

## Absolving God's Laws: Thomas Hobbes's Scriptural Strategies

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### Abstract

Thomas Hobbes tells us that he wrote *Leviathan* to “absolve the divine laws” of the charge that they legitimated rebellion. This article takes Hobbes’s statement about his motivations seriously. I argue that, over the course of his political works, Hobbes develops a complex strategy of scriptural argument that he deploys most fully in *Leviathan*. This strategy is best seen as a *forensic*, or judicial, rhetorical strategy. The core scriptural claims in the second half of the work are part of convergent argument. This set-piece of judicial rhetoric relies on using multiple independent claims in the hope that one’s audience finds at least one of them persuasive. In the final section of the paper, I make some more tentative observations about the riskiness of this forensic strategy and what Hobbes’s use it suggests about how we should interpret the second half of *Leviathan*.

### 1. Introduction

Thomas Hobbes tells us that political circumstances compelled him to write *Leviathan* (1651). In the spring of 1646, he was living in a self-imposed exile in Paris as the civil war raged on in Britain. As Charles I was surrendering to the Scots, Hobbes was immersed in work on *De Corpore*. This was to have been the first of three sections in his *Elements of Philosophy*. The work was going slowly. Hobbes hoped to make substantial progress during a visit to the south of France. But in July the young prince Charles and his entourage arrived in Paris and Hobbes was asked to serve as his mathematics tutor. Hobbes’s pastoral productivity would have to be postponed.

But the prince’s tuition was not the only thing tearing Hobbes away from his systematic philosophy. The young Charles and his men had brought fresh news of royalist defeats, which the king’s enemies were interpreting as evidence of God’s support for the Parliamentary cause. Hobbes tells us that he “could not bear to hear such terrible crimes attributed to the commands of

God.”<sup>1</sup> He set *De Corpore* aside and, determined to write something at once to “absolve the divine laws,” he turned his attention to the work that would become *Leviathan*.<sup>2</sup>

What might Hobbes have been told? What were these “terrible crimes attributed to the commands of God”? We cannot know for sure. But we can surely guess. For six years, Parliament had been stirred by regular Fast Day sermons.<sup>3</sup> In an infamous 1642 sermon, Stephen Marshall channeled the retributive hopes of Psalm 137, casting King Charles I and his supporters as Babylon and urging Parliamentary listeners to be unflinching in their violence against Royalist enemies. While they may be inclined to think it barbarous, they must be willing to take babies “upon the *speares point*, to take them by the heeles and beat out their *braines against the walles*.”<sup>4</sup>

After the king’s northern army had been destroyed at Marston Moor in July 1644, Edmund Staunton took Psalm 106 as his text and urged the House of Lords to follow Phinehas and to execute swift judgment: “Could I lift up my voyce as a trumpet, had I the shrill cry of an angell, which might be heard from East, to West, from North to South, in all corners of the Kingdome, my *note* should be, *execution of judgement, execution of judgement, execution of judgement*, that is Gods way to pacifie Gods wrath.”<sup>5</sup>

Within a few weeks of the king’s surrender to the Scots in May 1646, Richard Heyrick called upon Isaiah 60:14 to describe the fruits of this judgment: “*The sons of them that afflicted thee shall come bending Unto thee, and all they that despised thee shall bow down themselves at*

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<sup>1</sup> “...pati tot tantaque foeda / Apponi jussis criminal, nolo, Dei.” T. Hobbes, “Vita [Verse],” in *Opera Philosophica Quae Latine Scripsit Omnia*, ed. William Molesworth, vol. 1 (London, 1939), p. xcii. I adopt Quentin Skinner’s translation here. See: Q. Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge, 1996), pp. 330–31.

<sup>2</sup> “Divinas statuo quam primum absolvere leges.” Hobbes, “Vita [Verse],” xcii. I adopt Quentin Skinner’s translation here. Skinner, *Reason and Rhetoric*, pp. 330–1.

<sup>3</sup> C. Hill, *The English Bible and the Seventeenth-Century Revolution* (London, 1994), pp. 79–108; H.R. Trevor-Roper, “The Fast Sermons of the Long Parliament,” in *Essays in British History: Presented to Sir Keith Feiling*, ed. H.R. Trevor-Roper (London, 1964), pp. 85–138.

<sup>4</sup> S. Marshall, *Meroz Cursed* (London, 1641 [1642]), pp. 11–2.

<sup>5</sup> E. Staunton, *Phinehas’s zeal in execution of judgement* (London, 1645), pp. 29–30.

*the soales of thy feet...* God will make the sons of *Princes* bow down unto you, the greatest that have afflicted you and despised you, shall lie at your feet.”<sup>6</sup> Sermons like these were printed and distributed at the behest of Parliament. Together, they and many others like them offered scriptural justification for bloody rebellion and resolute retribution. These, one may assume, were some of the crimes of which Hobbes sought to absolve God’s laws. And, given the value Hobbes placed on sovereign order and civil peace, he would have thought them serious crimes indeed.

If we take seriously Hobbes’s contention that he wrote the work to “absolve the divine laws,” what implications does this have for how we read the second half of *Leviathan*?<sup>7</sup> This portion of the work consists entirely of exegetical and theological claims supported by scriptural interpretation. I think that Hobbes’s own statement of his motivations raises questions about two familiar readings of the second half of the work. First, some interpreters have argued that Hobbes’s

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<sup>6</sup> R. Heyrick, *Queen Esthers resolves* (London, 1646), p. 31.

<sup>7</sup> Noel Malcolm has argued that we ought not to take Hobbes’s statement about the circumstances of *Leviathan*’s composition “at face value.” Hobbes’s account of his motivations occurs in his verse and prose autobiographies, both composed in the 1670s. Evidence from his correspondence and that of his close friends suggest that he did not begin concerted work on *Leviathan* in 1646, but rather three years later. Malcolm argues that after the Restoration, Hobbes’s “dominant motive was to show that he had always been a consistent and passionately loyal defender of the Stuart monarchy. The suggestion...that his concern to refute the claims of the rebels was somehow linked to the arrival of the Prince in Paris is thus open to some doubt.” N. Malcolm, *Introduction*, vol. 1 of T. Hobbes, *Leviathan*, ed. N. Malcolm (Oxford, 2012), pp. 10-1. See also: Q. Skinner, *Visions of Politics*, vol. 3 (Cambridge, 2002), pp. 18-20. That Hobbes might, writing years later, have fudged the *precise chronology* of his work on *Leviathan* is quite plausible. That his *account of his motivations* was clouded by a desire to establish his royalist credentials with the restored Stuarts is less so. First, Hobbes’s desire to curry favor with Charles II was uneven, at best. As Kinch Hoekstra notes, Hobbes presented the restored king with a copy of *Leviathan*, “a work which concludes with a doctrine of de facto legitimation anathema to most royalists...Even if Hobbes miscalculated the reception, it was not the miscalculation of one who was trying to curry favor by espousing principles he thought would be pleasing to his patrons.” K. Hoekstra, “Tyrannus Rex vs. Leviathan,” *Pacific Philosophical Quarterly* 82, no. 3–4 (2001), p. 445, n. 66. Second, the account Hobbes gave of the motivations which drove him to write *De Cive* in the preface to the revised edition of that work (1647), written in the thick of immediate circumstances, largely mirrors his later autobiographical account of what turned him to the work of *Leviathan*. Soon after he arrived in Paris, he tells us that he set *De Corpore* aside and hurried the completion of the first edition of *De Cive* (1642). This new political work had to be written, Hobbes tells us, because “it happened that my country, some years before the civil war broke out, was already seething with questions of the right of Government and of the due obedience of citizens, forerunners to the approaching war.” Among those arguing against monarchical power and absolute sovereignty were preachers, confessors, and casuists who were attempting to show that their rebellious doctrines were “consistent with the Word of God.” Hobbes wrote *De Cive*, at least in part, to “show that the right of Sovereigns over citizens...is not in conflict with the holy Scriptures” (DCv, preface, 12). T. Hobbes, *On the Citizen [De Cive]*, eds. R. Tuck and M. Silverthorne (Cambridge, 1998), pp. 13, 14, 12. All subsequent citations to *De Cive* will take the following form: DCv [chapter].[section], [page].

scriptural arguments were intended as *cover* for his purported atheism. On this view, Hobbes was an atheist—a fact that can be inferred from a close reading of his philosophical and theological arguments.<sup>8</sup> Recognizing that these beliefs were likely to open him up to persecution but committed to them nonetheless, Hobbes used the scriptural arguments in the second half of *Leviathan* to protect himself and his arguments from charges of atheism. Let us call this the “covering interpretation.”

Defenders of this interpretation are right that charges of atheism were a serious matter in the seventeenth century. Many thinkers no doubt went to great lengths to conceal their true views in order to avoid persecution. However, it is not clear that Hobbes was one of these people. If he were, he would have avoided attracting critical ire by remaining silent on controversial issues or by sticking to very conventional arguments. But he did neither. He publicly defended highly inflammatory views on the most fraught debates of the day. As Willis Glover summarizes, Hobbes “denied that man has an immortal soul distinct from his body and argued instead for the resurrection of the body; he contended that the kingdom of God which would be established after the final Judgment would be on earth; he denied the existence of a personal Satan; he rejected on Biblical grounds any belief that the eternal death of the wicked would be an everlasting torment.”<sup>9</sup>

Nor did Hobbes misjudge the reactions his arguments were likely to produce. He acknowledges that many of *Leviathan*’s religious arguments are inflammatory and “perhaps...most [likely to] offend.” He reassures his readers, however, that he has made these

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<sup>8</sup> E. Curley, “‘I Durst Not Write So Boldly’ Or How to Read Hobbes’ Theological-Political Treatise,” in *Hobbes e Spinoza: Scienza e Politica*, ed. Daniela Bostrenghi (Naples, 1992), pp. 512, 572–93; L. Strauss, *Natural Right and History* (Chicago, 1950), 198–99; L. Strauss, “On the Basis of Hobbes’s Political Philosophy,” in *What Is Political Philosophy? And Other Studies* (Chicago, 1988), 170–96.

<sup>9</sup> W. B. Glover, “God and Thomas Hobbes,” *Church History* 29, no. 3 (1960), p. 280. See also: S.A. Lloyd, *Ideals as Interests in Hobbes’s Leviathan: The Power of Mind over Matter* (Cambridge, 1992), pp. 17–18; S.I. Mintz, *The Hunting of Leviathan: Seventeenth-Century Reactions to the Materialism and Moral Philosophy of Thomas Hobbes* (Cambridge, 1962), 44–5.

arguments with “due submission” in order to refute those who would “impugne the Civill Power.”<sup>10</sup> Hobbes himself, then, tells us that he makes his inflammatory scriptural arguments in the service of sovereign power and civil peace. This is a far cry from the circumspect Hobbes posited by those who see his scriptural arguments as part of a covering strategy.<sup>11</sup> However, it is consistent with Hobbes’s statement that his motivation was to “absolve the divine laws” of the charge that they legitimated rebellion.

Hobbes’s statement raises a more complex set of questions about a second familiar reading of the scriptural arguments in *Leviathan*. This reading, common among analytic philosophical interpreters, holds that the first half of *Leviathan* articulates a thoroughly secular philosophical argument from principles of reason and that the second half of the work is merely there to offer scriptural *confirmation* for this secular argument.<sup>12</sup> Let us call this reading the “confirmation interpretation.”

These interpreters are themselves responding to readings that attribute theological foundations to Hobbes’s philosophical argument.<sup>13</sup> In contrast, defenders of the confirmation view insist that the philosophical argument that Hobbes makes in the first half of *Leviathan* is secular

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<sup>10</sup> T. Hobbes, *Leviathan*, ed. N. Malcolm (Oxford, 2012), dedication, pp. 4-6. All subsequent citations to *Leviathan* will take the following form: L [chapter], [page].

<sup>11</sup> Of course, to show that Hobbes was more willing to risk persecution than the covering interpretation allows is not to suggest that he was not an atheist or that he did not have other reasons for concealing his beliefs. Hobbes argued that subjects should not publicly advocate positions that challenge those of the sovereign and that subjects are obligated to publicly adhere to religious practices and affirmations dictated by the sovereign. See: L 46, pp. 1100-2 and L 31, p. 570, respectively. Because the existence of God was part of the public theology of Hobbes’s England, his principles committed him to affirming it, regardless of his own private beliefs. See: A. Abizadeh, “Hobbes’s Conventionalist Theology, the Trinity, and God as an Artificial Person by Fiction,” *Historical Journal* 60, no. 4 (2017), p. 917; Hoekstra, “Tyrannus Rex,” p. 434; K. Hoekstra, “The de Facto Turn in Hobbes’s Political Philosophy,” in *Leviathan after 350 Years*, eds. T. Sorrell and L. Foisneau (Oxford, 2004), p. 54.

<sup>12</sup> D. P. Gauthier, *Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes* (Oxford, 1969), pp. 178–79; G. S. Kavka, *Hobbesian Moral and Political Theory*, Studies in Moral, Political, and Legal Philosophy (Princeton, 1986), pp. 362–3; J. Rawls, *Lectures on the History of Political Philosophy* (Cambridge MA, 2007), pp. 25–9.

<sup>13</sup> In a paradigmatic example of such an interpretation, Howard Warrender argues that what grounds Hobbes’s laws of nature are they are the commands of God. H. Warrender, *The Political Philosophy of Hobbes: His Theory of Obligation* (Oxford, 1957). See also: A. E. Taylor, “The Ethical Doctrine of Hobbes,” *Philosophy* 13, no. 52 (1938): pp. 406–24; F.C. Hood, *The Divine Politics of Thomas Hobbes* (Oxford, 1964).

and freestanding. The religious and theological claims in the second half of the work are the scriptural handmaiden to this secular philosophical argument. That is, the scriptural arguments in *Leviathan* are there to confirm that the premises of the philosophical argument are compatible with Christian commitments. Defenders of this reading often then go on to explicitly or implicitly suggest that we can therefore safely focus our interpretive attention on the philosophical argument.

There are two things we might note immediately about this interpretation. First, even if the first half of *Leviathan* offers a philosophical argument that depends on no theological foundations,<sup>14</sup> it does not follow that the second half of the work is a mere scriptural handmaiden to the first. Second, the assumption of the confirmation interpretation seems to be that the primary aim of *Leviathan* as a whole is to offer a secular philosophical argument for political absolutism. On this reading, the second half of the work is there merely to reassure readers who have understood and absorbed the argument in the first half that accepting its conclusions will not put their salvation in jeopardy.

Ultimately, I will argue that there is something quite a bit more interesting going on in the second half of *Leviathan*. Hobbes's scriptural arguments, I will claim, are more freestanding than the confirmation interpretation allows. They also exist in a structural relationship to one another that the confirmation interpretation too easily misses. Hobbes's suggestive remarks about his project of absolution point to something more than a strategy of confirmation. They point to a *forensic strategy* of absolving God's laws from the charge that they legitimate threats to sovereign power and civil peace.

Nevertheless, there is something to the confirmation interpretation. In section 2, I will suggest that the conventional reading accounts well for some of the scriptural arguments in

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<sup>14</sup> C.f. Hood, *Divine Politics*; Taylor, "Ethical Doctrine," and Warrender, *Political Philosophy*.

*Elements of Law* (1640) and *De Cive* (1642). However, even in these works, we see Hobbes pushing beyond mere confirmation and toward a more complex strategy that he would deploy much more fully in *Leviathan* (1651). It is a strategy that aims, above all, at getting diverse and antagonistic groups of Christians to accept a common vision of sovereign authority.

In section 3, I will attempt to pin down more precisely what this more complex strategy is. I will argue that it is best seen as a forensic, or judicial, rhetorical strategy. Hobbes wanted, as he tells us, to “*absolve* the divine laws.” And to do this, he would require the rhetorical strategy not of an analytic philosopher, nor even of a preacher, but of a judicial advocate. I will argue that some of the core scriptural claims in the second half *Leviathan* amount to a convergent argument. This set-piece of judicial rhetoric relies on using multiple independent claims in the hope that one’s audience finds at least one of them persuasive. Hobbes, I will suggest, uses this strategy to absolve God’s laws and disarm a series of powerful challenges to sovereign power that were emerging in the midst of the violent religious pluralism of the English Civil War. In section 4, I make some more tentative observations about the risks Hobbes ran in using this strategy.

## 2. Beyond Confirmation

Over the course of his political works, Hobbes’s approach to religious and theological questions changes in important ways. As a first cut at capturing something of this evolving approach, we can begin with some crude quantitative indicators of change. Just under one-fifth of *Elements of Law* (1640) deals with scriptural and religious matters. This proportion increases to just under two-fifths in *De Cive* (1642) and then to more than half the book in *Leviathan* (1651).<sup>15</sup>

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<sup>15</sup> These calculations are done using rough word counts. In order to come up with these calculations, I have classed the following chapters as those dealing with scriptural and religious questions in the three works: 11, 18, 25, and 26 in *Elements of Law*; 4, 11, 15, 16, 17, 18 in *De Cive*; and chapters 12, 31-47 in *Leviathan*.

In this section, I will argue that as Hobbes comes to devote more of his political work to scriptural and religious arguments, his rhetorical strategy also changes. While he uses a confirmation strategy in *Elements of Law* and *De Cive* and, to a lesser extent in *Leviathan*, he begins moving beyond it even in these earlier two works. In resisting the charge that God's laws may demand political disobedience, he moves toward a more complex and risky method of scriptural argument that would come to dominate *Leviathan*.

*Elements of Law* and *De Cive* offer the clearest examples of a confirmation strategy in Hobbes's political works. In both books, he enumerates and describes the laws of nature—those dictates of right reason “about what should be done or not done for the longest possible preservation of life and limb.”<sup>16</sup> Peace comes from observing these dictates. The only reliable way to make such observance possible is by establishing a unified, unlimited, and unconditional political authority and obeying the laws of its sovereign representative. The list of the laws of nature is a familiar one to which Hobbes would make some alterations and additions over the course of his political works—an obligation to lay down one's natural right to all things when others are willing to do likewise, the performance of covenants, etc. In both *Elements of Law* and *De Cive*, Hobbes then follows these discussions of the laws of nature with chapters uninspiringly titled “A confirmation of the same out of the word of God” and “That the natural law is the divine law,” respectively. He notes that because the natural laws enumerated and described in the previous chapters are “dictates of natural reason” and “moral laws,” they are also “divine laws in respect to the author thereof, God Almighty.” For this reason, the laws of nature ought “to agree, or at least, not to be repugnant to the word of God revealed in Holy Scripture.” He therefore

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<sup>16</sup> DCv 2.1, p. 33; see also: T. Hobbes, *Elements of Law, Natural and Politic*, ed. J.C.A. Gaskin (Oxford, 2008), chapter 15, section 4, p. 82. All subsequent citations to *Elements of Law* will take the following form: EL [chapter].[section], [page].



proposes to “produce such places of Scripture as appear to be most consonant with said laws.”<sup>17</sup> This is exactly what he does. The short chapters are entirely comprised of passages much like this one:

That men ought to stand to their covenants, is taught Psalm 15, where the question being asked, verse I, *Lord who shall dwell in thy tabernacle, &c.*, it is answered, verse 4, *He that sweareth to his own hindrance, and yet changeth not*. And that men ought to be grateful, where no covenant passeth, Deut. 25, 4: *Thou shalt not muzzle the ox that treadeth out the corn*, which St. Paul (I Cor. 9, 9) interpreteth not of oxen, but of men.<sup>18</sup>

There are at least two things to note about this passage and others like it. First, the paragraph is analytically spare and workmanlike. Hobbes has selected a series of scriptural passages and assembled them into a list. He expends virtually no interpretive work on them. Second, the persuasiveness of the paragraph depends on the reader having understood and accepted the earlier political philosophical argument that the performance of covenants is a law of nature. The passage has virtually no independent persuasive power. It is the scriptural handmaiden to a secular philosophical argument. Such passages can be found in abundance in *Elements of Law* and are also very common in *De Cive*. They are far less prevalent in *Leviathan*. (In fact, Hobbes includes no scriptural confirmation of the content of the laws of nature in *Leviathan*).

However, even in *Elements of Law* and *De Cive*, Hobbes pushes beyond a mere *confirmation strategy*. This move is prompted by the problem of divided allegiance. When the commands of my sovereign conflict with those of God, whom should I obey? It is difficult to underestimate the severity of the challenge that this problem poses for political order and civil

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<sup>17</sup> EL 18.1, p. 99. See also: DCv 6.1, pp. 58-9.

<sup>18</sup> EL 18.5, p. 100.

peace. In order to see why, think about the relative seriousness of the threats that the two relevant parties can make. God wields the threat of eternal damnation, while our sovereign can only threaten us with mortal death. When the dictates of preachers threatening eternal damnation conflict with those of the sovereign, who can only threaten death, the prudent believer may well choose death and salvation over life and damnation. For, as Hobbes puts it, “no one can serve two masters, and the one to whom we believe that obedience is due, under fear of damnation, is no less a Master than the one to whom obedience is due through fear of temporal death, but rather more.”<sup>19</sup> When subjects are convinced that God’s laws demand rebellion against the civil sovereign, the threat of worldly sanctions may be insufficient to secure obedience. In such cases, the commonwealth risks being thrown back into anarchy.

How might subjects come to be convinced that God’s laws demand rebellion? Hobbes thinks there are two routes to this conviction. First, a priest or other ecclesiastical authority might demand actions that are at odds with the requirements of political obedience. Why might subjects take such demands as authoritative expressions of God’s will? One reason is that priests or other representatives of the Church claim an authority and jurisdiction that is either independent of or superior to that of the sovereign. This is a species of the problem of divided authority. Hobbes had already offered a secular philosophical argument explaining why only a unified, unconditional, and unlimited authority can provide a stable solution to the problems of the state of nature. His scriptural argument on this question does not depend on this philosophical argument for its persuasiveness. Instead, it relies on an independent account of sacred history that aims to undermine the claim that bishops, priests, and other ecclesiastical authorities are Christ’s earthly magistrates. This claim is central to the problem of divided allegiance. If our priests are, as they

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<sup>19</sup> DCv 6.11, p. 80. See also: EL 26.10, p. 162.

themselves so often suggested in the seventeenth century, Christ's magistrates on earth, then surely we must obey them.

In order to resist this conclusion, Hobbes draws closely on scripture to argue that the authority that Christ gave to those under him was importantly limited. He takes as given a claim often made by seventeenth-century ecclesiastical authorities—that they were apostolic successors and therefore had all of the rightful powers that Christ had granted to his apostles. Hobbes then argues that because Christ did not wield civil authority, he could not grant this authority to others. Like Christ himself, the apostles only held powers of teaching and persuasion. Even if contemporary priests and ecclesiastical authorities are apostolic successors, their authority is similarly limited. Priests and other ecclesiastical authorities may inform the sovereign on questions of scriptural interpretation concerning the “mysteries of faith” and the sovereign may be obligated “as a Christian” to accept their interpretation.<sup>20</sup> However, the sovereign is not ultimately subject to their authority. Rather, their interpretive authority derives from his civil authority.<sup>21</sup> In all areas of sacred authority, sovereigns are the immediate rulers “of the church under Christ, and all others but subordinate to them.”<sup>22</sup>

The second way in which a subject might become convinced that God's laws demand rebellion is that her own conscience, informed by her private interpretation of scripture, seems to prescribe actions that are at odds with the requirements of political obedience. Hobbes had already made a philosophical argument aimed at diminishing the claims of conscience. Conscience, he had argued, is a species of private judgment. As such, it reflects an individual's own view about something “they know, or think they know...to be true.”<sup>23</sup> An individual may simply be mistaken

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<sup>20</sup> DCv 17.28, p. 233.

<sup>21</sup> DCv 17.27, p. 232.

<sup>22</sup> EL 26.10, p. 162. See also: DCv 17.27, pp. 232-3.

<sup>23</sup> EL 6.8, p. 42.

in her conclusion. More troublingly, to the extent that the demands of her conscience put her at odds with other individuals, abiding by these demands may lead to conflict and war. For this reason, individuals wanting to escape the state of nature must alienate their private judgment and private conscience to the public judgment and public conscience of the sovereign state.

In his scriptural argument, Hobbes offers a new and independent argument against the claims of conscience. He tells us that he aims to “take away this scruple of conscience concerning obedience to human laws.”<sup>24</sup> He does this by using a combination of an argument by attrition, which wears down the claims of conscience until virtually none remain, and a “theology of reduction,” which attempts to limit the number of fundamental Christian doctrines.<sup>25</sup> Hobbes starts by arguing that civil laws are intended to oblige only in outward action, not in inward conscience. If civil laws were intended to oblige in conscience, they would be unenforceable because “no man (but God alone) knoweth the heart or conscience of a man.”<sup>26</sup> Unable to open windows to the soul, the sovereign must focus on policing words and deeds. There are therefore far fewer conflicts between conscience and civil obedience than one might initially suppose.

Of course, it is still possible that one’s sovereign might command one to violate a requirement of salvation through word or deed. Hobbes acknowledges that Christians are forbidden from such violations. But, here again, the problem is less severe than it initially seems. The requirements of salvation are, in fact quite minimal. As a matter of faith, Christians need only believe that Jesus is the Christ. As a matter of obedience, they need only obey God’s laws, which are identical to the laws of nature. Since, as Hobbes has argued elsewhere, obedience to the laws

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<sup>24</sup> EL 25.3, p. 142.

<sup>25</sup> T. M. Bejan, *Mere Civility: Disagreement and the Limits of Toleration* (Cambridge, MA, 2017), chap. 3; Hans R. Guggisberg, “The Defence of Religious Toleration and Religious Liberty in Early Modern Europe: Arguments, Pressures, and Some Consequences,” *History of European Ideas* 4, no. 1 (1983), p. 38.

<sup>26</sup> EL 25.3, p. 142.

of nature requires obedience to the will of the sovereign, obedience to God's law requires obedience to civil laws.<sup>27</sup> The requirements of faith felicitously coincide with the requirements of obedience.

Let us take stock. Hobbes does employ a confirmation strategy in *Elements of Law* and *De Cive*, particularly when he is attempting to show that the laws of nature are consistent with and might even be interpreted as divine laws. Here, Hobbes's scriptural argument depends for its persuasiveness on having accepted the earlier philosophical argument about the content of the laws of nature. The scriptural argument is the theological handmaiden to a freestanding secular philosophical argument.

However, even in these early works of political philosophy, Hobbes does not rely solely on a confirmation strategy. In order to confront the problem of divided allegiance, he makes a series of freestanding scriptural arguments. First, he argues on the basis of sacred history that the sovereign is the ultimate civil and religious authority. So, there is no conflict between obligations to one's priest and obligations to one's civil sovereign. The latter will always trump the former. Call this the *Erastian claim*. Second, he argues that the requirements of faith are minimal and that they coincide with the requirements of obedience. So, there is no conflict between obligations to one's conscience and obligations to one's civil sovereign. Call this the *coincidence claim*.

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<sup>27</sup> Hobbes admits that a Christian citizen may still find himself under the rule of an infidel sovereign who demands words or deeds that violate the requirements of faith and divine obedience. Such a citizen still has the option or martyrdom. While martyrdom is presumably always an option, it is hard to imagine a situation in which this would be a citizen's *only* option. For instance, an infidel (or irrational Christian) sovereign might express her will through civil laws that violate the laws of nature (which are equivalent to God's laws). Is a Christian citizen required by his faith to disobey? No. When it is unsafe to obey the laws of nature in deed, as surely it is when they make competing demands to those of one's state, they do not oblige in *foro externo*. They only oblige in *foro interno*, or in the "will and readiness to perform" them. EL 17.10, p. 97. An infidel sovereign might command the Christian citizen to affirm that Jesus is not the messiah. But here again, if the inward conscience were to remain faithful and if God really does, as Hobbes suggests, take "the will for the deed," such affirmations are hardly salvation-endangering. EL 25.10, p. 152.

Not only are these freestanding arguments, but they also stand in a particular structural relationship to one another. In an important sense, these two claims amount to argumentative overkill. They overdetermine the conclusion. If the first argument succeeds in persuading Hobbes's audience, there is no need for the second one. If one is persuaded on scriptural grounds that the civil sovereign wields not only ultimate secular political authority, but also ultimate sacred authority, the problem of divided allegiance does not arise. God's laws do not demand rebellion.

The fact that Hobbes offers the second argument suggests that he anticipates that there will be some who are not persuaded by the first. Those who do not accept the *Erastian claim* may still find themselves wondering whom to obey. For these readers, Hobbes offers his second argument: even if the sovereign does not possess ultimate sacred jurisdiction, the requirements of faith coincide with the requirements of obedience.

What might have led Hobbes to think that the first argument might fail to persuade? After a tentative and rough start to the Reformation in England in the sixteenth century, the Elizabethan Settlement had restored royal supremacy over the Church and uniformity in practices of worship. The Elizabethan Church demanded only "passive acceptance and outward conformity," rather than active profession and inward conversion, on the part of subjects.<sup>28</sup> This settlement was, in many ways, an attempt to respond to the potentially destabilizing fact of increasing religious pluralism in England. However, it met with resistance almost immediately. Radical Protestants and puritans thought that the settlement did not go far enough. They thought that the Church of England had preserved too much of the ceremony and ecclesiastical hierarchy of the Roman Catholic Church.

This resistance was reasonably well-contained under Elizabeth and her successor, James I. However, it erupted into a more serious challenge under Charles I. The Church of England under

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<sup>28</sup> R. Lockyer, *Tudor and Stuart Britain: 1485-1714*, 3rd edition (Abingdon, 2005), p. 189.

Archbishop Laud was widely seen by its opponents to be backsliding toward Catholicism. Charles I, as head of the Church of England and a king with a Catholic wife was also increasingly cast as “popish.”<sup>29</sup> In such circumstances, the Elizabethan settlement and the Erastian arguments supporting it became intolerable for many. It is reasonable to think that Hobbes would have been attentive to these developments and might have concluded that there would have been many who would reject the *Erastian claim* and that they would do so specifically on the grounds of conscience. The *coincidence claim* is there to persuade them that, even if the sovereign does not have ultimate jurisdiction over religious and ecclesiastical matters, the requirements of faith coincide with the requirements of civil obedience.

### 3. Absolving God: Forensic Theology

Hobbes continues to develop this argumentative strategy in *Leviathan*. He does so in two ways. First, he expands some of the arguments behind the *Erastian claim* and the *coincidence claim*. For instance, in defending the *Erastian claim*, Hobbes not only relies on familiar arguments about the limits of priestly and ecclesiastical authority, but also on a largely new and sustained attack on religious “enthusiasts” and self-proclaimed prophets.<sup>30</sup> He is especially worried about those who, claiming direct revelatory knowledge from God, urge their audiences to resist the civil sovereign.<sup>31</sup> In addition, he also greatly expands his treatment of Moses, casting him as the paradigmatic biblical exemplar of a Leviathan sovereign who possessed both civil and religious authority.<sup>32</sup> Hobbes substantially deepens the *coincidence claim* in the entirely new arguments of

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<sup>29</sup> P. Lake, “Anti-Popery: The Structure of a Prejudice,” in *Conflict in Early Stuart England: Studies in Religion and Politics 1603-1642*, eds. R. Cust and A. Hughes (London, 1989), pp. 72–106.

<sup>30</sup> Malcolm, *Introduction*, pp. 41-2.

<sup>31</sup> L 32, pp. 580-4; L 36, pp. 658-80.

<sup>32</sup> L 40, pp. 738-48. I deal with Hobbes’s treatment of Moses in [reference removed for anonymous review].

Part IV of *Leviathan*, which deal with a number of “errors” of scriptural interpretation on questions like demonology, practices of worship, and idolatry—questions that were at the heart of the problem of divided allegiance in England and abroad.<sup>33</sup>

Second, and more importantly for our purposes, Hobbes adds another *claim* to his religious argument. Considered together, I will suggest, these three core claims of *Leviathan* amount to a convergent argument. This forensic strategy responded to growing religious pluralism and division in England.

Hobbes’s new claim centers on the question of divine sanctions. He offers an unorthodox and mortalist account of hell that denies that it is a condition of everlasting suffering for the damned. This argument is entirely new to *Leviathan*.<sup>34</sup> In contrast to the first two arguments, it seems aimed at generating some reasonable doubt about whether any subject has sufficient reason to act on God’s laws against those of their state.

Hobbes sews this doubt by questioning whether the divine sanction of hell is really that much worse than death at the hands of one’s sovereign. According to Hobbes, we will all die a corporeal death. Upon Christ’s return to earth, our bodies will be resurrected and we will be judged. The righteous “shall have their bodies suddenly changed, and made spirituall, and Immortall.”<sup>35</sup> However, the sinners will not be subjected to eternal torments. Their punishment will simply be to undergo a second death. Hobbes cites those passages of the Bible that refer to unquenchable fire, weeping, and gnashing of teeth, but concludes that the pain mentioned there is metaphorical. It is a metaphor for “a grief, and discontent of mind, from the sight of that Eternall felicity in others, which they themselves through their own incredulity, and disobedience have

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<sup>33</sup> D. Baumgold, “Editor’s Introduction,” in *Three-Text Edition of Thomas Hobbes’s Political Theory: The Elements of Law, De Cive, and Leviathan*, ed. D. Baumgold (Cambridge, 2017), xi; Malcolm, *Introduction*, p. 15.

<sup>34</sup> Malcolm, *Introduction*, pp. 15, 41.

<sup>35</sup> L 44, p. 990.



lost.” Upon witnessing the felicity of the elect, each wicked man will suffer a second death “after which hee shall die no more.”<sup>36</sup> It is inconceivable, Hobbes adds later, that a merciful God “should punish mens transgressions without any end of time, and with all the extremity of torture, that men can imagine, and more.”<sup>37</sup>

This still leaves Hobbes with the challenge of dealing with those parts of the Bible that suggest that the fires and torments of hell are everlasting. He responds that they are endless because there will be a perpetual supply of the damned. He makes the unorthodox argument that the damned will continue to propagate after the resurrection—presumably they have some time to kill whilst waiting in line for the final judgment—and that the children that result from these encounters will likewise be damned.<sup>38</sup> In short, biblical references to everlasting torments are not meant to suggest that such punishment is everlasting for any particular person, but rather that the generations of the damned will be perpetually replenished.

There is much that is scripturally questionable about this line of argument. There is also an air of desperation about it. In making the argument, Hobbes seems to be allowing for the possibility that God’s laws may demand political disobedience. Instead, he attacks the claim that the threat of hell offers sufficient reason to act in accordance with the divine laws in such cases. However, even if we set such questions aside, the best that can be said for this line of argument is that, if successful, Hobbes has only leveled the playing field between prophets and preachers on the one hand, and the civil sovereign, on the other. Both are now only capable of threatening death in exchange for disobedience. On the best reading of the argument, then, Hobbes is back in a position which he has consistently tried to avoid—one in which the godly and the sovereign can

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<sup>36</sup> L 38, pp. 716-8.

<sup>37</sup> L 44, pp. 990.

<sup>38</sup> L 44, pp. 992-4.

make equally threatening claims upon us.<sup>39</sup> I would suggest that his reason for persisting in such a dubious line of argument is not primarily because he finds it logically or scripturally sound. It is rather because of the importance of the polemical intervention that the argument makes possible.

The argument seems targeted at those who may be unwilling to accept either the *Erastian claim* or the *coincidence claim*.<sup>40</sup> After all, those worried that obedience to their civil sovereign may condemn their souls to an eternity of torment have obviously found the *Erastian* and the *coincidence claims* unpersuasive. If those claims had persuaded, the threat of hell would hardly cast such a long and troubling shadow. I have mentioned some reasons why the *Erastian claim* might have been unacceptable to many in the seventeenth century.

Why might Hobbes have had reason to think that the *coincidence claim* might be unpersuasive? By the mid-1640s, religious dissent had become rampant.<sup>41</sup> The breakdown of censorship in the early 1640s had allowed these dissenting voices to reach a full-throated clamour, while a program of Parliamentary Fast Sermons lent them new legitimacy.<sup>42</sup> There is little doubt that these raucous voices contributed to the outbreak of civil war.<sup>43</sup> England was awash with non-conformists, religious enthusiasts, and self-proclaimed prophets, all of whom had wildly different understandings of the requirements of faith and the political demands of those requirements. Against this backdrop, arguments for civil peace “sought to restore order by maintaining that the intense doctrinal differences separating Christian believers from one another were of no real

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<sup>39</sup> Portions of this paragraph and the previous two draw from my [reference removed for anonymous review].

<sup>40</sup> My interpretation here relies on that offered in D. Johnston, “Hobbes’s Mortalism,” *History of Political Thought* 10 (1989), pp. 647–63. It was in considering Johnston’s treatment of Hobbes’s mortalism that the possibility of a forensic strategy first came into view for me.

<sup>41</sup> C. Hill, *The World Turned Upside Down: Radical Ideas During the English Revolution* (London, 1984), pp. 151–83.

<sup>42</sup> Hill, *The English Bible*, pp. 79–108; Trevor-Roper, “Fast Sermons.”

<sup>43</sup> While hardly an unbiased observer, Edward Hyde, Earl of Clarendon remarked of the Fast Sermons: “no good Christian can without horror think of those ministers of the church, who, by their function being messengers of peace, are the only trumpets of war and incendiaries of rebellion.” E. Hyde, *The History of the Rebellion: A New Selection*, ed. P. Seaward (Oxford, 2009), 146.

consequence must have been very weak indeed.”<sup>44</sup> The coincidence claim was one such argument and Hobbes had good reason to doubt its persuasive power.

Let us take stock once again. Hobbes has now presented us with three claims:

- (1) The *Erastian claim*: the civil sovereign has ultimate jurisdiction over ecclesiastical and religious matters.
- (2) The *coincidence claim*: Whether or not (1) is true, the requirements of salvation coincide with the requirements of obedience.
- (3) The *tolerable hell claim*: Whether or not (1) and (2) are true, hell is not a state of everlasting torment. It is far less bad than we have been led to believe.

Each of these claims assumes that there are some who do not accept the previous claim(s). In this way, the structure of Hobbes’s scriptural argument is a convergent argument. It overdetermines the conclusion by offering multiple independent claims. Such arguments are common in judicial and forensic argument, where they are used to show that regardless of the view one reaches about the relevant facts or the interpretation of the relevant rule, one must accept the advocate’s conclusion.

Perhaps the most familiar species of convergent argument is the argument in the alternative. The well-known Texan criminal defense attorney Richard “Racehorse” Haynes, offers what is now taken to be a classic example of the technique: “Say you sue me because you say my dog bit you...Well, now this is my defense: My dog doesn’t bite. And second, in the alternative, my dog was tied up that night. And third, I don’t believe you really got bit...[And finally] I don’t have a dog.”<sup>45</sup> In Haynes’s example, the first three claims are compatible with one another. It can

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<sup>44</sup> Johnston, “Hobbes’s Mortalism,” p. 658.

<sup>45</sup> As quoted in B. Nissen, “For the Defense: Texas Attorney Gains Fame Winning Cases That Seem Impossible,” *Wall Street Journal* (October 31, 1978), p. 35.

at once be true that “my dog doesn’t bite,” that it “was tied up that night,” and that you didn’t really get bitten. However, the fourth claim contradicts the first and the second. It cannot at once be true that my dog doesn’t bite *or* that it was tied up that night, *and* that I don’t have a dog. Hobbes’s convergent argument does not contain competing claims. All three claims can be true at once. However, the fact that Hobbes offers each subsequent claim suggests that he thinks there will be those who do not accept the previous claim(s). In this respect, it looks much like Haynes’ first three claims.

I have already given some suggestive evidence that Hobbes might have been using a convergent argument. First, we know that Hobbes conceived of his purpose in writing *Leviathan* as one of absolving God’s laws of the charge that they licensed or even demanded rebellion. This framing of his purpose certainly points to a forensic strategy of some sort. Second, we have seen that there were some crucial developments in England’s religious and political landscape leading up to the civil war that might have led Hobbes to conclude that he would need to adopt a multi-pronged strategy of scriptural argument. Third, we have seen that there is a way of conceiving of the overall structure of his religious and scriptural arguments that is consistent with a convergent argument.

To this, we can add some external (or contextual) evidence and some internal (or textual) evidence. Contextually, we know from biographical materials and secondary historical work that Hobbes had a Tudor humanist education that would have included intense study of the classical rhetorical tradition.<sup>46</sup> Quentin Skinner makes a persuasive case that we should read Hobbes’s later political work in particular as evidence of his return to this rhetorical tradition. This tradition emphasized, among other things, the importance of *inventio* (or invention)—the discovery of

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<sup>46</sup> Skinner, *Reason and Rhetoric*, pp. 51-65, 230-8.

suitable arguments and lines of reasoning appropriate to one's case—and *dispositio* (or disposition)—the deployment of these arguments “in the most suitable order throughout the speech.”<sup>47</sup>

Thomas Wilson, the author of the *Art of Rhetoric*, one of the most important Tudor texts on rhetoric, acknowledges that when dealing with diverse audiences with different beliefs and prejudices, we will need to adapt our arguments to “make our sayings appear likely, and probable” by framing “our invention according as we shall think them most willing to allow it, that have the hearing of it.”<sup>48</sup> In ordering our arguments, we may want to barrage our audience with multiple independent claims to overdetermine our conclusions: “We must heap matter and find out arguments...making first the strongest reasons that we can, and next after, gathering all probable causes together, that being in one heap, they may seem strong, and of greater weight.”<sup>49</sup> Together, these statements suggest a concern with the selection and arrangement of claims that underpins a convergent argument.<sup>50</sup>

Textually, there are other places in *Leviathan* where Hobbes seems to use such a strategy quite overtly. Consider the way in which he casts the relationship between the two parts of *Leviathan*. Toward the end of the first half of the book, he tells us that he has offered an argument

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<sup>47</sup> Q. Skinner, *Forensic Shakespeare* (Oxford, 2014), p. 16.

<sup>48</sup> T. Wilson, *Art of Rhetoric*, ed. P.E. Medine (University Park, 1994), p. 140.

<sup>49</sup> Wilson, *Art of Rhetoric*, p. 144.

<sup>50</sup> Writing a generation after Hobbes, John Locke deploys a convergent argument quite overtly in his *First Treatise of Government*. There, he argues against Robert Filmer's claims that God had given Adam an absolute right to rule and dominion over the world, that Adam had passed on these rights to his descendants, and that at least some contemporary rulers were the legitimate heirs of these absolute rights of rule and dominion over particular territories. The structure of the argument becomes even clearer in Locke's summary at the beginning of the *Second Treatise*: “That Adam had not...any such authority over his children, or dominion over the world, as is pretended: That if he had, his heirs, yet, had no right to it: That if his heirs had, there being no law of nature nor positive law of God that determines which is the right heir in all cases that may arise, the right of succession, and consequently of bearing rule, could not have been certainly determined: That if even that had been determined, yet the knowledge of which is the eldest line of Adam's posterity, being so long since utterly lost...there remains not to one above another, the least pretence to be the eldest house, and to have the right of inheritance.” J. Locke, *Second Treatise of Government*, (Indianapolis, 1980), section 1, p. 7.

for absolute sovereignty through the use of principles of reason. However, he acknowledges that there are some who may be unwilling to accept this argument (even if he thinks the reasons for such unwillingness are likely bad ones). “But,” he writes, “supposing that these of mine are not such Principles of Reason; yet I am sure they are principles from Authority of Scripture; as I shall make it appear, when I shall come to speak of the Kingdome of God, (administered by Moses,) over the Jewes, his peculiar people by Covenant.”<sup>51</sup> So, there are a series of secular philosophical claims that ground the case for absolute sovereignty. But, even if these claims are false, then there is also a freestanding scriptural argument that Hobbes is “sure” is true. The relationship between the two halves of the book is itself framed as a convergent argument.

Nor must we restrict ourselves to Hobbes’s scriptural arguments to find instances of this strategy. Somewhat more tentatively, *Leviathan*’s treatment of the causes of conflict in the state of nature might be viewed as a convergent argument. This treatment causes a number of interpretive difficulties because there are at least two accounts of the causes of conflict that seem to run through the work. First, there is an account that stresses the degree to which the argument that the state of nature is a state of war is “an Inference made from the Passions.”<sup>52</sup> Consistent with the arguments offered in both *Elements of Law* and *De Cive*, the passion Hobbes stresses most heavily is vainglory, or an unjustified belief in one’s own power and superiority. This passion causes conflict by prompting the vainglorious to pick fights they are likely to lose and by making the vainglorious violently sensitive to perceived signs and acts of dishonor. Vainglory need not be evenly distributed throughout the population in order to lead to conflict. It is enough that some people are so motivated and that this fact is generally known.<sup>53</sup>

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<sup>51</sup> L 30, p. 522.

<sup>52</sup> L 13, p. 194.

<sup>53</sup> L 10, p. 136; L 11, pp. 154-6; L 13, p. 190; L 17, p. 258; see also DCv 1.2-5, pp. 21–26; EL 9.1, pp. 50–1; EL 14.3-5, p. 78; EL 17.1, p. 93.

However, *Leviathan* develops a largely new and parallel account of the causes of conflict. This second account is structural and “de-psychologized.”<sup>54</sup> On this view, conflict is caused by the fact that we are all equal in our capacity to kill another and that we desire and seek the same scarce things. This brings us into competition, which in turn leads to distrust and assurance problems and makes anticipation (or, a willingness to strike first) the most rational strategy. Once this disposition is generally known, the state of nature becomes a state of war.<sup>55</sup> While the first account stresses passions that drive us to irrationally risk our own lives for the sake of glory and honor, the second explains how instrumentally rational individuals who are motivated by nothing more than a desire for self-preservation and a fear of death may find themselves in conflict with one another.

Much interpretive effort has been spent attempting either to reconcile these two accounts or to make a case for Hobbes’s “authentic” view of the causes of conflict.<sup>56</sup> However, it seems plausible that the two accounts are part of a convergent argument: (1) the state of nature is a state of war because some sufficient number of individuals are motivated by vainglory; (2) whether or not (1) is true, instrumentally rational individuals will nonetheless find themselves in a state of war when we desire and seek the same scarce goods.

#### 4. Rhetorical Risks and Philosophical Stakes

What should we make of Hobbes’s forensic strategy? The benefits of Hobbes using it are clear. A convergent argument seems well-suited to circumstances of religious pluralism in which Hobbes cannot be sure that any single claim will be accepted by all of his audience. The aftermath of the Reformation and the growing religious pluralism of the mid-seventeenth century suggest

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<sup>54</sup> Malcolm, *Introduction*, p. 18.

<sup>55</sup> L 13, pp. 188-92.

<sup>56</sup> For a thorough survey and a skillful attempt at a resolution, see: A. Abizadeh “Hobbes on the Causes of War: A Disagreement Theory,” *American Political Science Review* 105, no. 2 (2011), pp. 298–315.

that this uncertainty would have more than warranted. A convergent argument allows Hobbes to meet believers where they stand—to engage them on their own terms with the arguments that they are most likely to find persuasive, without deep and potentially destabilizing enquiries into whether the foundations of these arguments are true.<sup>57</sup>

However, this forensic strategy was also risky. We are accustomed to thinking about the risks that Hobbes ran as a result of the *content* of his scriptural arguments. For instance, in an argument about the personation or representation of God, Hobbes seemed to imply that Moses was a member of the Trinity.<sup>58</sup> This argument understandably attracted shocked criticism and forced Hobbes to make strategic retractions and clarifications in the Latin *Leviathan*.<sup>59</sup> The fact that some

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<sup>57</sup> So far, the strategy I have attributed to Hobbes is consistent with Sharon Lloyd's account of the purpose of the second half of *Leviathan*. On Lloyd's reading, Hobbes is concerned with meeting the challenges to political stability posed by religious beliefs, or "transcendent interests." Because religious believers have things they fear more than death (i.e. eternal damnation) and hope for more than life (i.e. eternal salvation), they are less susceptible to the coercive tools of political authority. The solution is to correct their beliefs. On Lloyd's reading of Hobbes, individuals need to be reeducated "so that they all hold the (same) correct views." The state must work to reconcile competing transcendent interests by re-describing them in a way that makes them consistent with obedience to political authority. Individuals must be made to see that "in fulfilling their duties to God...[they] can affirm the redescription as accurately capturing [their] interest, while all will be affirming the same description." Lloyd, *Ideals as Interests*, pp. 44-5. Putting the matter in Rawlsian terms, Lloyd sees Hobbes aiming at something like an overlapping consensus, rather than a "mere modus vivendi." Lloyd, *Ideals as Interests*, p. 276; S.A. Lloyd, "Learning from the History of Political Philosophy," in *A Companion to Rawls*, ed. J. Mandle and D. A. Reidy (Malden, 2013), p. 539. I tend to think this interpretation reads rather too much Rawls back into Hobbes. One possible response to Lloyd's reading might be to argue that Hobbes is modern political thought's greatest defender of the "mere modus vivendi." One suspects that Hobbes would have agreed with Bernard Williams that there is nothing "mere" about a modus vivendi—"experience (including at the present time) suggests that those who enjoy such a thing are already lucky." B. Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument*, ed. G. Hawthorn (Princeton, 2005), p. 2, n. 2. But this is too glib. A modus vivendi is a prudentially-motivated agreement. J. Rawls, *Political Liberalism*, 2<sup>nd</sup> edition (New York, 2011), p. 147. Whether Hobbes is aiming at a modus vivendi depends in part, then, on whether one reads religious (or "transcendent") interests as *prudential* interests—as reflecting an interest in securing one's own salvation. Lloyd thinks that such a reading attributes to Hobbes a logically and contextually implausible understanding "of what is involved in having religious concerns. People with religious concerns very often care about doing God's will for its own sake, about bringing about certain states of the world, and about securing the salvation of others." Lloyd, *Ideals as Interests*, p. 18. However, given that for Hobbes "physical survival includes the eternal, material (if nonprocreative) life God will give to the faithful at Christ's coming," Lloyd may be overstating the non-prudential qualities of transcendent interests. S. Darwall, Review of S.A. Lloyd's *Ideals as Interests* and A.P. Martinich's *Two God's of Leviathan*, *Philosophical Review* 103, no. 4 (1994), p. 794. See also: L 38, pp. 698-729. However, even if Hobbes is aiming at an agreement based on more than narrowly prudential calculations, this may still be a long way off from an overlapping consensus.

<sup>58</sup> L 16, p. 248; L 42, pp. 776-8.

<sup>59</sup> For examples of contemporary criticisms, see: J. Bramhall, "The Catching of Leviathan," in *The Works of the Most Reverend Father in God, John Bramhall*, vol. 4, (Oxford, 1844), pp. 526-7; W. Lucy, *Observations, Censures, and Confutations of Notorious Errours in Mr. Hobbes His Leviathan and Other His Bookes* (London, 1663), pp. 284-9;



of his scriptural arguments drew criticisms could not have come as a surprise to Hobbes. As I noted at the outset, he expected this reaction and reassured readers that his motivations were those of an obedient subject.

We are less accustomed to thinking about the risks that Hobbes ran in the *structure* of his scriptural arguments. As a general matter, one risk of a convergent argument is that any single claim within it may appear weaker merely as a result of the presence of the other claims. The very structure of convergent argument can give the impression that no single claim is sufficiently persuasive on its own. However, more seriously for Hobbes, the mere willingness to make a convergent argument can signal a certain indifference to the truth—or, more minimally, an “epistemic abstinence”—that elicits suspicion and potentially undermines the argument.<sup>60</sup> This is especially true of convergent arguments with competing claims, or arguments in the alternative. Imagine how you might react as a judge or a juror when presented with an argument that contains both of these claims: “my dog was tied up that night” and “I don’t have a dog.” You would probably be suspicious of an advocate who was willing to use both arguments.

Yet a similar suspicion might also attend convergent arguments with non-competing claims. Hobbes’s convergent argument is an argument of this sort. The Erastian, coincidence, and tolerable hell claims can all be true at once, just as “my dog doesn’t bite,” “my dog was tied up

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A. Ross, *Leviathan Drawn out with a Hook, or, Animadversions upon Mr. Hobbs His Leviathan* (London, 1653), pp. 20, 53-5. In the Latin *Leviathan* (1668) Hobbes amends the portion of chapter 16 and removes the portion of chapter 42 that seem to imply that Moses is a member of the Trinity. In the Appendix to the Latin *Leviathan*, he also retracts portions of the earlier argument. L Latin Appendix, pp. 1232-4.

<sup>60</sup> Joseph Raz uses the term “epistemic abstinence” to characterize a feature of John Rawls’s later work—the work that would eventually become *Political Liberalism*. A theory of justice suited to the fact of pluralism takes as its starting point the “beliefs, attitudes, and institutions” of the common culture—the shared principles that transcend diversity and disagreement. In order for a theory of justice to perform this role, it “must adopt a posture of epistemic abstinence. Rawls’s epistemic abstinence lies in the fact that he refrains from claiming that his doctrine of justice is true...Asserting the truth of the doctrine of justice, or rather claiming that its truth is the reason for accepting it, would negate the very spirit of Rawls’s enterprise.” J. Raz, “Facing Diversity: The Case of Epistemic Abstinence,” *Philosophy and Public Affairs* 19, no. 1 (1990), p. 9.

that night,” and “I don’t believe you really got bit” can all be true at once. Yet the fact that an advocate makes each sequential claim suggests that he thinks there are those who may not accept the previous ones. He commits to the truth of the conclusion (“I am not liable for the injury you may have suffered”), whilst abstaining from pronouncing on which claim most accurately captures the facts of the case. As a judge or a juror in a dog biting case, you might still be suspicious of an advocate who argues in this way. “Well, which is it?” you might reasonably ask.

Now imagine that you are not assessing claims about biting dogs but about whether you can be both a good Christian and a good subject. The ultimate fate of your soul hangs in the balance. Hobbes commits to the truth of his conclusion (Christians owe absolute obedience to their secular sovereign), whilst abstaining on pronouncing on whether the *Erastian*, *coincidence*, or *tolerable hell* claim best reflects the facts of the matter. How comfortable would you be with an advocate of God’s laws who maintained this kind of epistemic abstinence? In the seventeenth-century, the answer for many was: profoundly uncomfortable.

That Hobbes had such an attitude was a common enough refrain in contemporary accusations of his atheism. Bishop Bramhall puts this critique in its sharpest terms in *The catching of Leviathan*, where he connects Hobbes’s tendency to “heap” or proliferate arguments to a lack of concern about scriptural truth. Hobbes’s works, complains Bramhall, “are a heap of misshapen errors, and absurd paradoxes, vented with the confidence of a juggler, the brags of a mountebank, and the authority of some Pythagoras.”<sup>61</sup> The final chapter of Bramhall’s attack enumerates a number of apparent contradictions in Hobbes’s philosophical, political, religious arguments.

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<sup>61</sup> Bramhall, “The Catching of Leviathan,” p. 547.

In some cases, Bramhall identifies genuine tensions in Hobbes's account. Many of these tensions take a familiar paradoxical form.<sup>62</sup> Hobbes gives something to common opinion with one hand, before taking it away with the other.<sup>63</sup> For instance, as Bramhall points out, Hobbes affirms the common view that scripture sets limits on the laws that a sovereign may constitute. Yet within a few lines, he undermines the common view entirely by reminding the reader that "sovereigns in their own dominions are the sole legislators" and wield sole interpretive authority over the meaning of scripture.<sup>64</sup> For Bramhall, this ultimately commits Hobbes to the position that "the determinations of Scripture...do bind the hands of kings, when they themselves please to be bound; no longer."<sup>65</sup> Bramhall is right. This is precisely the position to which Hobbes commits himself.

However, some of the arguments that Bramhall identifies are instances of convergent arguments. Take, for example, Bramhall's frustration at Hobbes's reassuring affirmation that, on the one hand, natural laws are God's laws but that, on the other, they are not laws at all.<sup>66</sup> Hobbes contends that the laws of nature are rules which, if followed by everyone, conduce to peace. These "laws," he explains, are prudential dictates of right reason. In this sense, they are not properly called laws because they are not "the word of him, that by right hath command over others." Whether or not they are dictates of right reason (and Hobbes certainly thinks they are), they are commands of God. If we understand them in this way, "then are they properly called Lawes."<sup>67</sup>

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<sup>62</sup> I mean this in the literal sense of a paradox as something "beyond (*para*) common opinion (*doxa*).” J. Parkin, "Hobbes and Paradox," in *The Oxford Handbook of Hobbes*, ed. A. P. Martinich and K. Hoekstra (Oxford, 2016), p. 626. On Hobbes and paradox, see also: P. Springborg, "The Paradoxical Hobbes: A Critical Response to the Hobbes Symposium," *Political Theory* 37, no. 5 (2009), pp. 676–88.

<sup>63</sup> J. Parkin, *Taming the Leviathan: The Reception of the Political and Religious Ideas of Thomas Hobbes in England 1640–1700* (Cambridge, 2007), p. 195.

<sup>64</sup> L 33, p. 586.

<sup>65</sup> Bramhall, "The Catching of Leviathan," p. 591.

<sup>66</sup> Bramhall, "The Catching of Leviathan," p. 577–8.

<sup>67</sup> L 15, p. 242.

However one chooses to understand them and whether or not they are properly called “laws,” their content remains the same.<sup>68</sup>

For Bramhall, Hobbes’s proliferation of multiple lines of argument was a maddening means of protection against criticism. “What should a man say to this man?” asks Bramhall in frustration. “How shall one know, when he is in earnest, and when he is in jest? He setteth down his opinion just as gipsies tell fortunes, both ways; that if the one miss, the other may be sure to hit; that when they are accused of falsehood by one, they may appeal to another;—‘but what did I write’ in such a place.”<sup>69</sup> For Bramhall, this proliferation of arguments is the tactic of the charlatan—the “mountebank,” the “gipsie.” But we can affirm Bramhall’s observations about both the structure of *Leviathan*’s arguments and its author’s flexibility on questions of scriptural truth without accepting his assumption about Hobbes’s motivation.

Hobbes’s flexibility may well have been less self-serving and more principled than Bramhall allows.<sup>70</sup> For Hobbes, the aim of philosophy is human benefit. He is particularly concerned with the benefits of order and peace, on which most other moral and political goods depend. The practice of philosophy for Hobbes, then, is as much peace-seeking as it is truth-seeking.<sup>71</sup> Ideally, the pursuit of truth and the demands of peace are consistent.<sup>72</sup> However, Hobbes allows for the possibility that they may not be. For instance, he argues that those who publicly

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<sup>68</sup> This is not to say that there are not genuine difficulties in Hobbes’s account of the laws of nature. Most of these difficulties concern why and in what way we are obligated to obey the laws of nature. On this, see: Bramhall, “The Catching of Leviathan,” p. 578; Gauthier, *Logic of Leviathan*, pp. 35-40; J. Hampton, *Hobbes and the Social Contract Tradition* (Cambridge, 1986), pp. 94-96.

<sup>69</sup> Bramhall, “The Catching of Leviathan,” p. 592.

<sup>70</sup> Bramhall’s interpretation is vulnerable to the same objections as the “covering interpretation” summarized in the introduction. If Hobbes were genuinely motivated by a concern with persecution, as defenders of the “covering interpretation” suggest, surely he would have avoided making such inflammatory and heterodox arguments in the first place (Lloyd 1992, 17–18; Mintz 1962, 44–45). Similarly, if Hobbes were genuinely concerned (as Bramhall seems to think he is) with avoiding accusations of falsity, surely he would have simply avoided making many of the arguments (both Scriptural and philosophical) in *Leviathan* entirely.

<sup>71</sup> L 46, p. 1052; L R&C, pp. 1140-1.

<sup>72</sup> L 18, p. 272.

assert truths contrary to established religion or secular state doctrines may “be silenced...by the Laws Civill: For disobedience may lawfully be punished in them, that against the Laws teach *even true Philosophy*.”<sup>73</sup>

Hobbes’s willingness to offer a convergent argument is consistent with this irenic reading of his aims. However, he also recognized the risks of being overly strategic in the claims that one makes, even in the service of peace. Individuals who think that they have been deceived may subsequently be suspicious of beneficial and true doctrines.<sup>74</sup> Furthermore, those defending claims they think are true are likely to do so “more vigorously and forcefully” than they would if they suspected these claims might be false.<sup>75</sup> Given the persuasive challenges of convergent argument on questions as consequential as ultimate salvation, one might have reason to wonder whether those subject to it would be convinced of its truth and whether those promulgating it could so with sufficient force and vigor.

So, Hobbes faces a tradeoff. In order to absolve God’s laws of the charge that they license rebellion, he embraces a forensic strategy suited to navigating the circumstances of religious pluralism. Yet this very same strategy risks casting Hobbes as an advocate unconcerned with scriptural truth and making his irenic defense of God’s laws unconvincing. That Hobbes chose to assume these risks accounts for at least some of the uproar that his scriptural arguments generated among his contemporaries.

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<sup>73</sup> L 46, p. 1102, emphasis mine. See also: K. Hoekstra, “The End of Philosophy (The Case of Hobbes),” *Proceedings of the Aristotelian Society* 106 (2006), p. 40.

<sup>74</sup> Hoekstra cites an interesting and humorous instance of an argument along these lines. Hoekstra, “The End of Philosophy,” p. 28. In taking issue with some of the edits that John Fell (Dean of Christ Church, Oxford University) made to Anthony Wood’s entry on Hobbes in *Historia et antiquitates universitatis oxoniensis*, Hobbes suggests that some of Fell’s edits will harm the human race. He notes that “if it becomes known that men have such power to interfere in other people’s historical writings, no historical work will be free from suspicion.” T. Hobbes, “Letter from Thomas Hobbes to Anthony Wood (1674),” in *The Correspondence of Thomas Hobbes*, ed. N. Malcolm, vol. 2 (Oxford, 1994), p. 747.

<sup>75</sup> DCv 13.9, p. 147.

## 5. Conclusion

I have argued that Hobbes's project in the second half of *Leviathan* was to "absolve the divine laws" of the charge that they legitimated rebellion. He did this by using a familiar forensic strategy. He made a convergent argument for Christian obedience that used multiple independent claims in support of a single conclusion. While this strategy carried practical risks of which Hobbes seems to have been aware, it was well-suited to the conditions of violent religious pluralism that prevailed in Britain at the time.

If I am right that Hobbes is using a forensic strategy in his scriptural arguments, what does this suggest about the way we should approach him as interpreters? First, and most obviously, it means that we should not assume that Hobbes's theological and ecclesiastical arguments are mere scriptural handmaidens to his secular philosophical arguments. While Hobbes does make use of this kind of confirmation strategy, particularly in his early political philosophy, it does not begin to exhaust his scriptural arguments. Even in his early works, he offers freestanding scriptural claims that stand in an important structural relationship to one another. They amount to the early steps in his forensic strategy—a strategy that would come into its own in *Leviathan*.

Second, insofar as we are in the business of reading Hobbes in order to interpret what he wrote and to explain why he might have written it in the way that he did, we need to be alive to his tendency to proliferate multiple lines of argument in support of a single conclusion. If our purpose is to interpret and understand, then we should resist the urge to focus on the line of argument that seems strongest and most consistent with his other statements.<sup>76</sup> (Hoekstra 2004, 71, 2006, 57; Springborg 2009, 676). What this means is that we should resist an otherwise

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<sup>76</sup> Hoekstra, "The de Facto Turn," p. 71; Hoekstra, "The End of Philosophy," p. 57; Springborg, "The Paradoxical Hobbes," p. 676.

laudable tendency associated with interpretive charity—to reconstruct Hobbes’s arguments in what strike us today as their strongest and most plausible versions.<sup>77</sup> (Rawls, as quoted in Freeman 2007, xiii; see also Frazer 2010). This virtue certainly has its place if we are in the business of normative evaluation. However, if our purpose is interpretation and understanding, interpretive charity may lead to the loss of valuable textual data—a proliferation of arguments that points to an ambitious rhetorical strategy aimed at absolving God’s laws in the cause of worldly peace.

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<sup>77</sup> J. Rawls, as quoted in: S. Freeman, “Editor’s Forward,” in J. Rawls, *Lectures on the History of Political Philosophy*, ed. S. Freeman (Cambridge, MA, 2007), p. xiii. See also: M.L. Frazer, “The Modest Professor: Interpretive Charity and Interpretive Humility in John Rawls’s *Lectures on the History of Political Philosophy*,” *European Journal of Political Theory* 9, no. 2 (2010), pp. 218-26.