wars and the Affective Life of Disciplines*, 60 *HISTORY AND THEORY* 311–30 (2021).

their own abundance of powers and privileges. As writers from Isidore of Seville to Thomas Hobbes observed, human ambassadors shared an etymology with their divine counterparts—*ma'lak* in Hebrew and *angelos* in Greek, each meaning messenger—and their elaborate internal hierarchy.<sup>25</sup> Although the twentieth century German jurist Carl Schmitt is known for pronouncing that “all significant concepts of the modern theory of the state are secularized theological concepts,” Schmitt, a Nazi, garnered plaudits mostly for transmitting an early modern commonplace to a secular age.<sup>26</sup> Anchoring the origins of human diplomacy in God’s use of angels, for example, the seventeenth-century writer James Howell reminded readers:

ther is no Order or Government in this lower World as well Ecclesiastical as Secular but it is had from the Pattern of the higher, in regard that God Almighty created the Elementary World, and appointed the Government therof to conform with the Architype and chief Pattern, or Ideal Form of the same conceavd at first in the Divine mind.<sup>27</sup>

Howell observed that “embassy in Greek is called ἀγγελία as being deriv[e]d by imitation from the Hierarchy of the Angels, who are made the Ambassadors of the great King of He[a]ven upon extraordinary occasions, either for revelation of the successe of Kingdoms.”<sup>28</sup> In Alberico Gentili’s earlier 1585 work on ambassadors, *De legationibus libri tres*, which is considered to be “the first systematic work in this

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<sup>25</sup> By most accounts the term “hierarchy” was coined by Pseudo-Dionysius in the course of developing his angelology and ecclesiology. ISIDORE OF SEVILLE, *THE ETYMOLOGIES OF ISIDORE OF SEVILLE* 160 (Stephen A. Barney, W.J. Lewis, J.A. Beach & Oliver Berghof eds., 2006); 3 THOMAS HOBBS, *LEVIATHAN* 610–34 (Noel Malcolm ed., Clarendon ed. 2014); Peter Marshall & Alexandra Walsham, *Migrations of Angels in the Early Modern World, in ANGELS IN THE EARLY MODERN WORLD* 1, 35–36 (Peter Marshall & Alexandra Walsham eds., 2006).

<sup>26</sup> CARL SCHMITT, *POLITICAL THEOLOGY: FOUR CHAPTERS ON THE CONCEPT OF SOVEREIGNTY* (George Schwab trans., Univ. Chicago Press 2005) (1922). Schmitt’s Nazi activities are well-documented, but less known is that he was nearly prosecuted at Nuremberg for his propaganda. See KEVIN JON HELLER, *THE NUREMBERG MILITARY TRIBUNALS AND THE ORIGINS OF INTERNATIONAL CRIMINAL LAW* 64 (2011). For helpful discussions of Schmitt’s debates with Peterson on political theology, see GIORGIO AGAMBEN, *THE KINGDOM AND THE GLORY: FOR A THEOLOGICAL GENEALOGY OF ECONOMY AND GOVERNMENT* (Werner Hamacher ed., Lorenzo Chiesa trans., Stanford Univ. Press 2011) (2007); Bruce Rosenstock, *Monotheism as a Political Problem: The Critique of Political Theology out of the Sources of Judaism, in JUDAISM, LIBERALISM, AND POLITICAL THEOLOGY* 321, 321–44 (Randi Rashkover & Martin Kavka eds., 2014).

<sup>27</sup> JAMES HOWELL, *PROEDRIA VASILIKE: A DISCOURSE CONCERNING THE PRECEDENCY OF KINGS* 184 (1664).

<sup>28</sup> *Id.*

special field of the Law of Nations,”<sup>29</sup> the author defined ambassadors broadly to include heavenly messengers sent on “sacred missions.”<sup>30</sup> As in one of Gentili’s sources, Torquato Tasso’s 1580 dialogue *Il Messaggiere*, Gentili’s ambassadors included “apostles, angels, and others . . . sent by God.”<sup>31</sup> A mid-seventeenth century Spanish Catholic writer referred to the office of ambassador as *Santo Oficio y Ministerio de los Angeles*, affirming across the confessional divide the Protestant Reformer Rhegius’s claim that “angels are [a]mbassadors and messengers sent from heaven.”<sup>32</sup> Hungarian educationalist Johann Amos Comenius declared in a 1667 address to Anglo-Dutch peace commissioners at Breda, *Angelus Pacis (The Angel of Peace)*, that the ambassadors should “rejoice that ye are so honoured, and that ye are numbered among the spirits of heaven, whose commission it is to protect the world.”<sup>33</sup> According to Howell, it was “God himself, who pleas[e]d to create the Angels for this Ministry.”<sup>34</sup> The link between angels and diplomats has not been lost in the twentieth century. According to the author of one diplomatic handbook:

diplomats, regardless of nationality, have an enduring obligation to their guild and to each other to work hard always toward that most elusive of human objectives—a just, universal, and enduring peace. . . . Many operatives on the diplomatic scene, masquerading as diplomats, recognize no such obligation to maintain the peace, and shortsightedly function as if it did not exist. It is, however, a commitment which all true diplomats honor. It is what elevates their profession. It is what makes it the angels’ game.<sup>35</sup>

Early modern angelology was less explicitly a discourse of rights than early modern diplomacy, but the sacral inviolability of the diplomat was a key link. Genesis 19’s story of angels traveling through Sodom and Gomorrah—and Lot’s

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<sup>29</sup> 2 ALBERICO GENTILI, *DE LEGATIONIBUS LIBRI TRES* 22a (Gordon J. Laing trans., Oxford Univ. Press 1924) (1594).

<sup>30</sup> *Id.* at 63.

<sup>31</sup> *Id.* at 9. For further discussion, see DANIEL MÉNAGER, *L’ANGE ET L’AMBASSADEUR, DIPLOMATIE ET THÉOLOGIE À LA RENAISSANCE* (2001).

<sup>32</sup> URBANUS RHEGIUS, *AN HOMELYE OR SERMON OF GOOD AND EUILL ANGELS* D4V (Richard Robinson trans., John Charlwoode 1583).

<sup>33</sup> JOHANN AMOS COMENIUS, *THE ANGEL OF PEACE* 23 (Miloš Šafránek ed., W.A. Morrison trans., 1944).

<sup>34</sup> HOWELL, *supra* note 27, at 184.

<sup>35</sup> WILLIAM B. MACOMBER, *THE ANGELS’ GAME: A HANDBOOK OF MODERN DIPLOMACY* 25 (1975).



attempts to protect them from the citizens—was in part a story of angels’ inviolability, their inherent rights against bodily coercion, and the duties owed to them by humans.<sup>36</sup> Reciprocally, the human ambassador’s inviolability was consistently grounded in diplomacy’s divine origins. A passage from the second century historian Josephus in which Herod assailed the Arabians for assaulting the Jews’ ambassadors became for early modern thinkers like Gentili and Grotius one of the main proof texts for diplomatic inviolability. As spoken by Herod:

these Arabians have done what both the Greeks and barbarians own to be an instance of the grossest wickedness, with regard to our ambassadors, which they have beheaded, while the Greeks declare that such ambassadors are sacred and inviolable. And for ourselves, we have learned from God the most excellent of our doctrines, and the most holy part of our law, by angels or ambassadors; for this name brings God to the knowledge of mankind, and is sufficient to reconcile enemies to one another. What wickedness then can be greater than the slaughter of ambassadors, who come to treat about doing what is right?<sup>37</sup>

Such declarations—reproduced time and again in early modern legal and diplomatic treatises—served two purposes. On the one hand, politico-theological arguments protected vulnerable human bodies by anchoring their special rights in divinity. Grotius quoted this passage in his chapter on the rights of ambassadors: “what can be a greater Act of Impiety than to murder Embassadors, who are interceding only for what is just and reasonable?”<sup>38</sup> On the other hand, claims of inviolability justified retaliation in cases where those rights might be claimed to have been violated. Herod’s oration was to “demonstrate . . . that this war is a just one on our side.”<sup>39</sup> Such was the case too of David’s conquest of the Ammonites, in 2 Samuel 10. David had sent ambassadors to comfort the Ammonites when their king had died. Accused of spying, the ambassadors were assaulted and expelled.<sup>40</sup> What *casus belli* could be more just than the violation of the inviolable? How better to be on the side of the angels?

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<sup>36</sup> RHEGIUS, *supra* note 32, at F2r.

<sup>37</sup> JOSEPHUS, *JEWISH ANTIQUITIES* 650 (William Whiston trans., 2006).

<sup>38</sup> HUGO GROTIUS, *THE RIGHTS OF WAR AND PEACE* 900 (Richard Tuck ed., Jean Barbeyrac trans., 2005).

<sup>39</sup> JOSEPHUS, *supra* note 37, at 650.

<sup>40</sup> 2 *Samuel* 10 (King James).

Writers used the terms “angel” and “ambassador” generically, for each was understood to cover multiple, more specific sub-ranks. But the general terms set their bearers apart from ordinary humans. In part because angels and ambassadors were used so frequently to explain one another—Lucy Hutchinson calls angels “ambassadors” “from heaven’s high courts”—early modern angelology and diplomatic theory were both shot through with a deep strain of hermeticism.<sup>41</sup> Divine mysteries and mysteries of state were rhetorically enmeshed. The pleromatic paradigm included privileged access to knowledge and information. Meanwhile, the multi-lingual ground of diplomacy elevated the diplomatic practice to the exalted plane of the angels, whose communication with one another and with humans deployed the esoteric secrets of language.<sup>42</sup>

In the single most influential text in this tradition, Pseudo-Dionysius’ *The Celestial Hierarchy*, the author explained the connection between what he called the “celestial intelligences” and human status.<sup>43</sup> “It is most fitting to the mysterious passages of scripture that the sacred and hidden truth about the celestial intelligences be concealed through the inexpressible and the sacred and be inaccessible to the *hoi polloi*. Not everyone is sacred, and, as scripture says, knowledge is not for everyone.”<sup>44</sup>

Parceled, mediated knowledge was a key theme through which Christian angelology’s graduated theater of thrones, princes, and dominions justified an ecclesiastical hierarchy of privileged spiritual messengers. Clement of Alexandria had written that “the grades of the Church, of bishops, presbyters, deacons, are imitations of the angelic glory.”<sup>45</sup> John Donne’s poem, “To Mr. Tillman after he Had Taken Orders,” illustrates the continuity into Protestant England: “What function is so noble, as to be/Ambassador to God, and Destiny?,” Donne asks of the minister newly ordained into the Church of England before comparing ministers in the pulpits to angels speaking from clouds.<sup>46</sup> Richard Hooker advanced the similar view that

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<sup>41</sup> HUTCHINSON, *supra* note 13, at 12.243–46.

<sup>42</sup> See DEBORAH E. HARKNESS, JOHN DEE’S CONVERSATIONS WITH ANGELS (2006); JOAD RAYMOND, MILTON’S ANGELS: THE EARLY-MODERN IMAGINATION 311–26 (2010).

<sup>43</sup> Pseudo-Dionysius, *The Celestial Hierarchy*, in PSEUDO-DIONYSIUS: THE COMPLETE WORKS 149 (Colm Luibhéid trans., 1987).

<sup>44</sup> *Id.*

<sup>45</sup> AGAMBEN, *supra* note 26, at 157.

<sup>46</sup> JOHN DONNE, *To Mr. Tillman after he Had Taken Orders*, in THE COMPLETE POEMS OF JOHN DONNE 115 (Robin Robbins ed., 2008); see also HUGH ADLINGTON, *Donne and Diplomacy*, in RENAISSANCE

“episcopal ecclesiology and traditional liturgy are an extension of angelic ministrations” with Dionysian assertions like “neither are the Angels themselves, so farre severed from us in their kind and manner of working.”<sup>47</sup> Thomas Hobbes’ skepticism about both priestcraft and angels illustrates the same phenomenon in reverse.<sup>48</sup>

Less remarked than the way *Church* hierarchy mirrored the presumed celestial hierarchy, however, was Christian diplomacy’s own hierarchical distinctions among legates, nuncios, and plenipotentiaries.<sup>49</sup> Giorgio Agamben comes close when he observes that “angels and bureaucrats tend to fuse,” but the point can be made with more precision: diplomacy too came to look very much like Heaven.<sup>50</sup> When the Congress of Vienna in 1815, seeking to systematize theretofore vexed rankings of titles like nuncio, minister, and charge d’affaires, divided diplomats into three ranked classes, the commissioners were also translating Catholicism’s earlier stratified model of seraphim, dominions, archangels, and so forth into worldly form.

As this brief account suggests, the increasingly prevalent notion of a *foreign* ministry, such as the one in England that employed poets Milton, Marvell, Fanshawe, and others, found far fewer detractors than the notion of a *Church* ministry.<sup>51</sup> As a descriptive matter, the institutionalization of foreign ministries helps to explain how the pleromatic paradigm retained enough support across confessional divides to survive into instruments like the Congress of Vienna and the Geneva Convention. What the Reformation *did not* achieve is enormously consequential. The Reformation’s famously withering assault on prelacy left *diplomacy*’s parallel hierarchy largely unscathed. The questions we face in the present concern in part how comfortable we ought to be with surviving hierarchy and political theology, for

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TROPOLOGIES: THE CULTURAL IMAGINATION OF EARLY MODERN ENGLAND 196–97 (Jeanne Shami ed., 2008).

<sup>47</sup> Feisal G. Mohamed, *Renaissance Thought on the Celestial Hierarchy: The Decline of a Tradition?*, 65 J. HIST. IDEAS 559, 570–71 (2004).

<sup>48</sup> HOBBS, *supra* note 25, at 610–34.

<sup>49</sup> LINDA FREY & MARSHA FREY, THE HISTORY OF DIPLOMATIC IMMUNITY 82 (1999).

<sup>50</sup> AGAMBEN, *supra* note 26, at 157; *see also* ROBERT THOMAS FALLON, MILTON IN GOVERNMENT (1993); IVER B. NEUMANN, DIPLOMATIC SITES: A CRITICAL ENQUIRY 29 (2013); CHRISTOPHER N. WARREN, LITERATURE AND THE LAW OF NATIONS 1580–1680, at 210–23 (2015); Julianne Werlin, *Paper Angels: Paradise Lost and the European State System*, 61 MILTON STUDIES 212, 212–38 (2019).

<sup>51</sup> G.R. BERRIDGE, DIPLOMACY: THEORY AND PRACTICE 5–21 (G.R. Berridge ed., 4th ed. 2010); Halvard Leira, *The Emergence of Foreign Policy*, 63 INT’L STUD. Q. 187, 187–98 (2019).

while the pleromatic rights paradigm of angels and diplomats make human rights look less full by comparison, it also relies heavily on rank and hierarchy. Milton's Satan assures us that "Orders and degrees/Jar not with liberty," but this is Satan after all.<sup>52</sup>

Angels' and diplomats' obsessive preoccupation with degrees, order, and rank was—and is—ultimately about the internal distribution of rights and privileges within a privileged class. In the twenty-first century, ambassadors enjoy *immunity ratione personae* while those of lesser rank, such as consuls, claim only *immunity ratione materiae*.<sup>53</sup> In the case of those angelic beings who in the Neo-Platonic, Pseudo-Dionysian tradition "have a preeminent right to the title of angel or messenger, . . . it is they who are first granted the divine enlightenment and it is they who pass on to us the revelations which are so far beyond us."<sup>54</sup> Those angels higher up on the hierarchy such as the seraphim and cherubim claimed greater rights to divine knowledge, proximity to God's warmth, and fuller intellectual powers. "It is just for things to be allotted and defined for angels according to rank," Pseudo-Dionysius wrote in a letter whose main purpose was to reject a monk's authority to overrule his superior.<sup>55</sup> Pseudo-Dionysius spoke of the highest order of seraphim, cherubim, and thrones as "particularly worthy of communing with God and of sharing in his work. . . . Knowing many divine things in so superior a fashion it can have a proper share of the divine knowledge and understanding."<sup>56</sup> The reason scripture gave a single shared name to all the angels is that "all the heavenly powers hold as a common possession *an inferior or superior* capacity to conform to the divine and to enter into communion with the light coming from God."<sup>57</sup> Angels and diplomats top the rights hierarchy, but they too are ordered hierarchically.

In the case of diplomacy, the analogously capacious term "ambassador" helped secure the health, wealth, and comfort of those so designated. Ambassadors' rights to bodily security, secure communication, unimpeded travel, religious worship,

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<sup>52</sup> MILTON, *Paradise Lost*, in THE COMPLETE POETRY AND ESSENTIAL PROSE OF JOHN MILTON, *supra* note 2, at 441.

<sup>53</sup> Mehak Goel et al., *Murder of Jamal Khashoggi: An International Law Perspective* 7 (Oct. 2, 2020), <https://doi.org/10.2139/ssrn.3704213> [<https://perma.cc/27XY-RYBL>].

<sup>54</sup> Pseudo-Dionysius, *supra* note 43, at 157.

<sup>55</sup> RONALD F. HATHAWAY, HIERARCHY AND THE DEFINITION OF ORDER IN PSEUDO-DIONYSIUS 146 (1969).

<sup>56</sup> Pseudo-Dionysius, *supra* note 43, at 165.

<sup>57</sup> *Id.* at 160 (emphasis added).

immunity from criminal prosecution, and actions for debt radiated like knowledge of the divine secrets from the person of highest rank down through the entire diplomatic retinue. In the sixteenth and seventeenth centuries, diplomatic residences in major European cities became controversial hubs of religious dissent—providing religious services for sometimes large communities of foreign and even native religious dissenters.<sup>58</sup> The ambassadors abroad enjoyed rights unavailable to ordinary travelers. Gentili noted, for example, that “[i]f war suddenly breaks out between two princes, their ambassadors retain at each other’s court unrestricted liberty, which is not the lot of others who, if caught in the country of the enemy of their prince, become his slaves.”<sup>59</sup> In François de Callierès’ early eighteenth century list of the privileges accruing to the highest order of ambassadors in France, he included:

enjoyment under international law of immunity and security . . . the right to remain covered before the King in public audiences because they represent their masters, . . . the privilege of being borne in the King’s coach, and of driving their own coaches into the inner court of the Louvre. They still have their own dais in the audience-chamber, while their wives have a seat by the Queen; and they are permitted to drape the driving seat of their coaches with a special saddle cloth.<sup>60</sup>

Diplomats were just like us, only smarter, safer, comfier, and more tapped in.

### III. ANGELS, DIPLOMATS, AND US

As we begin to step back to consider the larger consequences of angels, diplomats, sovereignty, and human rights, it is important to note that diplomats enjoyed no mythography as detailed or politically suspect as “the king’s two bodies.”<sup>61</sup> In matters of knowledge, eloquence, mutability, and mobility, angels and

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<sup>58</sup> See Benjamin J. Kaplan, *Diplomacy and Domestic Devotion: Embassy Chapels and the Toleration of Religious Dissent in Early Modern Europe*, 6 J. EARLY MOD. HIST. 341 (2002).

<sup>59</sup> GENTILI, *supra* note 29, at 96.

<sup>60</sup> FRANÇOIS DE CALLIERÈS, ON THE MANNER OF NEGOTIATING WITH PRINCES: CLASSIC PRINCIPLES OF DIPLOMACY AND THE ART OF NEGOTIATION 71–72 (A.F. Whyte trans., 2001).

<sup>61</sup> See generally ERNST H. KANTOROWICZ, THE KING’S TWO BODIES: A STUDY IN MEDIAEVAL POLITICAL THEOLOGY (1957). Kantorowicz does consider the way that “the personified collectives of the jurists, which were juristically immortal species, displayed all the features otherwise attributed to angels.” *Id.* at 282; Wheatley, *supra* note 24, On Kantorowicz’s “very significant role in the emergence of [20th-century] political mysticism and theology” and *The King’s Two Bodies’* roots in “a long tradition of counter

diplomats in the early modern period surpassed ordinary human powers, privileges, and immunities. But the political theology that tied them together tended less toward divine right absolutism than to questions of political intelligence, media, hermeneutics, communication, accommodation, and negotiation. It is not coincidental that early newsbooks and newspapers, intending to unlock and communicate secrets of state, took names like *Messenger*, *Intelligencer*, *Herald*, *Courier*, or *Mercury*. “Political angelology” cast sovereignty in a fundamentally relational light, one defined by relations with others, sometimes across vast distances.<sup>62</sup> It frequently proceeded on the basis of what a sovereign did not wish to do, or could not do, alone. Angels and diplomats were the ultimate “figure[s] of suture” who shifted the focus from sovereignty as such to the “median space[s]” where sovereigns were at their most vulnerable.<sup>63</sup> Thus, we might say with Lorraine Daston and Anne Orford that the jurisprudence of angels and diplomats represents a valuable legacy of “think[ing] one’s way into truly other minds”<sup>64</sup> and “offers an archive of the many attempts to solve the problems that arise in the encounter with strangers.”<sup>65</sup>

Yet, the pleromatic paradigm is also a problematic paradigm. Renaissance philologists like Lorenzo Valla and Erasmus proved through close linguistic analysis that *The Celestial Hierarchy* could not have originated in the lifetime of the Apostle Paul.<sup>66</sup> It is through their work that the writer once known as Dionysius the Areopagite effectively became *Pseudo-Dionysius*, and the purported nine orders of angels (Spenser’s “trinall triplicities”) gathered new clouds of suspicion from Protestants like Martin Luther, who considered *The Celestial Hierarchy* “a book over which many curious and superstitious spirits have cudged their brains.”<sup>67</sup> By the

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revolutionary discourse,” see David Norbrook, *The Emperor’s New Body? Richard II, Ernst Kantorowicz, and the Politics of Shakespeare Criticism*, 10 *TEXTUAL PRAC.* 329, 331, 342 (1996).

<sup>62</sup> JOHN MICHAEL ARCHER, SOVEREIGNTY AND INTELLIGENCE: SPYING AND COURT CULTURE IN THE ENGLISH RENAISSANCE 2 (1994).

<sup>63</sup> TIMOTHY HAMPTON, FICTIONS OF EMBASSY: LITERATURE AND DIPLOMACY IN EARLY MODERN EUROPE 4 (2009); *id.* at 8.

<sup>64</sup> Daston, *supra* note 23, at 38.

<sup>65</sup> Anne Orford, *Ritual, Mediation and the International Laws of the South*, 16 *GRIFFITH L. REV.* 353, 367 (2007).

<sup>66</sup> Mohamed, *supra* note 47, at 559–60.

<sup>67</sup> C.A. Patrides, *Renaissance Thought on the Celestial Hierarchy: The Decline of a Tradition*, 20 *J. HIST. IDEAS* 155, 155–66 (1959); Kevin Corrigan & Michael Harrington, *Pseudo-Dionysius: The Mediation of*

end of the seventeenth century, those clouds of suspicion had gathered into a storm. Early enlightenment thinkers now argued that even though “angel” only meant “messenger,” vernacular biblical texts used the Greek word so that “ordinary folk should not understand it and therefore not come to realize its real meaning.”<sup>68</sup> “Angel,” in other words, was a term weaponized by “ecclesiastical, legal, medical, and academic élites . . . to veil truth and reserve zones of specialized knowledge exclusively for the charmed circle of those equipped with the requisite professional training.”<sup>69</sup>

It may well be desirable, then, to address the pleromatic paradigm’s worrying myths and hierarchies with what might be called a new philology of human rights. A new philology of human rights might arise from concerns about the “ignoble face of dignity”—“ignoble, because there is just never enough deference out there.”<sup>70</sup> According to Wai Chee Dimock, literary traditions capture something important when tragedies result from people of high status feeling compelled to maintain their place.<sup>71</sup> As we have seen, diplomats’ exalted rights created the exalted potential for violence. A new philology of human rights, then, might take its cues from thinkers like Valla, Erasmus, Hobbes, and Spinoza, seeking to mitigate hierarchy’s drive toward tragedy by setting to work on key texts underpinning the hierarchical political theology. One prominent candidate would be Psalms 8:5, which (in the King James translation) said that God “made [man] a little lower than the angels” yet “madest him to have dominion [V: *potestatem*] over the works of [God’s] hands.”<sup>72</sup> Psalms 8:5 is most likely Shakespeare’s source for Hamlet’s “in action how like an angel” speech,<sup>73</sup> but the philology comes in when we attend to that word *angelous* (ἄγγελος) from the Septuagint that gives rise to the English “angels.” One would think that we would find in the Hebrew its most obvious equivalent, מַלְאָךְ (*ma’lak*; messenger). But in fact, the Hebrew says nothing at all about messengers. Instead,

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*Sacred Traditions*, in *THE INVENTION OF SACRED TRADITION* 241, 241–57 (James R. Lewis & Olav Hammer eds., 2007); ELIOT WEINBERGER, *ANGELS & SAINTS* 54 (2020) (quoting Martin Luther).

<sup>68</sup> JONATHAN I. ISRAEL, *RADICAL ENLIGHTENMENT: PHILOSOPHY AND THE MAKING OF MODERNITY 1650–1750*, at 191 (2001) (discussing Adriaen and Johannes Koerbagh).

<sup>69</sup> *Id.*

<sup>70</sup> Wai Chee Dimock, *High and Low*, in *DIGNITY, RANK, AND RIGHTS* 119, 125 (Meir Dan-Cohen ed., 2015).

<sup>71</sup> *Id.* at 119–28.

<sup>72</sup> *Psalms* 8:5 (King James).

<sup>73</sup> SHAKESPEARE, *supra* note 12, at 1697.

the Hebrew is *אֱלֹהִים* (*elohiym*; gods). In the Latin Vulgate, the plural gods of *elohiym* are translated into the singular *Deo* or *God* (a frequent occurrence in the Vulgate). English translations of Psalms 8:5, therefore, range from “though hast made him a little lower than God,” to “a little less than the heavenly beings,” and “a little lower than the angels.”<sup>74</sup> So to whom is man closest? God, gods, or angels? If hierarchy were essential and immutable, surely this question would have a clearer answer. Through close linguistic and textual analysis, a philology of human rights would aim to expose problems like these in political angelology’s authorizing texts.

Angelology’s worldly cousin, diplomacy, would correspondingly undergo further demystification and democratization. In theory, we already reject claims such as Pseudo-Dionysius’ that “not everyone is sacred, and . . . knowledge is not for everyone,” but the secret communiques and secure channels of diplomatic communications, highlighted for example by the 2010 Wikileaks release of diplomatic cables, illustrate that international diplomacy operates by its own rules.<sup>75</sup> In a 1997 essay called “Diplomacy without Diplomats?,” George Kennan observed how “strong egalitarian tendencies” were already threatening diplomacy’s traditional ideas of “hierarchal differentiation,” noting as well the widespread perception that “diplomatic service is dominated by effete snobs from monied and socially distinguished backgrounds.”<sup>76</sup> Efforts to achieve flatter, more decentralized modes of participatory diplomacy—exemplified by NGOs, diasporic networks, and online collectives such as Wikileaks or Bellingcat—put new pressures on the privileges and protections accorded to credentialled diplomats, ultimately calling those privileges into question. All of this may very well be salutary. Since “lofty beings” have a way of catastrophically “crashing down,” it could well be preferable to work toward what Dimock might call a uniformly comic universe—a universe, in her terminology, of fools and buffoons.<sup>77</sup> Such approaches could undoubtedly have renewed purchase in our populist era.

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<sup>74</sup> On the rich exegetical traditions interpreting Psalm 8, see MIDRASH TEHILLIM; Sarah Stroumsa, “*What is Man*”: *Psalm 8:4-5 in Jewish, Christian, and Muslim Exegesis in Arabic*, 14 HENOCH 283 (1992); Mark Stephen Kinzer, “All Things Under His Feet”: Psalm 8 in the New Testament and in Other Jewish Literature of Late Antiquity (1995) (Ph.D. dissertation, University of Michigan) (on file with author); Bonnie Kent, *In the Image of God: Human Dignity After the Fall*, in DIGNITY: A HISTORY 73 (Remy Debes ed., 2017).

<sup>75</sup> Pseudo-Dionysius, *supra* note 43, at 149.

<sup>76</sup> George F. Kennan, *Diplomacy Without Diplomats?*, 76 FOREIGN AFFAIRS 198, 210 (1997).

<sup>77</sup> Dimock, *supra* note 70, at 124. *Id.* at 127.



#### IV. CONCLUSION: LEVELING UP

Alternatively, instead of aiming to bring angels and diplomats back down to earth, it may be more preferable to level human rights upwards toward the pleromatic paradigm. It is possible to hear faint echoes of the pleromatic paradigm in the Universal Declaration of Human Rights' "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world." But one of the big takeaways of this Article is that dignitarian claims to human rights need not settle for the thin versions currently on offer, though that version has most certainly developed in conversation with the pleromatic paradigm I have described.<sup>78</sup> In Jeremy Waldron's terms, the upward equalization of rank in current human rights law invites us to "think . . . of the change that comes when one views an assault on an ordinary man or woman not just as a crude physical interference, but as a sort of sacrilege."<sup>79</sup> As Frey and Frey observed in their comprehensive history of diplomatic immunity, "privileges and immunities that were traditionally limited to diplomats were gradually extended" in the twentieth century to other groups.<sup>80</sup> Even Julian Assange, the prime agent of the Wikileaks diplomat cables release, took refuge in London's Ecuadorian embassy under the law of diplomatic asylum.<sup>81</sup>

But what if protection against assault is not enough? Arundhati Roy has worried that "the reduced, fragile discourse of 'human rights' is replacing the magnificent concept of justice."<sup>82</sup> "Almost unconsciously," Roy writes, "we begin to think of justice for the rich and powerful and human rights for the poor."<sup>83</sup> Honing specifically on the bundles of customary powers and privileges enjoyed by angels and diplomats has the advantage of prompting us to imagine alternative rights regimes accompanied by alternative sovereign duties. Inviolable human rights tell us unequivocally that black lives matter, that refugee lives matter, but the additional aspects of knowledge, communication, and travel in my pleromatic paradigm indicate too why libraries matter, why access to education matters, why languages matter, why migration and travel visas matter. Under such a paradigm, the carceral

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<sup>78</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

<sup>79</sup> WALDRON, *supra* note 3, at 34.

<sup>80</sup> FREY & FREY, *supra* note 49, at 539.

<sup>81</sup> See Maarten Den Heijer, *Diplomatic Asylum and the Assange Case*, 26 LEIDEN J. INT'L L. 399 (2013); Anthea J. Jeffery, *Diplomatic Asylum: Its Problems and Potential as a Means of Protecting Human Rights*, 1 S. AFR. J. HUM. RTS. 10 (1985).

<sup>82</sup> Roy, *supra* note 4, at 356.

<sup>83</sup> *Id.*

state produced on the back of overzealous criminal jurisdiction becomes a signal outrage, as do the mountains of debt typically required for university diplomas—the diplomatic credentials of the modern age. Equalizing our rights upwards towards angels and diplomats points away from all kinds of hermetic knowledge and toward a politics of open-access scholarship, open-access court records, and open-source vaccines. As this Article suggests, early modern people found in angels and diplomats opportunities to theorize rights at the speculative horizons of creaturely life. In our present moment, we might think further about how this pleromatic paradigm of rights both informs and necessitates political action.

Finally, if we ask why the connections to angels and diplomats have so long been overlooked, it seems reasonable to conclude that there is a very real aspect of embarrassment here—embarrassment that dignity could be so closely tied to such ontologically suspect creatures as angels—and that our thinking about human rights developed out of this bizarre, hierarchical political theology. Indeed, hierarchical political theology has frequently been the reason to reject human rights *tout court*.<sup>84</sup> But once we confront our modern embarrassment head-on, the important question going forward is whether we ought to (a) finally continue the unfinished project of Reformation by stripping away under-theorized rights and privileges grounded in outdated political theology; or (b) level our human rights upwards to accord with the pleromatic dignity of angels and diplomats.

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<sup>84</sup> See JUSTINE LACROIX & JEAN-YVES PRANCHÈRE, HUMAN RIGHTS ON TRIAL: A GENEALOGY OF THE CRITIQUE OF HUMAN RIGHTS 127–56 (2018).

