MILTON'S DIVORCE TRACTS:
A DECLARATION OF INDEPENDENCE

by

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This thesis deals with an aspect of the divorce argument not previously addressed in Milton scholarship – Milton’s hermeneutics, and how they change over the course of his divorce tracts. Though his hermeneutics remain fundamentally the same throughout the argument, in the final tract, Tetrachordon, certain principles come to dominate. Milton’s combination, and subsequent application, of specific principles warrants particular attention, for through them he would not only justify divorce scripturally but also hypothesize a legal independence which permitted him to defy Parliament’s legal authority and to act according to his own polygamous concepts of matrimony.

This thesis also studies the considerable influence of John Selden on Milton’s thought. Selden’s work on natural and Hebraic law was pivotal in the development of Milton’s own theories on law, and on marriage and divorce in particular. Such a study of Milton’s hermeneutics, and of his subsequent legal theories, has implications for the reading of Paradise Lost, Paradise Regained, and Samson Agonistes, and for the political tracts justifying regicide.

The period of 1643-5 was a tumultuous one for Milton, with his disastrous marriage, with the negative reaction of both Parliament and pulpit to his arguments and, finally, with the onset of his blindness. He entered this period with the confident flush of his success with the anti-episcopal tracts but suffered continuous opposition on virtually all fronts, emerging a very changed man. This thesis examines the stages of that change through close textual analysis of the divorce tracts, and draws conclusions which bear upon the remainder of Milton’s life and work.
"THAT which is the only discommodity of speaking in a clear matter, the abundance of argument that presses to bee utter'd, and the suspense of judgement what to choose, and how in the multitude of reason, to be not tedious, is the greatest difficulty which I expect heer to meet with."

John Milton, Tetrachordon
TABLE OF CONTENTS

Abstract ......................................................................................................................... ii

Table of Contents ........................................................................................................ iv

General Introduction .................................................................................................... 1

CHAPTER I  The Doctrine of Discipline and Divorce: The Harmony of Moses and Christ... 21

1.1 Introduction ............................................................................................................. 22
1.2 The Argument and the First Edition of The Doctrine and Discipline of Divorce ....... 28
1.3 The Exegetical Principles of the First Edition of The Doctrine and Discipline of Divorce ................................................................. 35
1.4 Milton, his Contemporaries, and the Westminster Confession ............................... 41
1.5 Where Milton Deviates .......................................................................................... 47
1.6 The Second Edition of The Doctrine and Discipline of Divorce ............................ 55
1.7 The Critics ............................................................................................................. 67
1.8 Conclusions ........................................................................................................... 73
1.9 Appendix: The Six Central Scriptural Passages .................................................... 75

CHAPTER II  The Judgement of Martin Bucer: The Cause of Truth ............................. 77

2.1 Introduction ............................................................................................................. 78
2.2 Hermeneutics ........................................................................................................ 82
i. Historical Hermeneutics: Augustine ...................................................................... 85
ii. The Orthodoxy of Bucer's own Hermeneutics .................................................... 88
2.3 The Bipolarity of Martin Bucer ............................................................................ 103
2.4 Milton's Prophetic Sense ...................................................................................... 108
2.5 Conclusions ........................................................................................................... 115

CHAPTER III  Colasterion: Radical Hermeneutics as Prophetic Castigation ............ 117

3.1 Introduction: The Place and Nature of Colasterion ............................................. 118
3.2 The Relationship of Colasterion and Tetrachordon ............................................. 126
3.3 Explaining the Tone of Colasterion .................................................................... 129
3.4 The Four Great Directors ..................................................................................... 133
i. Charity .................................................................................................................... 135
ii. Reason ................................................................................................................... 139
iii. Human Nature ..................................................................................................... 141
iv. Good Example ...................................................................................................... 146
3.5 Other Exegetical Discussions .............................................................................. 148
INTRODUCTION

The mind in creation is as a fading coal, which some invisible influence, like an inconstant wind, awakens to transitory brightness; this power arises from within, like the color of a flower which fades and changes as it is developed, and the conscious portions of our natures are unprophetic either of its approach or its departure. Could this influence be durable in its original purity and force, it is impossible to predict the greatness of the results; but when composition begins, inspiration is already on the decline, and the most glorious poetry that has ever been communicated to the world is probably a feeble shadow of the original conceptions of the poet.

(Percy Bysshe Shelley, A Defence of Poetry)
Richard Helgerson opens the introduction to his study *Self-Crowned Laureates: Spenser, Jonson, Milton, and the Literary System* with a quotation from Thomas Mann:

I take it for a rule, that the greatest works were those of the most modest purpose. Ambition may not stand at the beginning; it must not come before the work but must grow with the work, which will itself be greater than the blithely astonished artist dreamed; it must be bound up with the work and not with the ego of the artist. There is nothing falser than abstract and premature ambition, the self-centered pride independent of the work, the pallid ambition of ego.¹

Helgerson then goes on to deny such gradual ambition to each of his three subjects. All, says Helgerson, fostered the ambition for greatness from the beginning, from their youth. This may have been the case with Spenser and Jonson, but they are the business of others. With respect to Milton, Helgerson is wrong. Certainly Milton hoped, at one time, to write of great things, of "kings and queens and heroes old" as "wise Demodocus" had done at the feast of Alcinous,² but, as Milton's own interests developed and matured, and as unforeseen misfortunes intervened, these intentions changed. He became less concerned with the grand sweep of human history and of conventional heroic figures as subjects for his great poem, and more critically concerned with the pressing argument for individual liberty as a product of, and necessary to, each individual's relationship with God.

Earlier aspirations, "'prematurely' announced" (as Helgerson puts it), were derailed by a number of setbacks, all of which interrupted Milton's life shortly after his marriage to Mary Powell in July of 1642. The desperation arising from these circumstances was sufficient to distract Milton completely, to put from his mind any thoughts of self-promotion, any "ambition

² "At a Vacation Exercise," II. 47-9. (1628)
not only to write great poems but also to fill the role of the great poet.” His reaction to these setbacks (one of which was the first dimming of his eyesight) was to fight back, and this involved a battle to instigate changes in his life, such as divorce, which would rectify his situation, despite the proscriptions of civil and ecclesiastical law.

Milton’s battle for liberty was a reaction to what he considered attempts to oppress him personally. He feared the loss of his ability to worship as his conscience led him, and so he engaged in the anti-episcopal controversy; he feared the galling prison of a miserable and separated marriage, which inspired his divorce tracts; he feared civic impotence as the subject of oppressive statecraft, and wrote in support of regicide. His eventual goal, though it was only during the trials of the divorce controversy that he realized this, was to guide his fellow Englishmen out of the traps of tradition and error, and toward a better state, holy before God, and characterized by spiritual, domestic, and civic harmony. The eventual result of these "wars" was Paradise Lost, a poem designed as much to justify the ways of men to men as "to justify the ways of God to men." Another product of these wars (and more important, for Milton, at least), in the course of whose evolution the campaign for divorce is crucial, was his self-identification as a prophet, though not as a fantastical visionary, such as John of Patmos, who speaks in grand and apocalyptic riddles and images. Milton saw himself instead as God’s pedagogue, chosen and trained up to remind mankind of what had already been revealed but, through error or evil, had been forgotten or ignored.

The first and most important battle in this long war was for personal liberty. Yet this first stage was not a theoretical choice, so much as the answer to an overpowering urge to rebel against the circumstances of his life. Once chosen, however, such a battle required justification:

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3 Helgerson, 2.
how dare this one man defy the authority of both Church and State? Herein lay the second battle, valorization of the rights of the individual before God above obedience to institutionalized authority. The final battle would come after the period of the divorce tracts, the battle for a new civic and ecclesiastical structure, built on the collective of free and informed Christian individuals.

The argument for liberty did not appear fully formed: the process of its birth is a long agony whose nature, breadth, and progressive expansion best represent the final majesty of Milton's creative offerings. The first step was, of course, to establish a voice, a voice not only heard, but one with the right and authority to speak. Milton's voice was heeded, early in his career, when expedient, and ignored or attacked when in opposition to the dominant political faction: hence, his political success with the anti-episcopal tracts and, shortly thereafter, his struggle with the divorce tracts. Milton, not arguing from political motive, but from genuine belief in a cause, did not receive such opposition well. Severe disappointments and frustrations during the earlier half of the 1640s convinced him not to rely on the State or the Church for individual liberty. Not, of course, that forms of liberty do not depend, for their extended function, on the sanction of the State and/or the Church, but liberty must begin with the individual. Nor, Milton argues, may one trust in another individual for safety or happiness; the security for these must arise from a relationship with God. Ultimately, Milton's argument joins a panoply of other seventeenth-century arguments in defense of individual potential: Thomas Hobbes's *Leviathan*, for example, argues that the fundamental unit in society is an individual's right to defend, before everything else, his personal safety; Rene Descartes argues that all philosophy must depend on an

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4 See William Parker Riley's introductory essay to his *Milton's Contemporary Reputation* (Columbus: Ohio State UP, 1940) 14.
5 Prof. Stephen Fallon finds my inclusion of Hobbes in this list odd, as Hobbes' individual, "once out of the state of nature, has given up almost all right of self-determination in political terms." Hobbes, however,
individual's irrevocable ability to reason; John Milton brings to these arguments his belief that inalienable individual liberty derives from a relationship with God like that first instituted with Adam.

In the process, however, Milton faced severe opposition which forced him into full emotional retreat. Later in life, he was to paint these battles with a heroic brush, but at this point, his defensiveness and suffering are starkly evident in the pages of the divorce tracts; these "unwarranted" attacks and a sense of isolation forced him to a reliance on none but himself and God. There is evidence of Milton's friendships in his biographical details, but the divorce tracts themselves mention only one contemporary influence, John Selden. The philosophical allies whom Milton cites in his work are all historic; for those of his own time, he seems to have had, for the most part, contempt.

The liberty for which Milton argues is timeless and serves the political ambitions of no one. It is not a freedom to do as one wants, when one wants, to whomever one chooses. Rather, it is a responsible right of judgment over one's own affairs, led by the Spirit of God, taught by Scripture, and by the book of human nature. "Honest" liberty is the opposite of that license commonly confused with liberty.

What though the blood of Belial, the drafte of men, to whom no liberty is pleasing, but unbridl'd and vagabond lust without pale or partition, will laugh broad perhaps, to see so great a strength of Scripture mustering up in favour, as they suppose, of their debausheries; they will know better, when they shall hence learne, that honest liberty is the greatest foe to dishonest licence. 

champions not only an individual's natural ability and right of self defence to the extent of killing those who pose threats, but he also extends quite significantly those aspects of life which are defensible in such an extreme manner. Further, an individual only relinquishes such a right to extreme self defence voluntarily.


7 The Doctrine and Discipline of Divorce. (Hereafter referred to as "The Doctrine and Discipline"). This paper uses the edition of The Doctrine and Discipline as edited by Ernest Sirluck and reprinted in the
Liberty, painted in such colours, is reminiscent of the righteousness of Moses, descending from Mt. Sinai with God’s Commandments to face the Hebrews with their Golden Calf, and such liberty, based upon the authority of a higher law, would place an individual outside what Milton sees as the common mass of humanity.

Most scholars who discuss Milton concentrate on Paradise Lost; yet, this magnificent poem is the eventual product of Milton's life and studies, and is greatly enhanced by his vast prose corpus. Paradise Lost, Paradise Regained, and Samson Agonistes are the final result of Milton's struggle with a variety of opponents, and they represent the final expression of his personal philosophy. The subject matter of Paradise Lost — the nature of man's identity and place in creation, and how and why man's place in creation has changed from its initial, more favoured state — when all taken together, underpins Milton's opinions on liberty, and is a direct reflection of theories developed during the long period of his prose controversies.

Often, in the prose, these opinions are not explicitly stated, and they must be extracted as they lie implicit to the arguments through which Milton approaches the controversies. His many prose works, as noted above, may be grouped under a few headings (i.e., anti-episcopacy, divorce, regicide), but at the core of each man's social relations is his relationship with God. In his 1656 A Second Defense of the English People, Milton writes of his earlier prose period as an examination of three forms of liberty, domestic, civil, and spiritual or religious.

When [the bishops] had at last fallen and troubled us no more, I directed my attention elsewhere, asking myself whether I could in any way advance the cause of true and substantial liberty, which must be sought, not without, but within, and which is best achieved, not by the sword, but by a life rightly undertaken and rightly conducted. Since, then, I observed that there are, in all, three varieties of liberty without which civilized life is scarcely possible, namely ecclesiastical liberty, domestic or personal liberty, and civil liberty, and since I had already

written about the first, while I saw that the magistrates were vigorously attending
to the third, I took as my province the remaining one, the second or domestic
kind. This too seemed to be concerned with three problems: the nature of
marriage itself, the education of the children, and finally the existence of freedom
to express oneself. Hence I set forth my views on marriage.8

It is rather as though Milton is preparing to draft the great documents on civil liberty which
characterize the eighteenth century.

Milton does not talk, however, about the more crucial study of his own identity (to the end of
clarifying an ultimate source of authority) in relation to the three fronts which mirror these three
"liberties," namely, toward himself (domestic), toward others (civil), and toward God (religious).
Ultimately, while he mentions personal liberty when discussing domestic liberty, he is including
under the heading of the personal those faculties of ecclesiastical and civil liberty. One cannot
move freely in the Church or in society, intellectually, emotionally, or spiritually, without a
degree of personal autonomy.

Milton's focus on autonomy results from a philosophical tendency to division. Divorce itself
is a division of unhappy parties, but the anti-prelatical tracts were also based on a divisive
premise, removing the bishops from their offices and abolishing the episcopacy altogether.
Indeed, some of the tracts which followed the divorce tracts are even more radically divisive,
separating the king not only from his kingdom but from his head as well. The significance of
this branching pattern in Milton's strategies of critique may be beyond the scope of this study of
the divorce tracts, but the growth, nature, and final result of Milton's belief in autonomy is very
much the outcome of his involvement in the divorce controversy. What might have been its
motivation? How does Milton justify it? What sort of a voice does it present him with?

8 CPW IV.i. 624. (Hereafter referred to as "Second Defense").
The period of 1642-1645, during which he composed his four divorce tracts, as well as *Of Education* and *Areopagitica*, is the period during which Milton realized his need for, and right to, an authoritative, autonomous voice. He underwent a series of attacks, disappointments, and frustrations, against which he would battle heroically, and which would ultimately change him, precipitating an independence of thought, and a belief in his role as a chosen and isolated voice for God, a prophet.

Milton's divorce works are replete with evidence of how he saw himself as the most recent defender in a long line of advocates, "called" as teachers and leaders of his country to a forgotten truth. A few examples:

> And now the duty and the right of an instructed Christian calls me through the chance of good or evil report, to be the sole advocate of a discount'nan't truth: a high enterprise Lords and Commons, a high enterprise and a hard, and such as every seventh Son of a seventh Son does not venture on.\(^9\)

This chosen one will suffer ignominiously at the hands of "the blood of Belial, the druffe of men," for, while

> Truth is as impossible to be soil'd by any outward touch, as the Sun beam, [and though] ... this ill hap wait on her nativity, ... shee never comes into the world, but like a Bastard, to the ignominy of him that brought her forth: till Time the Midwife rather than the mother of Truth, have washt and salted the Infant, declar'd her legitimat, and Churcht the father of his young Minerva, from the needless causes of his purgation.\(^10\)

God's chosen servant is equal to the task, for

> God, it seems, intended to prove me, whether I durst alone take up a rightful cause against a world of disesteem, & found I durst.\(^11\)

In a long line of God's teachers, and like Bucer before him, Milton believed himself to have been chosen and led by God:

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\(^9\) *CPW II*, 224.
\(^10\) Ibid.
\(^11\) *The Judgement of Martin Bucer* as edited by Arnold Williams and reprinted in *CPW II*, 421-79. (Hereafter referred to as "Martin Bucer".) This quotation is found on page 434.
If therefore God in the former age found out a servant, and by whom he had converted and reform'd many a citie, by him thought good to restore the most needfull doctrine of divorce from rigorous and harmfull mistakes on the right hand, it can be no strange thing if in this age he stirre up by whatsoever means whom it pleases him, to take in hand & maintain the same assertion.\textsuperscript{12}

God, that I may ever magnifie and record this his goodnes, hath unexpectedly rais'd up as it were from the dead, more then one famous light of the first reformation to bear witnes with me, and to doe me honour in that very thing, wherein these men thought to have blotted me.\textsuperscript{13}

Milton believed himself to be in a long line of chosen teachers, from the patriarch Moses to the reformer Bucer, singled out by God, gifted with greater abilities, and raised up to expound eternal truths to the rest of mankind: God made him a prophet. Where, then, does this amazing process begin?

The first of the divorce tracts, \textit{The Doctrine and Discipline}\textsuperscript{14} is a brilliant capitulation of the fundamental principles upon which matrimony is based, with an examination of the customs and errors which had resulted in the English Church's position against divorce. The Church inherited and maintained the beliefs of the Roman Church regarding divorce, doctrines in place for centuries, which had yet to receive the scrutiny characteristic of the Protestant Reformation. Milton provides this examination, re-evaluating the scriptural bases, as well as weighing the institution itself in relation to that crucial Protestant tenet, the centrality of the relationship between an individual and God. Milton argues that a husband and wife, the only persons capable of deciding whether their marriage should be dissolved, are supported in their right to do so by Scripture, and that traditional Church opposition to divorce is an error instigated by the Roman

\textsuperscript{12} CPW II, 433.
\textsuperscript{13} CPW II, 437.
\textsuperscript{14} The first edition of \textit{The Doctrine and Discipline} appeared on August 1, 1643.
Church more than a millennium earlier. Milton's argument, therefore, devolved from both the Church and the State decisions regarding divorce to those specific individuals involved.

This movement of authority from the great institutions of government, ecclesiastical and civil, to the individual, even in the isolated instance of divorce, was not new. It is, perhaps, more rebellious than revolutionary, for the abilities and rights of the individual had been the specific focus of both Renaissance and Reformation thinkers. The nature of Milton's argument is nevertheless radical: God's behaviour toward mankind remains motivated as it was in the beginning, in Eden, by love, or "charity"; whatever, therefore, makes an honest, faithful Christian miserable is contrary to God's will; only the sufferer knows the true nature of his misery, so only he may determine God's will toward him (i.e., what will alleviate his misery, in accordance with God's will); that individual has, therefore, the authority to make decisions which will rectify those miserable circumstances.

There are obvious restrictions to this argument, best seen through Milton's tripartite definition of a man's relationships: an individual's authority over his personal circumstances pertains in his domestic and spiritual capacities, but not in the arena of civic affairs. In fact, Milton says very little about the impact of his divorce argument on the civic arena, until the last of his tracts, Tetrachordon, wherein he relates the origin and nature of law to the rights of the individual. He does state in The Doctrine and Discipline that a healthy commonwealth must be built upon a collective of harmonious family situations, so the relationship between the two was obvious to him from early on, though yet nascent.
The model for this individualistic theory of domestic and spiritual authority lies in the original relationship between God and man in prelapsarian Eden.\textsuperscript{15} In the beginning, man was at peace with God and was, with one very specific restriction, free to make all decisions regarding his own existence. In Eden, the civic structure is the domestic structure, because human society comprised one man and one woman only, and they in intimate relation with each other. God's intention in Eden was that man should be happy, provided he was obedient and, since God does not change, neither has that original intention. According to Milton, man's disobedience of God's prohibition does not change the fundamental relationship between God and man: God remains in goodwill toward man, and obedience to God's wishes remains a requirement of man. Obedience is the critical issue, and obedience will reap its rewards. As Milton explains, the fall did not so change man as to alter his ability to enjoy a life virtually identical to that of Adam and Eve in Eden (save for the severe intrusions of mortality and of an altered natural world), provided he remain obedient to God's will.

Milton's theory of originalism depends, therefore, upon the relationship between obedient man and loving God. What is the nature of this obedience, as Milton develops it for his divorce argument? Each individual is separately responsible for the obedient and faithful nature of his relationship with God. All suffer the pleadings of a fallen nature, yet all are able, given faithfulness to that internal guiding voice which Christ delivered in the Holy Spirit, to deny or resist these temptations. The chaotic separation from God which characterizes the fallen state has dimensions, a breadth, a height, and a depth, simply bridged by obedience; those of greater ability are responsible, Milton believes, to explore the dimensions of this chaotic separation, at least insofar as their abilities permit. As each individual is different in natural abilities, each

\textsuperscript{15} This aspect of Milton's argument, namely, that the basis for his claims regarding marriage, divorce, authority, etc., must be examined at their earliest, or "original," Scriptural appearance, will be termed "originalist" and "originalistic."
individual's obedience is, therefore, different. Those of greater intellectual competence are responsible for the questions and doubts which their greater capacity inevitably raises. Milton saw himself as one of elevated intellectual capacity, and was not only driven to search out the ways of God, but desired to do so. He was an elitist, but the elevation and authority of a prophet requires hierarchy:

Let the statutes of God be turn'd over, be scann'd a new, and consider'd; not altogether by the narrow intellectuals of quotationists and common placers, but (as was the ancient right of Counsels) by men of what liberall profession soever, of eminent spirit and breeding joyn'd with a diffuse and various knowledge of divine and human things; able to ballance and define good and evill, right and wrong, throughout every state of life; able to shew us the waies of the Lord, strait and faithfull as they are, not full of cranks and contradictions, and pit falling dispenses, but with divine insight and benignity measur'd out to the proportion of each mind and spirit, each temper and disposition, created so different each from other, and yet by the skill of wise conducting, all to become uniform in vertue.\(^\text{16}\)

These searchings and studies are endemic to the faith of all to whom God gives such fuller abilities.

Milton believed that his apologetical work, based on dutiful and searching studies of both Scripture and his own human nature, and guided by the Spirit, warranted heeding by all. He was communicating no more, though no less, than God's evident will, as revealed to one whose abilities and studies granted him authority to judge such a matter. God had reached out to him and exalted him; he answered this call with a lifetime of study and prayer. This relative proximity, this closeness to God was, Milton believed, the source of his authority, yet he did not rest here, for others had not been so blessed, and would not understand as he did. He laid out the progressive steps and the findings of his study for all who were willing and able to comprehend. He wrongly assumed that Parliament would be willing and able.

\(^{16}\text{CPW II, 230.}\)
Milton's divorce argument was not well received, nor did Parliament act on it.\(^{17}\) It was "new" and "innovative," a "pernicious paradox,"\(^{18}\) and the pulpit declared it anti-Church, anti-Scripture, and anti-Christian.\(^{19}\) Milton did not, however, relent or repent, but published the second edition of his argument six months later on February 2, 1644. Nor could Milton relent or repent, for, as much as the argument was in favour of divorce, it was also in defense of fundamental principles which, Milton believed, underlie all Scripture and which determine each individual to carry the final responsibility for his own domestic, civic, and spiritual affairs. This authority was established "in the beginning," with the original relationship between man and God. Larger social responsibilities have no prelapsarian referent, and while a man is responsible to God for his social behaviour, his responsibilities to God for his personal spirituality take precedence. The hermeneutic principles which underpin his argument must not have been, Milton believed, clearly enough explained in the first edition of *The Doctrine and Discipline*; he would clarify them for the second edition.

The second edition of *The Doctrine and Discipline*, in many ways a defence of the first edition, exhibits two significant characteristics: first, the strategy of Milton's response to his detractors is an appeal to Scripture itself, with a recapitulation of the hermeneutic principles which buttress his argument; second, Milton's response to the attacks, not only on his argument but on his personal character, is vigorously emotional, and characterized by sarcasm and insult. Milton, already deserted domestically, was now deserted not only by the Church, the spiritual institution from which he had hoped for support, but by the political institution, Parliament, which he had hoped would accept and implement his argument. In each of the three arenas, the

\(^{17}\) The official reception, when there was one, was confrontational. At one point, Milton was summoned to explain his disobedience of the recent licensing bill in simply publishing his divorce work, without government sanction. See Masson, 265-275 and Parker, 264-5.

\(^{18}\) *CPW* II, 435.

\(^{19}\) See the Appendix to Chapter III for an excerpt from Herbert Palmer's 1644 sermon.
domestic, the civic, and the ecclesiastical, which his *Second Defense* would claim to have ultimately benefitted by his arguments for liberty, Milton was first betrayed. In the face of these betrayals, his refuge was his hermeneutics.

The hermeneutic system or technique which Milton employs for his divorce argument comprises a group of fundamental interpretive principles, each of which has precedents in the history of scriptural analysis, yet whose combination is unique to this application. As Milton declares in *The Doctrine and Discipline*, his basic hermeneutics have "four great directors," 

"[God] gave us reason, charity, nature, and good example to bear us out."20 "Charity," the foremost, arises from Scripture itself; "reason" is the intellective means by which we comprehend all things, and which needs no apologist; "nature" is human nature, as God created humankind, capable and free;21 "good example," finally, is the source book of history, sacred and secular, which aids casuistically in clarifying a situation, though scriptural examples take precedence. The locus of origin for these four is not a few scriptural verses, as is the case with divorce, but Scripture itself, all at once and for all time. In Milton's interpretive technique, these four are the purpose and manner of Scripture's delivery distilled, and are available only to the diligent and persistent student.

The originalist logic which unifies and binds Milton's argument typifies the unprecedented character of his approach. Over the course of his four tracts, Milton takes each of the four "directors" back to the beginning, to the book of Genesis and the initial relationship between God and man, irrevocably establishing their essential nature in God's creative intentions. The charity

20 *CPW II*, 229.
21 Milton's conception of natural law will be discussed in Chapter 4 of this dissertation. It would seem that Milton was unaware of the on-going theorizing over natural law before reading John Selden's work in general, and *De iure naturali et gentium* (1640) in particular, but Selden provided Milton with a new aspect of the work of scholars from Roger Bacon to Grotius, Francis Bacon, Fluud, Copernicus and Herbert of Cherbury. For his own purposes, though, Milton's use of the term "nature" here refers to specifically to human nature, that is, how a person behaves instinctively.
which God eternally intends toward mankind is that same love with which he first formed man in Eden. Reason is the gift of God bestowed on mankind at creation, through which he might comprehend and regulate his existence; reason enables Adam, for example, to name the animals. Nature, in this case human nature, another gift of God, provides the innate drives, among which are those toward obedience (to God) and independence (from all else, in order to best obey God). Good Example, illustrative precedent, is, in this case, quite simply the provision of a creation account through which is apprehended God's original creative will for mankind. Historical developments, or changes in the reception of these four directors, are the responsibility, or "fault," of mankind alone; God's will, and the four directors, are eternal and unchanging. That which occurred "in the beginning" is therefore the clearest statement of God's will to, and for, mankind. Man was created and remains good and able, and his human nature is "faultless", "sufficient to stand, though free to fall". The creation account itself and the events in the Garden are the original and most authoritative resource from which to judge debates or controversies, regardless of when or how they might erupt.

While Milton's larger argument for individual authority is "originalistic," component elements of the argument itself are also "originalistic," for, to best understand anything at all, a student must grasp the first state, not only of the argument itself, but of its constituent proofs. For example, the divorce argument involves not only marriage, which necessarily precedes divorce, but the institution of the first marriage, between Adam and Eve. The source text is Scripture, and to best understand Scripture, a student needs the language of the first text, Genesis, the Hebrew book of בְּרֵאשִׁית, "in, or at, (the) beginning." Discussion of the New Testament must in turn be approached in the Greek, but based on the precedent Hebrew, for
while it is full of hebraisms, the earliest texts are in Greek. All disputation arising from these writings must also return to the Hebrew and Greek.

Further elaboration and defense of his argument involved Milton for the next two years: the first edition of The Doctrine and Discipline was, as mentioned, greatly expanded for the second edition, and was followed by three further tracts on divorce. On August 6, 1644, Milton published Martin Bucer, a selection of passages from Bucer's De regno christi, this sixteenth century reformer's writings on, among many things, marriage and divorce. Martin Bucer, while much shorter than the second edition of The Doctrine and Discipline, continues in much the same strategic direction, with the same basic argument and the same fundamental hermeneutic principles, and another prefatory appeal to Parliament. Milton claims not to have read Bucer prior to formulating his argument for The Doctrine and Discipline, so the De regno christi was quite a find, retro-peating, as it does, so many of Milton's points. In this, Martin Bucer is a perfect instance of Milton's principle of "good example." Further, the prefatory appeal to Parliament provides a valuable insight into Milton's senses of persecution and isolation, for he draws a parallel between resistance to his own arguments for divorce, and Bucer's fate of posthumous disinterment and burning.22

Milton's last two tracts on divorce were published together on March 4, 1645; yet, despite the simultaneity of their appearance, they could not be more different. Colasterion is far shorter, a sarcastic and scornful diatribe against those who had published the most lengthy reply to The

22 Ironically, on Tuesday, 13 August, just one week after Martin Bucer became available, Herbert Palmer of the Westminster Assembly preached before both Houses of Parliament a sermon boldly rebuking the legislators for permitting an ungodly toleration under the pretence of liberty of conscience. To illustrate the results of laxity, he cited seven examples, one of which was a reference to Milton's divorce pamphlets: "If any plead...for divorce for other causes than Christ and His apostles mention (of which a wicked book is abroad and uncensured, though deserving to be burnt, whose author hath been so impudent as to set his name to it and dedicate it to yourselves) ... will you grant a toleration for all this?" For more of this sermon, see the Appendix to Chapter III of this paper.
Doctrine and Discipline, unimaginatively titled An Answer to a Book intituled The Doctrine and Discipline of Divorce. Colasterion is stark witness to the sense of embattled isolation under which Milton suffered, and the ferocity of its scorn hints at the emotional toll of the two previous years.

Tetrachordon, which accompanied Colasterion to the press, is a much longer and more dignified offering which, much as the second edition of The Doctrine and Discipline gathers, organizes, and buttresses the first edition, once again gathers and structures the larger argument by systematically re-examining the four pertinent scriptural passages from Genesis to I Corinthians. The primary focus of Tetrachordon is the nature of law, as revealed in Scripture, to the end of demonstrating that the most fundamental and abiding, and hence critical, of God's legal "statements" was made in Eden, with the relationship which He created between Himself and mankind. This original law is the basis for Noachide law, designed to guide from the period of the fall until the declarations of Mosaic law. From the time of its delivery, Mosaic law obtains, in conjunction with Christ's teachings, down to the present day.

In the midst of these, Milton published Of Education (June 4, 1644) and the monumental Areopagitica (November 23, 1644) the latter bearing particularly on the argument for the personal nature of fundamental authority.

Milton's argument for autonomy was nascent in his first polemical tracts. His work prior to that on divorce, dealing with the question of bishops, while rooted in its own specific cultural and temporal relevance, also sought answers originalistically. Milton looked to the political structure of the first churches after Christ, whether certain individuals enjoyed ascendency over

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23 Hereafter referred to as "An Answer."
24 For these texts, see the appendix to Chapter I of this paper.
others, whether the apostles established a larger governing institution for which chosen persons served as representatives, or whether authority lay with the presbyters and their choice of elders or leaders. The divorce question looks to beginnings as well, to the institution of marriage, for without that, there is no divorce. Eternal and unchanging truths are precedent, and from the beginning; they are not constructed and eventual.\textsuperscript{25} Opposition to Milton's arguments focussed on this: his adversaries fought to keep the matters based in current political contexts, while Milton argues that the "current" is completely dependent on the "original."

Resistance to Milton's work had, at its core, his challenge to the structure of current civil and ecclesiastical authority. His opponents were outraged that anybody should oppose a received and traditional judgment of the Church. Milton acknowledges his opponents in the preface to the second edition of \textit{The Doctrine and Discipline}, terming their views "custom" and "error," the two of which have always been in league. Milton holds that Church opposition to his views, and the Roman Church from which the proscription on divorce had arisen, are not only self-interested but rife with error, and need review under the light of protestant Reformation. Further, it is the business of all individuals, within or without the Church, clergy or laymen, to perform such examinations and, when necessary, to express their findings. Milton had done no less, fulfilling what he saw as his responsibility, to God, to himself, and to his country.

The most obvious difficulty with Milton's argument for personal authority in matters domestic and spiritual, and specifically in those concerning divorce, was putting it into practice. Regardless of its theory, right or wrong, it needed the approval and action of civic authority for legal implementation. Each tract, from the second edition of \textit{The Doctrine and Discipline} onward, is addressed specifically to Parliament. Theoretically, Parliament could have

\textsuperscript{25} Chapters 4, 5, and 6 of Book II of the second edition of \textit{The Doctrine and Discipline} are devoted to dispensations, or temporary exceptions, with the conclusion that special circumstances never replace fundamental principles or laws.
implemented the suggestions, but they did not, largely because of bad timing: Parliament was in the midst of a civil war, and various divines, recently appointed to the Westminster Assembly's review of Church orthodoxy, stated firm opposition to Milton's arguments.

Milton had no choice but to recognize the practical authority of Parliament, but he would not trust it; despite a few respected friends in Parliament, including John Selden, Milton saw the body as hamstrung by the influence and errors of the Church. Milton sought another authority, one allied to his own personal authority, with a power equal or greater to the civic power of Parliament. The alternative was obvious, and had always been readily at hand — God. Parliament and the divines may have had the power of the law in their corner, but Milton had a higher court, through whom he proceeded in Tetrachordon to re-write the concept of law, based not on social or ecclesiastical, but on natural law theory, influenced by Selden's own De iure naturali et gentium of 1640. From this theorizing, Tetrachordon embodies Milton's final statements on the right of an individual, under certain circumstances, to independence from civil authority.

Milton's personal interest in the divorce argument had to begin somewhere, but its exact origin is a chicken or egg argument: did Milton's studies lead him (as he claims later in the Second Defense) to consider the domestic sphere of liberty as subsequent to the arguments for spiritual liberty in anti-episcopal tracts of 1640-1642, or did he contrive an argument for divorce for his own purposes, once his own marriage had failed in 1642? Scholars have argued the matter ever since, as though to establish a conflict of interest, and thereby corrupt the veracity and viability of his argument. Nevertheless, as noted above, Milton argues a far more fundamental cause than simple divorce: he attempts to wrest from the State a large part of its power to control the domestic and spiritual rights and actions of the individual by pleading an
authoritative alliance with God himself, established from the beginning, which precedes and supersedes all other authority, civil or ecclesiastical. The means by which he justifies the claim is his hermeneutics, his interpretation of Scripture.

In combination, the "four directors," developed originalistically, justify Milton's argument for individual liberty in domestic and spiritual decisions by predating and, thereby, superseding institutionalized authority. His argument for divorce draws on each of these four "directors" as exemplars of God's will regarding liberty, yet the argument must, eventually, account for the effects of human history since Eden. This account is provided with the introduction of natural law theory, an historical framework for individual autonomy which extends from the beginnings in Eden through to Milton's own time.

While the focus of this study is the period of Milton's divorce tracts, certain conclusions present themselves for an interpretation of the remainder of Milton's continuing, and greater, career. For example, Tetrachordon re-defines the relationship between Noachide and Mosaic law, both of which have significant impact on the traditional Christian interpretation of Scripture, and which may contribute to the anti-trinitarian De doctrina christiana. Further, while the initial argument is coherent and self-sustaining, the inertia of its logic led Milton to certain theological conclusions which he could hardly have foreseen, yet which are ultimately responsible for the heretical views of De doctrina christiana, and speculation regarding the orthodoxy of Paradise Lost. The divorce tracts are the furnace, therefore, within which were first smelted the finest and most controversial components of the Milton corpus.
Chapter I:

The Doctrine of Discipline and Divorce

The Harmony of Moses and Christ

For either
He never shall find out fit Mate, but such
As some misfortune brings him, or mistake,
Or whom he wishes most shall seldom gain
Through her perversity, but shall see her gained
By a far worse, or if she love, withheld
By Parents, or his happiest choice too late
Shall meet, alreadie linkt and Wedlock-bound
To a fell Adversarie, his hate or shame:
Which infinite calamity shall cause
To Humane life, and household peace confound.

Paradise Lost, X. 898-908. (1674)
INTRODUCTION

On August 1, 1643, John Milton published the first edition of The Doctrine and Discipline of Divorce, the first of four tracts which draw on a myriad of sources, including the Bible and Continental scholarship, to counter the prohibitions against divorce currently sanctioned by the Church of England. On first reading, the pamphlet appears largely reactive, though such a tone is common to much of the polemical work of the day. The first edition of The Doctrine and Discipline is a combination of two elements, an impassioned plea for the relaxation of Canon divorce law, and an intense re-examination of the scriptural passages pertinent to the controversy. These two aspects of the argument interfere with each other and, as a result, the tract seems to wander, as though distracted with the passion of its own argument. It does not readily lend itself to a structural analysis, either of the logic of its argument, or of its rhetorical organization. With regard to simple structure, it is an undivided statement of some forty-nine octavo pages, save for the separated first section of the Preface, and, while the occasional paragraph division appears, they often seem rather arbitrary.

The Doctrine and Discipline gives, therefore, every indication of a pamphlet hastily composed and rushed to the press. Critics' favourite rationale, that of Milton's separation from his recent bride, Mary Powell, is circumstantial and irrelevant here. Milton's arguments rest on


27 Milton, born December 9, 1608, would have been thirty-three years of age when he married the seventeen year old in July of 1642. Mary left him within a month for her father's home, not returning for two years. Hence, the inevitable topical link between The Doctrine and Discipline and Milton's biography. Yet little more is known of the story than these few details, and Milton does not once specifically mention his own experiences in the tracts. Halkett is wise therefore to say, "It is probable ... that Milton's objectivity of purpose exceeds the concessions of his biographers. The tenacity of Milton's effort, the number of his tracts on divorce, and the frequent shift in the details of his argument all indicate a commitment to his cause; but Milton was deeply concerned in every cause he supported, and there is little reason to treat the divorce tracts as a special case of personal implication. If he had really been more interested in divorcing Mary Powell than in arguing the cause of divorce generally, it is unlikely that he
the proposition, not that an irremediable marriage is unhappy, but that it is, first, unprofitable to the spiritual and psychological well-being of its participants and, second, contrary to the intention of Scripture and, therefore, the will of God. In other words, Milton's argument is never made from personal circumstances. Milton's rhetorical strategy is to hypothesize an unhappy marriage within the larger framework of life, contextualizing marriage as one in the long series of elements necessary to the pleasing and fulfilled life of an obedient and thankful Christian. An irremediable marriage does not serve this greater purpose, and is therefore to be dispensed with. The inductive logic of such a scheme must work from the particular of the marriage institution outward to the general of the fulfilled and obedient Christian life, but Milton needed a logical template to follow: this template lies pre-constructed in Milton's own hermeneutics, a system for biblical analysis which holds the individual biblical text as ultimately comprehensible only within the larger pattern of a series of interrelated principles. These principles totalize the apparent diversity of biblical subjects, synthesizing them into a grand yet simple schema which explains the relationship between men and God. This great purpose, as it affects the subject matter of divorce, was not immediately apparent to Milton as he wrote; hence, the inadequate structure of The Doctrine and Discipline. His first edition inspired eventual and vociferous opposition, especially among the clergy, and in order to galvanize his argument, the second edition displays not only a more developed argument but also a protreptic structure designed to orient the divorce argument more proximally to its hermeneutic template. This process would prove a long one, and The Doctrine and Discipline but the first of four installments, each of which would have rested his argument — and rested it long after he might have modified it to his advantage — on the idiosyncratic grounds he chose.” John G. Halkett, Milton and the Question of Matrimony (New Haven: Yale UP, 1970) 2-3. (Hereafter referred to as “Halkett”.) Milton himself writes, a year later, in The Judgement of Martin Bucer: “When I was told, that the stile, which what it ailes to be so soon distinguishable, I cannot tell, was known by most men, and that some of the Clergie began to inveigh and exclaim on what I was credibly inform’d they had not read, I took it then for my proper season both to shew them a name that could easily contemn such an indiscreet kind of censure, and to reinforce the question with a more accurat diligence.” CPW II, 434.
whose structure and rhetorical strategy differs markedly from the last; yet this opening tract is a
giant first step toward a theology which would finally realize Milton's self-conception as a
prophet, sufficient to justify the ways of God to men.

It is possible, of course, that Milton thought himself capable of arguing Parliament into
revising divorce law, with the sole purpose of freeing himself from what had quickly become an
onerous marriage. Milton was certainly not unambitious of nature. His most recent polemics
had argued for a revision of the very episcopal structure of the Church of England. Powerful,
with at times florid terminology, and rarely guilty of the tediousness typical of prose overly-
determined to make its point, the first edition of The Doctrine and Discipline is nevertheless not
well presented, at least by today's standards. A rhetorical analysis must, therefore, rely not on
Milton himself but on a careful dismantling and reconstruction of the various scattered elements
of the argument, re-arranged into an artificial, but more coherent, logical sequence. As we shall
see, what might be hoped to unfold in a fluid, determined logical process, is, in fact, a series of
scattered assertions based on larger principles, these principles distilled into a few keywords
and/or phrases. Milton's manipulation of scriptural evidence is, however, the locus of true
fascination: herein he is most ingenious, employing standard, recognized tools of exegesis to
specific texts, then moving with his localized findings beyond the conclusions of previous
expositors. The conclusions which he draws from the texts traditional to the divorce controversy
are then placed in context to theological principles which arise from an examination of the

29 For the standard biographies of Milton, see David Masson, The Life of John Milton, 6 vols. (London:
Macmillan, 1873) (Hereafter referred to as "Masson") and William Riley Parker, Milton: A Biography, 2
vols. (Oxford: Oxford UP, 1968) (Hereafter referred to as "Parker"). These two works examine Milton's
life in the context of his times. See also Early Lives of Milton, ed. Helen Darbishire (London: Constable,
1932) (Hereafter referred to as "Darbishire") and Barbara Lewalski, The Life of John Milton (Oxford:
Blackwell, 2003) (Hereafter referred to as "Lewalski").
greater corpus of all Scripture. Finally, a heretofore unrecognized concinnity is noted between all of these elements, dissolving traditional contradictions between texts “distant” from each other, particularly those of Deuteronomy 24:1-2 and Matthew 19:3-11.

Milton's tendency to labour for years at grand, comprehensive works is evident from his De doctrina christiana and Paradise Lost. Each of these are vast endeavours, only possible through a virtually superhuman capacity for sustained intellectual focus. Such a capacity is also evident in the divorce tracts, though not quite as clearly. The process of creating such grand schemata involves another, less obvious, element: while Milton is developing a grand strategy relating the nature of the marriage institution to the relationship between men and God, he is also developing a conception of the relationship between himself and his fellow men, an identity which would permit him to construct grand theologies. Milton develops for himself a persona which combines elements of both the philosopher and the prophet, a persona with the authority to address not only the “how” of things, but also to comment on why God wants them this way. Milton's strategy is to imagine himself above his subject, epistemologically and temporally, to look down with an all-encompassing eye, and to explain not only what he sees, but why it is the way it is. The various minor points of his argument are, finally, validated by their inclusion in a totalized logical structure. His is the mind which seeks out the grand unifying theory.

Examination of this grand strategizing must begin, however, at the beginning. Milton's divorce work is roughly midway in his intellectual career (composed between his thirty fourth and thirty sixth, of sixty five years) and, while the totalizing, synthesizing tendency is not yet

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30 Many before Milton had argued for the theological and hermeneutic viability of divorce, as he himself notes. For comprehensive histories of the divorce controversy, see Chilton Powell, English Domestic Relations, 1487-1653 (New York: Columbia UP, 1917) and Roderick Phillips, Putting Asunder: A History of Divorce in Western Society (Cambridge: Cambridge UP, 1988) (Hereafter referred to as "Powell" and as "Phillips").

31 All scriptural texts, including those of the appendix at the close of this chapter, are from the Authorized Version, published as The Holy Bible Containing the Old and New Testaments, Translated out of the Original Tongues (Cambridge: Cambridge UP, 1975).
realized when he sets to work in 1643, the next two years and five tracts increasingly display this strategic technique. The argument of the first edition of The Doctrine and Discipline is unfortunately scattered, in part due to the nascent character of this tendency. Nevertheless, three elements form the whole of Milton's polemic/discursive strategizing, from top to bottom: the particular points of evidence around which the argument circulates; the structured argument itself, which represents a gathering of the evidential particulars into a useful order; and, the fundamental principles upon which the methodology of that gathering is based. Literary critics have generally focussed on the second or middle aspect of this triad — the structure of the argument, its flaws, and the isolated aspects of its justification. It will be more profitable, however, to bring the larger picture into focus, as Milton himself might do. To do so, we must identify, in Milton's own words, the fundamental principles upon which his reasoning is founded, for these principles are the final justification for each and every one of Milton's points, they are the aspects of the hermeneutic system which Milton claims no exegete can be without, and they are the one place in the whole divorce controversy where Milton is unique.

In order to justify his hermeneutics, Milton looks backwards toward origins and beginnings. Milton claims the principles of his hermeneutics to be eternal, established from the beginning, and unchangingly essential to the nature of the relationship between God and men. All things for Milton stem from God and Scripture, but what differentiates Milton's approach is that he looks for the first example in order to justify anything which occurs later. Any controversy must look back to, and be consistent with, the first principles upon which God created mankind. His logic is that, if God is infallible and unchanging, his will for mankind must also be unchanging.

Further, the first occurrence of mankind, Adam and Eve, was the best, nearest, as unsullied by the effects of the fall, to God's intended will for mankind. The nature of man today is derivative
from the first times, and while affected by the course of history, remains fundamentally unchanged from Eden and the Creation, by God in His own image. According to Milton, marriage was established in Eden when Eve was created for Adam, and any controversy over the nature of marriage (or of its dissolution) must look to that beginning. Everything is defined as it pertains to that relationship between God and Man, which had its origins in Eden. That relationship has evolved, but in fits and starts, with a myriad of transgressions on the part of mankind, and with an equal number of concessions and corrections on the part of God. Scripture itself begins in Eden and builds historically to the time of Christ. Any question of current law must devolve, therefore, to scriptural principles established by God in the beginning. Again, God is infallible and unchanging: were laws to change from their first institutions, God could be seen to be changing his mind, and therefore fallible. Accordingly, any reading of Scripture must be consistent with Scripture as a whole, and this consistency arises from the beginnings, from the first relationship established by God between Himself and mankind in Eden.

For the sake of clarity, the minor exegetical rules which Milton employs will be examined separately from his larger and more abstract hermeneutics. In exegesis, Milton is orthodox, by Puritan standards, and he is careful to accentuate this technical orthodoxy, so we shall look at it briefly. After this, we shall consider the more innovative aspect of his argument, the inductive application of the exegetical conclusions to the larger fundamental principles, for these principles, at times, alter the apparent, literal meaning of Scripture, and it is in this alteration that Milton's opponents find confusion and fault. Our best strategy for unpacking his argument is, therefore, to focus on the simple, base argument first, including the scriptural evidence common to both Milton and his opponents, and then to examine Milton's hermeneutic technique, for it is the application of this technique which is responsible for the innovation of Milton's outlook.
As the goal of this whole project is to track and analyze the evolution of a progressively atavistic tendency in Milton's hermeneutics, we must begin where the tracks are first laid down, in principio rerum, with the 1643 first edition. This examination will be short, however, as the essence of his argument does not change with the clearer and more complex second edition, for, eight months later, on February 2, 1644, Milton's argument was “much revised and augmented.” Careful collation of the two editions reveals a full 85% expansion, with new portions added, virtually no deletions, and many more authorities solicited. Milton's argument was evolving, though along the same lines. It is the purpose of this chapter to examine the particulars and principles of his 1643 argument, and then to show how these contributed to, and expanded for the second edition. Finally, after an initial re-statement of the 1643 argument, the next stage of our examination will be to compare the first and second editions with an eye to this development, watching for changes in the simple argument as traces of refinement in hermeneutic technique.

2. The Argument of the first edition of The Doctrine and Discipline

Prior to the Reformation, divorce in England was determined by canon law. True marriage was judged a sacrament, so there could be no divorce a vinculo matrimonii, in the sense of a real dissolution of marriage with right to remarry. Divorce was only a mensa et thoro, separation from bed and board, and even this only by permission of an ecclesiastical court. Could it be proven that a condition pre-existed the marriage which interfered with its validity as defined by the canon law (e.g., consanguinity, impotence, precontract, etc.), the union could be annulled. Even more restrictive than elsewhere, however, the English church limited the grounds of judicial separation to adultery and cruelty.
The Reformation reinstated divorce *a vinculo* by denying marriage to be a sacrament. In cases of divorce for adultery, virtually all Protestant states legalized remarriage for the innocent party, and many after divorce for desertion. Edward VI's *Reformatio Legum Ecclesiasticarum* of 1552 incorporated this position. With the opposition of the Duke of Northumberland, and the death of Edward in the summer of 1553, it ceased to be possible to proceed with the *Reformatio*, yet an independent sanction provided for its clause permitting remarriage for the innocent party after divorce for adultery: in 1548 a commission under Archbishop Cranmer had approved the remarriage of the divorced Northampton, and in 1552 this was confirmed by Act of Parliament. After Mary, it became customary to regulate divorce by this provision. In the uncertain state of the canon law, however, its legality was very dubious. In 1597, under pressure of opposition from the Episcopal hierarchy, Convocation declared that there was no legal basis for remarriage after divorce. While Elizabeth did not sanction the Canons of 1597, the limitation of divorce to judicial separation was repeated in those of 1604, and these received the approval of the more conservative James I. Puritans resisted this reaction wherever possible. Many ministers presided over the remarriage of the innocent parties in divorces for adultery or desertion, even while Laud was at the height of his power and, later, when the Westminster Assembly met it approved this practice.\(^{32}\)

Milton's demands in *The Doctrine and Discipline* go very much further. He urges the recognition of divorce *a vinculo* with the right of remarriage for both parties, innocent or guilty of adultery. He argues for the liberalization of grounds for divorce, and, particularly, that these grounds include divorce for incompatibility. Further, he supports the removal of divorce from public jurisdiction, whether ecclesiastical or civil, to private.

\(^{32}\) Phillips, 71-126.
In Milton's England, all arguments over divorce must begin, of course, with Scripture. Two of the dominant texts are the pronouncements of Moses (Deut. 24:1-2) and of Christ (Matt. 19:3-9). To these, Milton adds Genesis 2:18, of equal importance to his argument.

Milton's case for liberalizing the strictures governing divorce begins with Deuteronomy, but this starting point involves the problem of the relation between the Old and New Testaments. Milton had taken a position in The Reason of Church Government (1642) which would have precluded his exploiting the Mosaic permission of divorce:

For the imperfect and obscure institution of the Law, which the Apostles themselves doubt not oft-times to vilifie, cannot give rules to the compleat and glorious ministration of the Gospell, which lookes on the Law, as on a childe, not as on a tutor. ... How then the ripe age of the Gospell should be put to schoole againe, and learn to governe her selfe from the infancy of the Law ... will be a hard undertaking to evince ... The whole Judaick law is either politicall, and to take pattern by that, no Christian nation ever thought it selfe oblig'd in conscience; or morall, which containes in it the observation of whatsoever is substantially, and perpetually true and good, either in religion, or course of life. That which is thus morall, besides what we fetch from those unwritten lawes and Ideas which nature hath ingraven in us, the Gospell, as stands with her dignity most, lectures to us from her own authentick hand-writing, and command, not copies out from the borrow'd manuscript of a subservient scrowl, by way of imitating.\textsuperscript{33}

The first edition of The Doctrine and Discipline abandons this view. Milton states that the "political" content of the Old Testament is subdivided into the merely political (that which was made specifically, and is relevant only, for the Jews) and the judicial, which, "being conversant, as it is, about vertue or vice" (CPW II, 318), remains, along with the moral law, unabrogated, and is, despite the view previously taken of what behooves the dignity of the gospel, available for the guidance of Christians.

\textsuperscript{33} CPW I, 762-64.
While the moral law of the Old Testament may be available to Christians, it cannot, of course, take precedence over the commands of Christ. Any apparent contradiction between the words of the Gospel and those of Deuteronomy must be resolved. Milton accomplishes this by "recovering" the "long-lost meaning" of the original institution of marriage, established in Eden, to which Christ refers his questioners. "All sense and reason and equity reclaimes that any Law or Cov'nant how solemn or strait soever, either between God and man, or man and man, though of Gods joyning, should bind against a prime and principall scope of its own institution." What is the "prime and principall scope" of marriage? God's own words are that "It is not good that the man should be alone; I will make him an help meet for him." That "meet help" providing against solitude means, therefore, that "a meet and happy conversation is the chiefeft and the noblest end of mariage." Canon law dissolves marriage for impotence, yet such a ruling addresses only the carnal end of marriage. Were the prime end of marriage, this "meet and happy conversation," frustrated by incompatibility, how much more reasonable would dissolution of such a union be?

Refusal to divorce two incompatible individuals violates Christ's "supreme dictate of charitie." An individual denied the necessary solace of love in lawful wedlock will be driven to seek it outside, "even against Law." Should he, or she, find the strength to resist this temptation, a worse temptation may arise, "to despair in vertue and mutin against divine providence." In either case, salvation is imperilled.

Incompatibility is analogous with another cause for dissolving marriage, and one more obviously authoritative than impotence, for it is not implied, but directly expressed in Scripture. This cause is idolatry in one partner, imperilling the salvation of the other, and the object of this

34 CPW II, 245.
idolatry is the inviolability of the marriage institution itself. Some counter that Paul abolished this ground of divorce in his first epistle to the Corinthians, chapter 7, but they misinterpret the text. The Jews were commanded to divorce idolaters for two reasons, ceremonial uncleanness and danger to faith. The first of these, the ceremonial law, is removed by the Gospel, and Paul teaches that therein is the unbeliever sanctified. Paul does not remove the second reason, however, nor could he, for it is “morall and perpetuall in the rule of Christian faith,” even though the Gospel renders it a “permission” rather than a command. Paul advises against the dissolution of a successful marriage for difference of religion, but he also advises that this is no more than “his counsell in a thing indifferent”: “To the rest speak I, not the Lord.” Those who take his words as any more than advisory “outface him,” for it is only in this sense that “the Apostle may interpose his judgement in a case of Christian libertie without the guilt of adding to Gods word.” A Christian remains therefore free to divorce for idolatry, and, by extension, for incompatibility.

Despite this reasoning, Christ's own words apparently prohibit divorce, except for the case of fornication, and Christ's words may not be superseded by those of either Moses or of Paul. The exception of fornication here is commonly taken to mean adultery, and he who divorces for other reasons, and remarries, commits adultery. Yet what would such an interpretation imply? Christ must be seen, first, to violate his own promise that he would abrogate no jot or tittle of the judicial law, and second, to accuse divine law of being the author of sin, of having prescribed Jewish divorce for grounds other than adultery, and subsequent adulterous remarriage. Such an interpretation of the text must be wrong, for these consequences are unthinkable.

36 CPW II, 262.
37 Ibid, 266.
38 Ibid, 249, 284.
Where, then, have the traditional expositors erred? Milton explains two fundamental exegetical principles "as thing[s] not to be deny'd," that the meaning of an obscure text is to be "expounded by considering upon what occasion every thing is set down: and by comparing other Texts." Christ did not mean "to inform [the Pharisees'] proud ignorance what Moses did in the true intent of the Law," but rather, as these licentious men came to tempt him, to give "a sharp and vehement answer," and to "lay a bridle upon [their] bold abuses" by being as overstrict as they were overlax. Moses made no law on behalf of wicked men ("God forbid") but gave permission to divorce for the necessary relief of good men. Further, as the law is no excepter of persons, a general permission must be generally available, and so, while Moses knew that wicked men would abuse this permission for evil ends, such "hardnes of heart" "he held it better to suffer as by accident, where it could not be detected, rather then good men should loose their just and lawfull privilege of remedy." The proper understanding of these words is to take Christ's "you" as referring to the Pharisees and other licentious men, and not to all listeners, or readers, generally. "You" may put away "your" wives for "your" hardness of heart, but this is not the general intention of the permission. "For it was seasonable that they should hear their own unbounded licence rebuk'd, but not seasonable for them to hear a good mans requisit liberty explained."

As further proof that Christ was pointing to an unavoidable but accidental consequence of the law of divorce, rather than to its cause, Milton cites his reference to the original institution of marriage. "Therefore shall a man cleave to his wife, and they shall be one flesh." "Therefore" implies, however, a reason, and "this is a solid rule that every command giv'n with a reason,
binds our obedience no otherwise then that reason holds." The reason for the inseparability of a marriage can only be the remedy of man's loneliness with a "meet help." Yet, if a wife is no "meet help," the reason is gone, and the union becomes separable. The Mosaic law was given later, divinely adapted to the fallen condition of mankind ("with due and wise regard had to the premises and reasons of the first command"), and Christ intended neither to rebuke nor to abrogate this Mosaic law.

To say that Christ gave no such command is not, however, to say that he gave no command at all. He did, and it is binding. Yet, when understood correctly, as Milton explains, it will be seen to clarify, and in no way to contradict, the law of Moses. Moses allowed divorce on the grounds of "natural annoyance, defect, or dislike, whether in body or mind, (for so the Hebrew words plainly note)," for what is natural is permanent. The Pharisees depraved these permissions and divorced for any cause, however temporary. Christ declares that "no accidental, temporary, or reconciliable offence" of the sort only the Pharisees were prone to recognize, can justify divorce, but to this he makes one exception — fornication. His command therefore leaves divorcive effect in all natural and permanent causes of displeasure.

Milton provides, then, not only the reasons for the Mosaic permission of divorce for incompatibility, and the right of remarriage, but also the evidence that Christ, in accordance with "his fundamental and superiour laws of nature and charitie," left that permission intact. Papal superstition substituted divorce a mensa et thoro for true divorce, and papal tyranny usurped jurisdiction over divorce to its own courts and defined the grounds as it pleased. God, in the beginning, placed the power of divorce, however, in the conscience of the individual, and thither

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43 CPW II, 308.
44 Ibid, 311.
46 Ibid, 331.
it must be restored. The magistrate ought to protect the property rights of each party, but neither
he nor the church may interfere in the divorce itself.

3. The Exegetical Principles of the first edition of The Doctrine and Discipline

Support for the points of Milton's argument is drawn firstly from Scripture, then from his
own reasoning, and finally from the work of other writers, contemporary and ancient. Scripture
provides the textual groundwork for his divorce argument, and six passages are central: Genesis
1. 27-8, Genesis 2. 18-24, Deuteronomy 24. 1-4, Matthew 5. 31-2, Matthew 19. 3-11, and I
Corinthians 7. 10-16. These passages comprise the earliest biblical statements on the purpose
of God's creation of womankind, a Mosaic judgement concerning divorce, Christ's words to the
Pharisees' queries about the Mosaic injunction on divorce, and Paul's advice to early Christians
regarding these matters.

Milton peppers his argument with other scriptures as well (see Appendix to the Parallel
Edition.) The whole of his argument hinges on proving that the laws prohibiting divorce, laws
which demanded that married couples remain married except when separation is justified by very
specific circumstances, were laws which did not support, as their first priority, a love for
mankind. Milton reasons that if a married couple is unhappy, irredeemably dissatisfied with
each other, retention of that marriage is tantamount to a sentence of lifelong misery, and
therefore completely counter to the principle of love, or Charity. The law needs immediate
revision, therefore, despite the fact that it has been in place for centuries, and more critically,
despite the apparent support of Christ's own words in Matthew, chapters 5 and 19.

These passages appear at the end of this chapter, drawn from the Authorized Version of 1611.
Before proceeding to the hermeneutics of Milton's argument, a few points should be noted. Firstly, Milton is at pains to make clear that he brings nothing to this argument which has not been present from the beginning, either in the nature of matrimony itself, or in the Scripture itself. His reading of Scripture is not "innovative," but results from the application of fundamental exegetical principles in a manner which any Christian might and should perform. Ignorance of, or blindness to, these principles has waylaid other mistaken exegetes and is responsible for the current abuse of God's divorce laws.

Milton's argument begins at the beginning, in Genesis, and proceeds chronologically to his own time. Marriage was originally provided to mankind by God, as a refuge from loneliness. True marriage is the joining of a man and a woman in a manner like that which bound Adam and Eve, in a communion of fit minds, with the secondary aspects of marriage, such as the carnal, taking a place of lesser importance.

Postlapsarian man suffers certain weaknesses, and the obedient worship of God, despite these weaknesses, is the purpose of the Mosaic law. Allowing for the chance of error in a choice of marriage partners, Moses provides his Deuteronomic law of divorce, not as a wide gate through which any and all might pass at the slightest whim, but as a means by which to correct the miserable errors to which postlapsarian man is inevitably subject and occasionally submits.

Christ's words do not prohibit divorce; rather, they are an admonishment against the pharisaic abuse of the law in general and the Mosaic divorce law in particular, an abuse which focusses on miniscule technical points while ignoring the moral principle causal to the law.

The current reading of Christ's words on divorce is the error, fault, and responsibility of the Church alone, both of the Roman Church and (in that they do not correct but reiterate the Roman error) of all Reformed Churches which lag behind true reformation. Canon law is the creation of
man, quite separate from Scripture, and not to be trusted. Neither are traditional practices to be trusted, for custom and error are each other's help meet, and the opponents of wisdom and truth.

In order to validate his argument, Milton is battling on two fronts, the scriptural and the traditional: he needs to justify a re-reading of those passages which appear overtly to contradict him, as well as to counter traditional misreadings of those passages. The means to this end is an application of basic exegetics, most of which were established centuries earlier by Augustine and the other church fathers. Occasionally, in The Doctrine and Discipline, when the argument shifts from a discursive tone to the more simply pedagogical, Milton pauses to state the principles or rules upon which he bases his conclusions.

1. A literal reading of Scripture is a beginning but not the end, especially in the case of apparently contradictory passages and/or principles.

On which relying, I shall not much waver to affirm that those words which are made to intimate, as if they forbad all divorce but for adultery (though Moses have constituted otherwise) those words tak'n circumscriptly, without regard to any precedent law of Moses or attestation of Christ himself, or without care to preserve those his fundamental and superiour laws of nature and charitie, to which all other ordinances give up their seals, are as much against plain equity, and the mercy of religion, as those words of Take, eat, this is my body, elementally understood, are against nature and sense.\(^{49}\)

2. The words of Christ, rarely sufficient unto themselves, require further interpretation through comparison with other places in Scripture.

Thus at length wee see both by this and by other places, that there is scarce any one saying in the Gospel, but must be read with limitations and distinctions, to be rightly understood; for Christ gives no full comments or continu'd discourses, but scatters the heavnly grain of his doctrin like pearle heer and there, which requires a skilfull and laborious gatherer; who must compare the words he finds, with other precepts, with the end of every ordinance, and with the general analogy of Evangelick doctrine: otherwise many particular sayings would be but strange

\(^{49}\) CPW II, 325.
repugnant riddles; & the Church would offend in granting divorce for frigidity, which is not her excepted with adultery, but by them added.\textsuperscript{50}

3. Scripture does not contradict itself.

Let such remember as a thing not to be deny'd, that all places of Scripture wherein just reason of doubt arises from the letter, are to be expounded by considering upon what occasion every thing is set down: and by comparing other Texts.\textsuperscript{51}

4. Doctrines, derived from Scripture, must be consistent with each other, as Scripture is consistent with itself.

Besides the incoherence of such a doctrin, cannot, must not be thus interpreted, to the raising of a paradox never known till then, only hanging by the twin'd thred of one doubtfull Scripture, against so many other rules and leading principles of religion, of justice, and purity of life.\textsuperscript{52}

The righteous and all wise judgements and statutes of God; ... are not variable and contrarious, ... but are most constant and most harmonious each to other.\textsuperscript{53}

5. Elements of faith, derived from Scripture, when embodying the majority of evidence, must outweigh single contradictory instances, even when these last compose an apparently obvious, literal reading of the words of Christ.

How can wee therfore with safety thus dangerously confine the free simplicity of our Saviours meaning to that which meerly amounts from so many letters, whenas it can consist neither with his former and cautionary words, nor with other more pure and holy principles, nor finally with the scope of charity, commanding by his expresse commission in a higher strain.\textsuperscript{54}

6. The moral principles which underlie all Scriptural laws are consistent with themselves, and support comparison each with the others.

Doubtles our Saviour had applauded their just answer. For then they had expounded this command of Paradise, even as Moses himself expounds it by his

\textsuperscript{50} CPW II, 338.
\textsuperscript{51} Ibid, 282.
\textsuperscript{52} Ibid, 285. These lines appeared at the end of the first edition in noted errata. The editor for the CPW has incorporated them into the body of his text.
\textsuperscript{53} Ibid, 321.
\textsuperscript{54} Ibid, 286. As in n. 10, these lines appeared at the end of the first edition in noted errata, and are incorporated into the CPW text.
laws of divorce, that is, with due and wise regard had to the premises and reasons of the first command.\textsuperscript{55}

7. The two testaments, old and new, must be understood as consistent with, and complementary to, each other.

This therefore is the true scope of our Saviour's will, that he who looks upon the Law concerning divorce, should look also back upon the institution, that he may endeavour what is perfectest: and he that looks upon the institution should not refuse as sinfull and unlawfull those allowances which God affords him in his following Law; lest he make himself purer then his maker; and presuming above strength, slip into temptations irrecoverably.\textsuperscript{56}

the righteous and all wise judgements and statutes of God; ... are not variable and contrarious, ... but are most constant and most harmonious each to other.\textsuperscript{57}

8. Knowledge of the languages in which Scripture was originally written is essential.

And this Law the Spirit of God by the mouth of Salomon, Pro. 30. 21. 23. testifies to be a good and a necessary Law; by granting it, that to dwell with a hated woman (for hated the hebrew word signifies) is a thing that nature cannot endure.\textsuperscript{58}

Yea the Apostle himself in the forecited 2 Cor. 6. 14. alludes from that place of Deut. to forbid mis-yoking mariage; as by the Greek word is evident, though he instance but in one example of mis-matching with an Infidell.\textsuperscript{59}

9. When the moral principle which underpins a law does not apply, neither does the law.

For this is a solid rule that every command giv'n with a reason, binds our obedience no otherwise then that reason holds.\textsuperscript{60}

10. The over-arching principle for interpretation of Scripture is charity.

Charity is the high governesse of our belief, and ... wee cannot safely assent to any precept writ'tn in the Bible, but as charity commends it to us.\textsuperscript{61}

11. God helps those exegetes who help themselves.

\textsuperscript{55} CPW II, 311.
\textsuperscript{56} Ibid, 320.
\textsuperscript{57} Ibid, 321.
\textsuperscript{58} Ibid, 301.
\textsuperscript{59} Ibid, 270.
\textsuperscript{60} Ibid, 308.
\textsuperscript{61} Ibid, 340.
God sends remedies, as well as evills; under which he who lies and groans, that may lawfully acquitt himself, is accessory to his own ruin: nor will it excuse him, though he suffer, through a sluggish fearfulnes to search throughly what is lawfull, for feare of disquieting a secure falsity of an old opinion.62

Within these eleven points, the first eight seem quite orthodox, while any deviance seems to rest in the last three alone. The eleventh, for example, overtly promotes individual interpretative freedom and hints at the dangerous saw (in this case, anyway) “Necessity is the mother of invention.” The ninth and tenth suggest that we need not heed the words of Scripture themselves when they do not conform to certain “reasons” or “charity.” The first and fourth, in fact, teach that Scripture requires careful perspicuity, lest the apparent, literal reading of a passage mislead against “other more pure and holy principles”(5), the “fundamental and superiour laws of nature and charitie”(1), and “so many other rules and leading principles of religion, of justice, and purity of life”(4). What are these principles, these laws and rules, other than the stated “nature and charity”; how are they determined, and how can they overrule the simple readings of Scripture? These questions point to the crux of Milton's hermeneutics, for Milton's hermeneutics are directed backwards, away from present times and Church teachings, to the original written word, away from the community to the individual. Within Milton's system, the oldest scriptural reference is the most authoritative, for God's principles come from the beginning of his dealings with man. As far as the written word is concerned, the oldest form of the language is the most reliable.

Everything with Milton is back to the original form and the earliest times. Milton's logic is not divisive, subsecting in the scholastic manner, but synthesizing and unifying. He brings the question back to basics and origins, to moral and rational principles in place from the beginning. For an authoritative answer to the contemporary problem of divorce, refer back to Scripture; for

62 CPW II, 341.
an authoritative answer to contradictions in Christ's and Paul's teachings, refer back to the Mosaic law; for an authoritative answer to difficulties in clarifying Mosaic law, refer to the original Hebrew. Such preferences, of the individual over the church, the earliest over the contemporary, and the original languages over the translated, breathe the purest pneuma of the Reformation (and of Humanism) and find support among many biblical scholars of Milton's own time.63

4. Milton, his Contemporaries, and the Westminster Confession

Milton's basic exegetics are orthodox, and follow the common practice of liberal Puritans of his time. His most pragmatic statement of hermeneutics occurs in the De doctrina christiana.64

The requisites are linguistic ability, knowledge of the original sources, consideration of the overall intent, distinction between literal and figurative language, examination of the causes and circumstances, and of what comes before and after the passage in question, and comparison of one text with another. It must always be asked, too, how far the interpretation is in agreement with faith.65

Each of these seven points is fundamental to Protestant exegetics and would have been an early part of Milton's education.66 (The "analogy of faith" dictates that difficult passages are to be

63 "Now once again by all concurrence of signs, and by the generall instinct of holy and devout men, as they daily and solemnly expresse their thoughts, God is decreeing to begin some new and great period in his Church, ev'n to the reforming of Reformation it self: what does he then but reveal Himself to his servants, and as his manner is, first to his English-men." (Areopagitica, CPW II, 553.)
64 While the De doctrina christiana was not published in Milton's lifetime, scholarship is consistent in dating its composition as later than the divorce controversy; nevertheless, though Milton's hermeneutic techniques develop over time, the principles stated here are fundamental, and would have been in place from an early date. The controversy over Milton's authorship of De doctrina christiana should be noted, and can be traced from its beginning with William B. Hunter's "The Provenance of the Christian Doctrine" SEL 32 (Winter 1992) 129-142.
65 CPW VI, 582.
66 An explanation of these principles is available in Bernard Ramm's Protestant Biblical Interpretation (Grand Rapids: Baker Book House, 1956). For a perhaps more scholarly handling of how these rules of interpretation were established as the groundwork of Protestant hermeneutics, see Frederic W. Farrar, History of Interpretation (Grand Rapids: Baker Book House, 1961) (Hereafter referred to as "Farrar") and Jack B. Rogers and Donald K. McKim, The Authority and Interpretation of the Bible (San Francisco:
explicated through comparison with other passages dealing with the same matter. In The Doctrine and Discipline, Milton calls it the “the general analogy of Evangelick doctrine.”

George Conklin's very useful work on Milton's hermeneutics in the De doctrina christiana begins with the basic principles of Milton's hermeneutics, linking him to various Protestant contemporaries.

From the Reformation hermeneutics of Martin Luther, whose chief tenet was Scripture above ecclesiastical authority and whose principle of scriptural interpretation by Scripture advanced Biblical supremacy in all matters of doctrine, came the basic Protestant theory of the absolute sufficiency of Scripture in Christian theology. The extreme practice of this tenet is to be found amongst the later Puritans, but it was definitely set forth in the Westminster Confession and most ably propounded earlier by the Anglican William Chillingworth.

Most of the individual points of exegesis which Milton argues had adherents among both earlier and later eminent Puritans. A number of good basic guides appeared during Milton's time, each attempting to lay down exegetical fundamentals. John Ball writes in 1635,

The means to find out the true meaning of Scripture, are conference of one place of Scripture with another, diligent consideration of the scope and circumstances of the place, as the occasions, and coherence of that which went before, with that which followeth after; the matter whereof it doth intreat, and circumstances of persons, times and places, and consideration, whether the words are spoken figuratively or simply; for in figurative speeches, not the outward shew of words, but the sense is to be taken and knowledge of the arts and tongues wherein the Scriptures were originally written.


Conklin, 25.

Conklin notes Chillingworth, John Ball, John Goodwin, and John Owen.

Milton subscribed to each of these principles and finds need to argue for them in *The Doctrine and Discipline*, for though they had already appeared in the work of Ball and other respected Puritan scholars, they were not necessarily practised by all those, Puritan or otherwise, who criticized *The Doctrine and Discipline*. Puritans believed in the simplicity of the holy text, arguing against more obscure methodologies which had grown up out of the analytical writings of Jerome and Augustine, teachings which culminated in the work of Aquinas and Lombard who taught the fourfold method of literal, allegorical, moral, and anagogical exegesis.\(^{72}\)

The task of these Puritans, as with all reformers from Luther onwards, (and a task which Milton proclaims for himself), was to undo the authority of the established Church, a human institution which had, over the centuries since Christ, worked to absorb authority over all matters of faith into its ecclesiastical laws and structure. With the Reformation, however, recognition of the self-sufficient nature of Scripture, and of the unique and critical relationship between each individual and Scripture, relegated the Church to a secondary, almost dependant position. Such intensive redefinition of relationships inevitably led to sectarianism, and in an effort to re-unify the faithful, the English Parliament appointed, in October 1642, the Westminster Assembly, to reform the English Church. The work of this synod continued from July of 1643, through 1163 sessions, to February of 1649 when they produced the Westminster Confession.

The Church of England developed separately from the Continental reformed Churches. It comprised two basic parties, the Puritans, with a Calvinistic doctrinal bent, and the Anglicans, who tended more to an Aristotelian-Thomistic theology. As these two parties gravitated toward the political turmoil which led to the English civil wars, and as a myriad of minor sects preached their own doctrines, the Puritans and their Parliamentarians convened the Westminster

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Assembly. When Parliament's military fortunes declined, they called on the Scots for support, but a condition of Scottish alliance was inclusion of their Presbyterian divines in the Westminster Assembly, all working towards a uniform confession of faith. The final Westminster Confession is a compilation and a unification of basic Protestant doctrines, including principles fundamental to hermeneutics. The work of the Westminster Assembly, whether or not they so intended, was to recalcify doctrine, to re-establish a solid unified creed of faith from the muddiness which was mid-seventeenth century English Protestant doctrine.

The Confession is a point by point statement of the essentials of Presbyterian faith, revising the Thirty-Nine Articles of the Church of England in a Puritan direction. The document is as close a statement of orthodox doctrine as we have from this period, representing a mainstream statement in a time notorious for its doctrinal divergence. The following three passages from the Confession are relevant for their concern with hermeneutics.

Scripture is the revealed word of God, and therein the final and authoritative source of truth in Christian life.

The authority of the Holy Scripture, for which it ought to be believed and obeyed, dependeth not upon the testimony of any man or church, but wholly upon God (who is truth itself), the author thereof; and therefore it is to be received, because it is the word of God. (IV)

All information necessary to the interpretation of Scripture is contained in Scripture.

The infallible rule of interpretation of Scripture is the Scripture itself, and therefore, when there is a question about the true and full sense of any Scripture (which is not manifold, but one), it must be searched and known by other places that speak more clearly. (IX)

The Holy Spirit is the final judge of controversies arising from Scripture.

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73 Rogers and McKim, chapter 4.
74 Quoted here as printed in Conklin, p. 99. The full Confession is available in a multitude of places, perhaps most readily on the internet at "http://www.reformed.org/documents/westminster_conf_of_faith.html"
The supreme judge, by which all controversies of religion are to be determined and all decrees of councils, opinions of ancient writers, doctrines of men, and private spirits are to be examined, and in whose sentence we are to rest, can be no other but the Holy Spirit, speaking in the Scripture. (X)

The first point, that the Bible is the revealed word of God, virtually nobody in Milton's day would deny. Nevertheless, this most obvious point is the cornerstone upon which his argument is based, for he must prove, from Scripture, that received Canon law is divergent from God's will as revealed in Scripture. That is, Milton argues for the disparity between human religious authority and God's will, and then allies his argument with God's will; it may seem obvious, but this tactic is the brilliant tour de force which underpins the Protestant Reformation.

The second point, that the Bible must be interpreted according to itself, is critical in that it opens up to Milton the whole of Scripture, investing the Mosaic divorce laws with an authority equal in weight to the words of Christ, therein providing him with the armature on which to hang the various qualifications of Christ's words cited above, "What therefore God hath put together, let not man put asunder" (AV), the words which the Church had for ages cited against divorce.

The third point is the most apparently innocuous claim, for a basic tenet of the Christian faith is that God is with the individual believer daily, through the guidance of the Holy Spirit. Yet this guidance, when allied with an individual's attempt to interpret Scripture, can feasibly support the claims of all manner of variant theological perspectives, and this was never so clear as during the religious furor of the mid-seventeenth century. Milton, however, subscribed to the safeguard attitude common among leading and respected Puritan writers of his times, an attitude of respect for the humble, scholarly, and focussed application of reason to Scripture.

Comparison with the eleven points from the first edition of The Doctrine and Discipline illustrates that Milton is in agreement with the above fundamentals of the Confession. Milton's work, like the Confession, is reforming, but, unlike the Confession, opposes doctrinal
calcification: Milton understood that the relationship between an individual and God is paramount, and that this relationship is governed by decisions made by that individual and no other, not even Church authority. This places Milton squarely in opposition to the work of the Westminster Assembly, for that body was convened to promote doctrinal unity from diversity, to the end of ecclesiastical solidarity. As decisions about individual faith must be subject to individual conscience (as each individual reads his own peculiar situation and is guided, as an individual, by the Holy Spirit), no governing body may decide for any individual, unless invited to do so by that individual. This theory maintains the dissolving quality of the Reformation: the first reformers had taken apart the armature of the Roman Catholic Church by dissolving its structure in a caustic bath of individualism. Milton sought to maintain the purifying nature of that bath against tendencies in the reformed church, despite itself, to reconstruct ecclesiastical authority.

Milton’s orthodoxy, at least in the basics, is not in question here, but his advocacy of an individual’s authority in Scriptural interpretation shifts the grounds for orthodoxy from the Church to Scripture. True orthodoxy lies, therefore, in the relationship (for the word “orthodoxy” implies accordance with some accepted standard, and therein, a relationship) between Scripture, the guiding Holy Spirit, and the individual. The De doctrina christiana clearly states this same principle:

Every believer is entitled to interpret the scriptures; and by that I mean interpret them for himself. He has the spirit, who guides truth, and he has the mind of Christ. Indeed, no one else can usefully interpret them for him, unless that person’s interpretation coincides with the one he makes for himself and his own conscience.\footnote{CPW VI, 583-4.}
Such orthodoxy may well give rise to disagreements between an individual's views and those of the majority, yet these divergent voices are to be respected, for they have historically been the source of reformation.

This onely is desir'd of them who are minded to judge hardly of thus mantaining, that they would be still and heare all out, nor thinke it equall to answer deliberate reason with sudden heat and noise; remembering this, that many truths now of reverend esteeme and credit, had their birth and beginning once from singular and private thoughts; while the most of men were otherwise possesst; and had the fate at first to be generally exploded and exclaim'd on by many violent opposers.\textsuperscript{76}

William Chillingworth, holds the same view:

If you mean by \textit{discourse} right reason grounded on divine revelation, and common notions written by God in the hearts of all men, and deducing, according to the never-failing rules of logic consequent deductions from them; -- if this be it which you mean by discourse, it is very meet and reasonable and necessary that men ... should be left unto it; and he that follows this in all his opinions and actions follows always God.\textsuperscript{77}

The potential for deviation from opinions held, even by Reformation churches, to be traditional is rife in Milton's hermeneutics and the degree of opposition which he incurred with his argument for divorce clearly evidences some sort of deviation. The fact is not so important as the nature of this divergence for this second is symptomatic of Milton's growing dissatisfaction with contemporaries and a resultant isolationism.

5. Where Milton deviates

The eleven exegetic points listed above outline a strategy of scriptural interpretation. Firstly, the scriptures are read word for word. Some passages are difficult, however, and need comparison with other passages for clarification. Odd passages must conform with the majority

\textsuperscript{76} CPW II, 240-41.
of Scripture, for all scriptural doctrine is consistent with itself. Scriptural consistency is the agreement of a series of principles which have been in place from the beginning, principles found in both Old and New Testaments. The traditional doctrinal gap which held that the New Testament is a more mature and complete revelation of God's plan does not invalidate the older writings, for it is from these older writings, chronologically closer as they are to Creation, that the original statements about God's will for man arise. In order to best understand Scripture, and to avoid the historical mistakes of the Church, the original languages of both Testaments, Hebrew and Greek, must be studied.

Milton chooses not to use, where he might, the conventional terminology of Puritan hermeneutics, but speaks instead of principles upon which the work of interpretation relies, such as the moral principle of Charity, and the design of human nature. “Charity,” is that quality in Paul's great hymn to love in I Corinthians 13, ἀγάπη, or caritas, God's love for mankind and the reciprocal love of man for God, as well as that love owed to ourselves and our neighbours as objects of God's love. Milton does not apply human nature as a separate element so much as a means by which to ground the arguments of reason and charity.

Milton states his thesis succinctly just the one time, and the passage warrants decompression, for, in Milton's typically compact prose, it encompasses a great deal.

That indisposition, unfitnes, or contrariety of mind, arising from a cause in nature unchangable, hindring and ever likely to hinder the main benefits of conjugall society, which are solace and peace, is a greater reason of divorce then naturall frigidity, especially if there be no children, and that there be mutuall consent.78

“That indisposition, unfitnes, or contrariety of mind,” is fairly straightforward, though each of the three phrases indicate three different conditions: “indisposition” means that the couple simply no longer wish to remain married; “unfitness” means that they should never have married in the

78 CPW II, 242.
first place, though they were likely too young to have judged this at the time; “contrariety of mind” means that, over time, the couple have found themselves to be of two different and incompatible qualities of intellect, and that this difference somehow disrupts the potential for a happy communion of minds. This last of the three is the crucial qualification, for Milton focusses much of his later discourse on the effects of an unhappy mental state in marriage. Each of these three conditions is sufficient, in Milton's argument, to warrant divorce.

Next: “arising from a cause in nature unchangable” refers to human nature, a quality imbued by God from the earliest times, ineluctable, and fundamental to all healthy decisions regarding man's condition during this life. Such a quality cannot be ignored, for its profundity is evident from early on in the tract:

It was for many ages that mariage lay in disgrace with most of the ancient Doctors, as a work of the flesh, almost a defilement, wholly deny’d to Priests, and the second time disswarded to all, as he that reads Tertullian or Jerom may see at large. Afterwards it was thought so Sacramentall, that no adultery could dissolve it; yet there remains a burden on it as heavy as the other two were disgracefull or superstitious, and of as much iniquitie, crossing a Law not onely writ’n by Moses, but character’d in us by nature, of more antiquitie and deeper ground then mariage it selfe; which Law is to force nothing against the faultles proprieties of nature.79

Against these opinions of the early fathers, Milton argues a much more ancient law, namely, that individuals be permitted to read their own “nature” like a fingerprint, a mark placed in them by God, unique to themselves, from which their primary drives arise, and upon which no external powers may impinge. Elsewhere in the first edition of The Doctrine and Discipline, Milton expands on this quality of “nature,” when he refers to “the venerable & secret power of natures impression” (p. 238), “natures unalterable working” (p. 249), “the faultless innocence of nature” (p. 251), “the reverend secret of nature” (p. 270), and “the fundamentall law book of nature” (p. 272). Such a quality is radical, for it valorizes the right and ability of each individual to make

79 CPW II, 236-7.
judgements and to take action best suited to that individual's happiness, regardless of either State or Church. Which is to say, Milton is arguing a condition not seen in Christian society to date, that in certain situations, the rights of the individual must supersede the wishes of either the State or the Church, whether or not the State or Church deem themselves best served by that individual's decision. Further, the individual must obey the dictates of his own nature, for it cannot be resisted (p. 306); these are the dictates of a force working in concord not only with reason (pp. 317-18) but also with God's own will (p. 322). Man's nature teaches him what to love and what to hate (Milton talks of an irresistible natural sense of either sympathy or antipathy) and works as an internal guiding law (pp. 272, 313). This law of nature has been with mankind from the beginning, and has left its mark with all wise societies, including that of the Jews, traceable in their judicial, or deuteronomical, laws. Divorce, allowed by the Jews when two people could not find common ground in their marriage, accordingly complies with the irresistible law of nature.

Had [prohibition of divorce] bin the law of nature, either the Jews, or some other wise and civil Nation would have pres't it: or let it be so; yet that law Deut. 24. 1. wherby a man hath leave to part, whenas for just and natural cause discover'd he cannot love, is a law ancients, and deeper ingrav'n in blameles nature then the other.\(^8\)

The next phrase, "the main benefits of conjugall society, which are solace and peace," has its own impact on the conventional view of marriage. As mentioned above, marriage was an institution integral to the fabric of society, infiltrating and influencing all levels from simple domesticity to that of the grandest international diplomacy. Further, marriage was the means to ensure legitimacy of generation, and security of patrimony. The goods, lands, and, where applicable, titles of a family were passed from one generation to that member of the next who

\(^8\) CPW II, 330.
fulfilled strict rules of legitimacy, representing the eldest surviving offspring of a legally and religiously sanctioned marriage. That a marriage's main benefits might be “solace and peace,” rather than its social, familial, or carnal aspects, permits married individuals, the only true judges of “solace and peace,” to make the first judgements regarding the continuing viability, or dissolubility, of their union.

The last series of phrases refer to divorce laws, not only civil and canon, but the Mosaic law as well. “A greater reason of divorce, than naturall frigidity, especially if there be no children, and that there be mutuall consent”: natural frigidity, the inability or unwillingness to perform the marital duty of coitus, is not a cause of divorce according to the canonical laws of Milton's own time, but a condition drawn from Mosaic law (Exod. 21:10); that children might be threatened by a divorce was only discussed outside of Scripture, for instance, in the Talmud — neither Christ nor Paul mention this; that there be mutual consent was another similar matter for extrascriptural discussion. Milton draws upon a multitude of writers from both within and without the Judæo-Christian tradition of discussion, including Plato, David Kimchi, and Hugo Grotius.

The position of Charity in Milton's argument is paramount, more important even than the individual scriptures with which he supports his points, for Charity is the fundamental principal or law against which all controversies of Scripture must be decided.81 No interpretation of Scripture may contradict the basic precept that God loves his creation, and that mankind ought to accept, reflect, and exercise that love. Charity is the grand unifying principle to which all biblical exegesis must answer, for an obedient love of God is the precept which underpins the first table of the Old Testament decalogue, and Christ's message of salvation in the New

81 Milton is not, of course, original in this: Augustine teaches the same thing in his De doctrina christiana, 1, 95: “So when someone has learnt that the aim of the commandment is 'love from a pure heart, and good conscience and genuine faith', he will be ready to relate every interpretation of the holy scriptures to these three things and may approach the task of handling these books with confidence.”
Testament. No scriptural text, regardless of how obvious, or obscure, may contradict this fundamental principle. Milton holds that nothing which fails the scrutiny of love can suit God's intention for his faithful, and this includes refusal by any authority, ecclesiastical or otherwise, to grant the complete separation of two persons whose marriage has proven irremediably miserable.

To conclude, as without charity God hath giv'n no commandment to men, so without it, neither can men rightly believe any commandment giv'n. For every act of true faith, as well that wherby we believe the law, as that wherby wee endeavour the law is wrought in us by charity: according to that in the divine hymne of St. Paul, 1 Cor. 13. Charity believeth all things: not as if she were so credulous, which is the exposition hitherto current, for that were a trivial praise, but to teach us that charity is the high governesse of our belief, and that wee cannot safely assent to any precept writ'th in the Bible, but as charity commends it to us. Which agrees with that of the same Apostle to the Ephes. 4. 14, 15. where he tels us that the way to get a sure undoubted knowledge of things, is to hold that for truth, which accords most with charity.\(^2\)

The concept that no interpretation of Scripture can stand against the basic commandment of Charity becomes, then, the cornerstone of Milton's hermeneutic argument. As canon law forbidding divorce, save in the most particular of circumstances, is based on the verses from Matthew's gospel, Milton must directly address this text, reformulating the import of the words to his own cause. His argument is not a long, convoluted procedure unwinding centuries of compounded logic, but a series of principles, including Charity, against whose crush the conflicting literal reading crumbles. This is the crux of Milton's hermeneutic technique: he believes that there exist fundamental, Scripturally revealed principles which govern God's eternal treatment of mankind. As single instances of history must be understood within the greater scope of God's eternal plan, so must single passages of Scripture be accommodated to the greater unity of Scripture as a whole. Scripture may at times appear to present mysteries, concepts which defy explication, but these are to be either dismissed as erroneous if they oppose the

\(^2\) CPW II, 340.
fundamental principles, or relegated to the inexplicable "high and secret past finding out" providence of God⁸³.

At base, Milton's 1643 argument is against the literal reading of Christ's words in Matthew, those which apparently say that marriages should not be dissolved, save for the reason of fornication. A first reading of these verses invariably results in the understanding which the Church had always propounded, that Christ was actually forbidding divorce, regardless of any Mosaic allowance. The *prima facie* impression of these passages and the long history of canon law stand against Milton's assertion of divorce for incompatibility. His strategy is to remove both of these impediments. Human invention and divine authority dispense with Canon law and tradition by associating the errors of the Church with the former and misreadings of Scripture with the latter. Canon law may have been in place for centuries, but it is nevertheless a human fabrication and frequently, as in this case, stands squarely opposed to Scripture.

Milton holds that the words of Christ cannot be read literally, that they need considerable explication, especially in those places where they are the least bit obscure. He either contextualizes the words of Christ historically, or invokes the larger scope of a vast and self-consistent Scripture, unified by fundamental principles, such as Charity and the inalienable rights of God-created human nature. Milton's work resembles that of a detective, explaining what appears to have happened as not the case at all: once the apparently obvious but misleading evidence is set against the larger picture, its true significance will be made clear.

⁸³ Clarifying the unfathomable aspect of God's providence is not necessary for man's salvation or obedience; all which mankind needs to know in order to please and obey God is to be found in the law of the Old Testament, summed up, but never opposed, by Christ's teachings.
The larger picture, while including all things, has a higher and a lower aspect, with the earlier being elevated and the later, or current, being lower. The highest, the most authoritative, lies at the beginning, as Christ himself demonstrates when invoking the institution of matrimony:

Therefore we must look higher, since Christ himself recalls us to the beginning, and we shall finde that the primitive reason of never divorcing, was that sacred and not vain promise of God to remedy mans lonelines by making him a help meet for him, though not now in perfection, as at first.\footnote{CPW II, 301.}

Now fallen, mankind has recourse to divorce, but before the institution of matrimony, there was Charity, in God's will to remedy man's loneliness, and there was nature, in that man was lonely in the first place. These two principles not only take precedence but determine the purpose and design of the institution of matrimony itself.

When the first edition of The Doctrine and Discipline was released, it met with a storm of protest, and both aspects of Milton's argument (that canon law was wrong, and that Scripture had been misread for centuries) were vehemently opposed.\footnote{William Riley Parker's Milton's Contemporary Reputation (Columbus: Ohio State UP, 1940) collects most of the contemporary allusions to the divorce tracts. These are amplified by J. Milton French, The Life Records of John Milton, 5 vols. (New Brunswick, N.J.: Gordian, 1949-1958). Ernest Sirluck includes several more on pp. 142-43, 506, and Appendix C of CPW II.} Milton revised The Doctrine and Discipline, expanding it to almost twice its original length, and published the second edition just six months after the first. The argument for divorce on grounds of incompatibility remained, but attention to hermeneutic proof was increased, with a focus on concepts of personal liberty, in both the individual and civil senses.
6. The Second Edition of *The Doctrine and Discipline*

Among the faithless, faithful only hee;
Among innumerable false, unmov'd,
Unshak'n, unseduc'd, unterrifi'd
His Loyaltie he kept, his Love, his Zeale;
Nor number, nor example with him wrought
To swerve from truth, or change his constant mind
Though single.  

Paradise Lost, V.898-904. (1674)

The structure of the tract was altered radically for the second edition. Where the first edition had been a long, rambling diatribe, divided only once, in the middle by a paragraph indentation, the argument of the second edition is arranged in two books with multiple chapters, each with its own summary heading, and a lengthy prefatory appeal to Parliament.  

In its most basic form, the argument for divorce remains the same, with the over-all rational argument taking up the first book of the 1644 edition, while the second book provides a more comprehensive network of support for the scriptural hermeneutics. Much new material has been added, however, inserted into the revised text not only as additional phrases and sentences, but as, in this structured format, whole new chapters. The final result is a work of over eighty pages (the 1643 edition is fifty pages) which reads much more smoothly, easing through logical transitions more gracefully, and allowing for regular breaks. The effect of the re-structuring is a more confident sense of solidity and authority not only to the argument, but to its presentation as well. We will look briefly at the first book (for one change in particular is a great reliance on hermeneutic justification of the argument) and more extensively at the hermeneutical argument of the second,

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86 If there was input from the printer regarding this design for the text, the major biographers give no evidence of it. The most obvious explanation is that Milton was systematizing his argument for the sake of clarity.
but the preface warrants our first attention for the intensely personal nature of its appeal, betraying the emotional depth with which Milton presented this work.

The prefatory appeal to Parliament adds, more than anything else, a personal element to the whole tract. The 1643 argument had appeared unsolicited, his own opinions freely expressed, but Milton now faced vigorous opposition, and his preface identifies not only the source and nature of these attacks but also the critical danger which they pose to the State. Milton goes on in the preface to identify not only the social need for reform of the divorce laws, but also his own position as an enlightened, reforming thinker and the need for Parliament to rely on just such reforming thinkers (and him in particular) in this time of civil and religious upheaval.

According to Milton, those who stand against his proposed revisions to the divorce laws are representative of dangerous, narrow-minded, uneducated men, with which both the Church and the State are riddled. In this time of civil and religious reformation, the battle between the evils of the fall (such as ignorance and political prejudice) and the teachings of God is ongoing, and only enlightened teachers, sensitive to, and led by, the Spirit of God and extensive education can be relied upon to light the way to reformation. Milton's opponents are “common climbers” who adhere to customary practices rather than pursue the hard work of reformation, because their poor education allows them to “swallow down” the “glib and easy” “sudden book of implicit knowledge”; Milton is, however, one called only occasionally by God and deputed to “work off the blots” and “repress the encroachments” of error and custom.

The belief in his exclusive mission elicits, in the preface, two statements very pertinent to Milton's hermeneutic principles, and to their atavistic nature. The first concerns “Truth” — she

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87 CPW II, 222.
has a "teeming" womb, giving birth to more truths. She reveals herself not at a steady pace but in bursts, for God calls together those "prudent and Religious counsels" who are competent to receive her teachings only "once in many ages." These gifts of God, truth and wisdom, oppose the purely human work of error and custom.

Error supports Custome, Custome count'nances Error. And these two between them would persecute and chase away all truth and solid wisdome out of humane life, were it not that God, rather than man, once in many ages, calls together the prudent and Religious counsels of Men, deputed to represse the encroachments, and to worke off the inveterate blots and obscurities wrought upon our mindes by the suttle insinuating of Error and Custome; Who with the numerous and vulgar train of their followers, make it their chiefe designe to envie and cry-down the industry of free reasoning, under the terms of humor, and innovation; as if the womb of teeming Truth were to be clos'd up, if shee presume to bring forth ought, that sorts not with their unchew'd notions and suppositions.88

Truth is the daughter of Heaven, from the beginning, a Minervan warrior-goddess, whose teachings Time midwifes forth in a catenic series of intermittent revelations. Further, though God gives Truth to mankind processionally, she is always consistent with herself — one new teaching never replaces any aspect of God's truth from ancient times. Such a process requires constant care and study, lest mankind lose sight of Truth's consistency and continuity and begin to supplement her teachings himself.

Truth may not be immediately obvious:

Though this ill hap wait on her nativity, that shee never comes into the world, but like a Bastard, to the ignominy of him that brought her forth: till Time the Midwife rather then the mother of Truth, have washt and salted the Infant, declar'd her legitimat, and Churcht the father of his young Minerva, from the needlesse causes of his purgation.89

Milton is one of a select few whose "study and true labour" have made him worthy of Truth's immediate teaching. He has an exclusive gift and mission, to expound this truth of divorce which has been from the beginning but has suffered for ages at the abusive hands of custom and

89 Ibid, 225.
human error. The “duty and right of an instructed Christian” has called him to be “the sole advocate of a discountenanced truth” and, judging by the vigour of his opposition, to his personal ignominy.

The second crucial statement regards the principles upon which Milton bases his hermeneutic techniques. He numbers together what he spoke of disparately in the first edition, grouping them as “the four great directors.”

To resist the highest Magistrat though tyrannizing, God never gave us expresse allowance, only he gave us reason, charity, nature, and good example to bear us out; but in this economical misfortune, thus to demean our selves, besides the warrant of those foure great directors, which doth as justly belong hither, we have an expresse law of God, and such a law, as wherof our Saviour with a solemn threat forbid the abrogating.

It is not the warrant of any individual to oppose the Church or the State. If, however, the magistrate, of whatever earthly authority (including, presumably, a King or Archbishop) is “tyrannizing,” God gives each man the four directors of reason, charity, human nature, and good example with which to seek guidance from Scripture. In this case of divorce, the “expresse law of God” is that of Deuteronomy 24.1. These principles also represent the means by which Milton would recommend pursuit of “true Reformation in the state.”

Milton lays out, then, in the prefatory appeal to Parliament, the architecture of the communicative process between God and mankind. God expresses his truth to single individuals, chosen in times of great need, and specially qualified, both spiritually and intellectually; these individuals reveal this “Truth” to “prudent and religious councils,” such as Parliament; the responsibility then passes to these councils to broadcast over mankind the fullnesses of God's new-revealed Truth. Moses had been God's chosen instrument for revealing

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90 CPW II, 224.
91 Ibid, 229.
the first truth regarding divorce, found in Deuteronomy 24.1, and now Milton is repeating the work of Moses.

i. Book I of the Second Edition: Setting out Moses’s Law

Book I of the second edition, developed from the Preface and the first twenty-two pages of the 1643 edition, is the less revised of the two books. There are, however, major points to be noted: Chapter I opens with the citation of the Deuteronomic text, missing from the 1643 edition, and refers specifically to the manner in which the Hebrew differs from the commonly received English translation. Milton explains פארוק as “unclean thing” as a deficiency or inadequacy of mind or body, connecting the two elements of the physical and intellectual, which will be significant later in his argument. His focus on the original language reinforces the hermeneutic principle noted earlier (point 8, page 20, above.)

In Chapters II and VI, Milton expands the range of his authoritative citations to include the reformers Calvin, Fagius, Paræus, and Rivetus, as well as the twelfth-century Spanish rabbi and Talmudist, and author of The Guide of the Perplexed, Moses Maimonides. Maimonides asserts that divorce preserves peace in the institution of marriage. Why then, asks Milton, should such peace be available to Jews and not to Christians?

In Chapter X, based on the workings of human nature, Milton refines his discussion of individual rights. While man is fallen, he still retains his basic created human essence; decisions not subject to the will, but arising from created human nature, are therefore sacrosanct, and not to be discounted. Our individual nature involves a combination of inviolable sympathies and antipathies, differently mixed in each person. We naturally seek others with a like combination
of sympathies and antipathies. Occasionally, error, or “some evil Angel,” maliciously joins two persons who should never have been joined, and it is only reasonable, given the ineluctable quality of our natural sympathies and antipathies, that such a mismatch should be separated. In Chapter VI, Milton had cited the allegory of Eros and Anteros as proof that discovery of an ideal mate takes considerable searching and time, and, perhaps, trial and error. A “help meet” for a man does not mean simply any woman; rather, it refers to a woman who embodies a combination of sympathies and antipathies fitting and agreeable to his own. God himself set an example for the separation of unlike elements when he divided darkness from light at Creation; from this we learn that a mismatched couple is against God’s design and their union is analogous to Chaos.

Individual identity is critical to this argument, and to the architecture of prophecy outlined by Milton in the prefatory appeal to Parliament. Should the individual be forced to conform with received and traditional customs and laws, the created nature of man will be violated (and, therein, God disobeyed), and the conduit of God’s prophecies will be plugged and thwarted. The sacrosanct and inviolable rights of the individual are critical, therefore, to the workings of God’s will.

The main yield of Book I is to re-state the non-scriptural arguments of the first edition of The Doctrine and Discipline, as well as to reiterate the force of Moses’s Deuteronomic statements as law. Negative reaction to the first edition of The Doctrine and Discipline, largely from the clergy, had not specified the exact place of offense: the simple permission of divorce, and the audacity of challenging Church law were anathema enough. In Milton’s own view, though, the deficiency of the first edition lay in its explanation of Christ’s own apparent proscription of divorce in the Matthew text. For Book II of the second edition, Milton focusses on this problem.

The revisions of Book II are more extensive than those of Book I, and more significant for our examination of Milton's hermeneutic evolution, for he resolves here the most difficult anomaly of his whole argument. As he himself states from the very beginning of Book II, Chapter I:

Hitherto the Position undertak'n hath bin declar'd, and prov'd by a Law of God; that Law prov'd to be moral, and unabolishable for many reasons equal, honest, charitable, just, annexed therto. It follows now that those places of Scripture which have a seeming to revoke the prudence of Moses, or rather that merciful decree of God, be forthwith explain'd and reconcil'd. For what are all these reasonings worth, will some reply, when as the words of Christ are plainly against all divorce, except in case of fornication.\(^\text{92}\)

In other words, Book I was about the Mosaic, Old Testament passages regarding divorce, and Book II will be about the apparent New Testament contradictions with the Old. Book I, in fact, deals much more extensively with the unreasonableness of maintaining an ill-matched marriage than with anything to do with the law, but the basic points listed in the quotation above are discussed, namely, that Moses's declaration is God's law, and that it is charitable and irrevocable. More importantly, though, as Ernest Sirluck notes in his introduction to the divorce tracts\(^\text{93}\), Milton has now to face down those who discount the Mosaic law, or, as Sirluck puts it, "to accommodate Christ to Moses."

The means to this end are Milton's hermeneutics, as delineated in the eleven points from the 1643 edition, listed above, and as expanded upon here in the following six points from Book II of the second edition.\(^\text{94}\)

1. God has only one will, which supports and necessitates the hermeneutic principle of the "analogy of faith" (that Scripture is self-consistent, and the meaning of difficult passages must be found by the use of less difficult texts dealing with the same matter).

\(^{92}\text{CPW II, 281.}\)
\(^{93}\text{Ibid, 150-51.}\)
\(^{94}\text{The following list is not Milton's, but is provided here for the sake of clarifying his hermeneutic points.}\)
Yet we must know that God hath not two wills, but one will, much lesse two contrary. II.iii.37

2. While some of God's ways are incomprehensible, we should not speculate upon them, for all which is required for obedience is revealed in the Law.

The hidden wayes of his providence we adore & search not; but the law is his reveled will, his complete, his evident, and certain will. II.iii.38

3. As God's law is revealed, it is unacceptable that we plead ignorance with regard to the ways or reasons for God's law or dispensations.

Rivetus ... thinks it best to conclude that God certainly did dispence, but by some way to us unknown, and so to leave it. But to this I oppose, that a Christian by no meanes ought rest himselfe in such an ignorance; whereby so many absurdities will strait reflect both against the purity, justice, and wisdome of God, the end also both of Law and Gospel, and the comparison of them both together. II.iv.41

4. God's laws are to be obeyed in accordance with the dictates of individual human nature and social equity, and not only obeyed but also studied as perfect examples of justice and goodness.

God indeed in some wayes of his providence, is high and secret past finding out: but in the delivery and execution of his Law, especially in the managing of a duty so daily and so familiar as this is wherof we reason, hath plainly anough reveal'd himself, and requires the observance therof not otherwise then to the law of nature and of equity imprinted in us seems correspondent. And hee hath taught us to love and to extoll his Lawes, not onely as they are his, but as they are just and good to every wise and sober understanding. II.iv.41

5. God's ways are based on principles whose comprehension is requisite to our obedience.

God hath created a righteousnesse in right it selfe, against which he cannot doe ... [and] ... He often pleads with men the uprightness of his ways by their own principles. II.iv.41

6. Christ's teaching style is frequently obscure, and can only be clarified through the principles which inform the law. There is no inconsistency between Christ's teachings and the law.

55 CPW II, 292.
56 Ibid, 292.
57 Ibid, 297.
59 Ibid, 298.
If we examine over all his sayings, we shall find him not so much interpreting the Law with his words, as referring his owne words to be interpreted by the Law, and oftner obscures his mind in short, and vehement, and compact sentences, to blind and puzzle them the more who would not understand the Law. II.vi.43

As the statements of Moses and of Christ are God's declarations, they must be harmonious with each other, for God does not have two wills on one subject. (1) It is our duty to study until God's laws make sense, for they are comprehensible and his gift to us. (2) We must not surrender to ignorance at the risk of God's justice and wisdom. (3) God's laws are to be implemented as they were designed, as servants to God-given human nature and social equity. (4) Further, God's laws are comprehensible as they conform to the fundamental principles which underpin them, such as righteousness and charity. (5) Christ's words, then, must not be studied literally, but in conformity with God's principles and laws, for he did not abolish any law, but taught obedience to them. (6)

Similarities exist between these points and those made for the first edition, but the primary difference is an accentuation here upon the unity and infallibility of God's will, and the implications these hold for scriptural consistency. The apparent denial by Christ of Moses's permission of divorce cannot be a denial, therefore, nor can there be a simple contradiction between the texts, for either of these would imply that God is in error, which is impossible. A means to reconciliation must be found, and this means lies in a re-examination of the textual and cultural contexts of Christ's statement, to the end of exposing his intentions in relation to the fundamental principles of God's behaviour toward mankind.

The particulars of this reconciliation have been discussed in the review of the first edition of The Doctrine and Discipline. The major difference between Milton's handling of the argument in the first and second editions lies in his increasing focus on the role and function of the Law.

100 CPW II, 301.
While the ceremonial aspects of the Mosaic Law remain applicable to the Jews alone, the moral aspects have always applied to all, Christian and Jew alike. The traditional attitude of the Church may have been to discount the weight of Mosaic law in favour of the more recent Gospel teachings, but Christ himself stated his intention to respect the Law in all his teachings, not to change the Law one "jot or tittle."

Milton had, not long before, held a different opinion. His statements regarding the Law for The Reason of Church Government (1642) were drastically different from those which he developed for The Doctrine and Discipline.

For the imperfect and obscure institution of the Law, which the Apostles themselves doubt not oft-times to vilifie, cannot give rules to the compleat and glorious ministration of the Gospell, which lookes on the Law, as a childe, not as on a tutor. ... How then the ripe age of the Gospell should be put to schoole againe, and learn to governe her selfe from the infancy of the Law ... will be a hard undertaking to evince. ... The whole Judaick law is either politicall, and to take pattern by that, no Christian nation ever thought it selfe oblig'd in conscience; or morall, which contains in it the observation of whatsoever is substantially, and perpetually true and good, either in religion, or course of life. That which is thus morall, besides what we fetch from those unwritten lawes and Ideas which nature hath ingraven in us, the Gospell, as stands with her dignity most, lectures to us from her own authentick hand-writing, and command, not copies out from the borrow'd manuscript of a subservient scrowl, by way of imitating.¹⁰¹

Consider, in contrast, this from the third chapter of Book II of the 1644 The Doctrine and Discipline:

The law is his reveled will, his complete, his evident, and certain will; herein he appears to us as it were in human shape, enters into cov'nant with us, swears to keep it, binds himself like a just law-giver to his own prescriptions, gives himself to be understood by men, judges and is judg'd, measures and is commensurat to right reason; cannot require lesse of us in one cantle of his Law then in another, his legall justice cannot be so fickle and so variable, sometimes like a devouring fire, and by and by connivent in the embers, or, if I may so say, oscitant and supine. The vigor of his Law could no more remit, then the hallowed fire upon

¹⁰¹ CPW I, 762-64.
his altar could be let goe out. The Lamps that burnt before him might need snuffling, but the light of his Law never. (II.iii.38)\(^{102}\)

For illustration of how to read Christ's teachings in light of this valorization of the Law, Milton opens the first chapter of Book II with Christ's discussion of the Sabbath; שַׁבָּת, Shabat, the day of rest, is to be observed, but one may work on that day without breaking the commandment, provided this is work of “charity.” Further, this example of Christ's flexible, rather than literal, interpretation must be followed by latter-day opponents of divorce: “Shall we be more severe in paraphrasing the considerat and tender Gospel, then he was in expounding the rigid and peremptory Law?”\(^{103}\)

Finally, one of the most significant of Milton's hermeneutic statements comes in the prefatory appeal to Parliament, wherein he lists the means of God's guidance for every Christian as four:

[God] gave us reason, charity, nature, and good example to bear us out; but in this economical misfortune, thus to demean our selves, besides the warrant of those foure great directors, which doth as justly belong hither, we have an expresse law of God, and such a law, as wherof our Saviour with a solemn threat forbid the abrogating. For no effect of tyranny can sit more heavy on the Common-wealth, then this houshold unhappines on the family.\(^{104}\)

Not just in this question of divorce, this “economical misfortune,” are these four directors available, but in all matters requiring interpretation. Our reason assists us in examining texts and situations, with an eye to charity, in conformity with our created human nature, and with reference to the good example left for us in human history. These four hermeneutic guides, good enough for Parliament in the time of England's greatest peril, will suffice in all Christian difficulties.

\(^{102}\) CPW II, 292.
\(^{103}\) Ibid, 281.
\(^{104}\) Ibid, 229.
Milton's central innovation, at this point in the controversy, lies in his extraction of the divorce question from the social contexts of tradition, as well as of civil and ecclesiastical law. The political reality of these contexts may have dictated the opinions of his opponents, but Milton would subject himself to principles, not personalities or profit. As William Parker puts it, "In advocating a good cause, every man must start somewhere; and Milton's advocacy of causes usually started from the wall into which he had unexpectedly bumped." 105 If the wall in this case was Mary Powell's desertion, Milton was not working hard to avoid the devastation of that event permeating his work. This (perhaps self-defensive) ability of Milton's to distance himself, to objectify and theorize, permitted his rational approach to this most vexed of controversies, analyzing the problem in relation to rarified principles of Scripture.

The rationale of Milton's opponents was that Christ had forbidden divorce. Milton's approach permitted him to re-interpret not only the words of Christ (including the pregnant "fornication"), but the reasoning behind the words, to assign to Christ specific motivation, and to examine the social contexts within which Christ was living. In other words, Milton ignored the constraints of contemporary civil and ecclesiastical law, as well as what he called the slavish "literalism" of his opponents. Authority lay not with the nabobs of his day but with God himself, and with the principles upon which God's laws were based. These innovations would eventually lead back to the social realities of his own time and place, however, for his opponents would not consider his arguments, nor would they relent.

105 Parker, I. 236.
7. The Critics

Recent criticism has not recognized Milton's tendency to unify and to return to basics. In the first half of the twentieth century, criticism of the divorce tracts was dominated by those few, most notably Saurat and Fletcher, who focussed on links between Milton and Jewish authorities. Fletcher published repeatedly on Milton's Hebrew, and the majority of that scholar's work remains undisputed today. Saurat tried to link Milton with the Kabbalah, unsuccessfully. Critics of the last sixty years have attempted to dissect Milton's argument, focussing on specific aspects either to show where the argument fails, or to explain why Milton was making his argument in the first place. Arthur Barker, in 1942, declared that Milton was valorizing reason and conscience in response to his political environment. As Barker puts it, the need to divorce is inevitably a matter of conscience, based as it is on knowledge which only an individual can have of himself (a point which Milton held anyway), and Milton was forced "by sheer ratiocination to reconcile Christ's statement with what seemed to him the sense of the Mosaic Law and the original institution." Barker is not so much criticizing or discounting Milton's argument as emphasizing the single aspect of reason within an historicist strategy of justifying the nature of a literary piece through the politico-cultural influences to which it is subject.

Barker's work inspired Kenneth Kirby's "Milton's Biblical Hermeneutics in The Doctrine and Discipline of Divorce," which appeared in the Milton Quarterly in 1984. Unfortunately, the title promises more than Kirby actually delivers. Kirby takes Barker's point about reason being

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106 Arthur Barker, Milton and the Puritan Dilemma, 1641-1660 (Toronto: U of Toronto P, 1942) 71. Barker's learned and useful discussion of this period in Milton's literary career extends through three chapters of his book. His discussion of the divorce pamphlets, however, focusses on their position in, and indebtedness to, the political climate and particulars of Milton's situation rather than on their hermeneutics. Barker is also more interested in the Areopagitica than the divorce tracts, and with the former's focus on the matter of liberty.

the driving force behind Milton's argument and tries to prove that Milton's reason becomes somehow irrational in attempting to prove what cannot be proven. As he puts it,

Milton was forced to find ways of making the Scripture say what his mind and heart told him was true.... He came up with the 'rule of charity,' whereby nothing in the Gospel could be more strict in the regulation of earthly happiness than it had been in the Old Testament. Then after inventing this new principle, he had to subordinate all other hermeneutical principles to it, and in doing so he found it necessary to bend and even break some of these principles in his effort to wrest from Scripture the pronouncement on divorce that his reason demanded. The result is Biblical exegesis that is frequently strained and vulnerable to the attacks that his opponents made on it. 108

Kirby is not reading Milton accurately. Firstly, the principle which recognizes the consistency of Scripture with itself regulates the agreement of Old and New Testaments, strict or otherwise. Milton "came up with" the rule of Charity from the words of Christ himself and of Paul, as the whole of the twentieth chapter of Book II of The Doctrine and Discipline explains. Kirby, however, has his own understanding of strictness and charitability, as when he notes later in his piece that to keep one's wealth rather than give it to the poor, and to punish a transgressor an eye for an eye rather than to "turn the other cheek," are both instances wherein the former is less strict and more charitable than the latter. Kirby's use of Barker is, at times, simply flawed in its logical protocol, 109 and in at least one instance he commits that very convenience of proof of which he accuses Milton. 110 Despite his conclusion that Milton was a creative genius, and

108 Kirby, 117.
109 While criticizing Milton's reasoning in The Doctrine and Discipline, Kirby makes points (p. 117) which Barker made in his work on Tetrachordon, a later tract, and therefore inapplicable to the argument of The Doctrine and Discipline.
110 Kirby accuses Milton of ignoring an ambiguity in the Hebrew of Deuteronomy 24.1, and therein "not being completely true to his hermeneutical principles" (p. 120). According to Kirby, Milton knew of the ambiguity because he himself refers to it in Chapter 10 of Book II of The Doctrine and Discipline. What Milton is referring to in this place is not the ambiguity of the Hebrew but what he believes to be an error in Calvin's logic regarding Deuteronomy 24.1. Indeed, Kirby notes this passage not by chapter and book but by the page of the Yale edition (p. 313) edited by Ernest Sirluck, and Sirluck himself footnotes Milton's objection to Calvin with a direction to the earlier passage (p. 257, n. 16 of the Yale) wherein Milton gives lengthy treatment to an "ambiguity" in the Hebrew of Malachi 2.16, a passage to which Calvin himself is indebted for his understanding of Deuteronomy 24.1.
therefore prone to a "radical self-confidence" which blinded him to "all the liberties he was taking with his principles," Kirby's article makes it clear that, in an effort to prove Milton wrong, he is himself guilty of abuses which he attributes to the poet.

Considering the amount of critical interest which Milton's divorce tracts generate, very little of that interest has been turned to the matter of Milton's hermeneutics. The example of Kirby is quite typical, though, of what attention Milton's exegetical practices do garner. Critics seem determined, inexplicably, not to examine but to discount Milton's argument, as well as his technique. His work is described as idiosyncratic\textsuperscript{111}, unorthodox\textsuperscript{112}. John G. Halkett follows, in large, the line of Barker: "In [the divorce tracts] Milton raises human reason to the level of sole arbiter of moral issues and the individual to a position of eminence over institutions, as though particular men could both see and want their own good."\textsuperscript{113} Halkett's book argues that Milton's attitudes regarding divorce must be read within the context of contemporary Puritan attitudes toward marriage. His ultimate conclusion is that "the history of the divorce tracts is the history, in little, of Milton's disillusionment with men's willingness to listen to the voice of unassisted reason — hence [the tracts] decline in appeals to reason as such."\textsuperscript{114}

Amy McCready's analysis differs from her critical predecessors' attribution of Milton's interpretative technique to pure reason. In a long, intelligent, and useful article in which she equates Milton's techniques with those of both Catholic and Protestant casuistry, she holds the deciding element in Milton's "rationale" to be not reason but conscience. With regard to conscience, McCready is quite accurate, but with regard to the business of naming Milton a

\textsuperscript{111} Halkett, 3.
\textsuperscript{113} Halkett, 6.
\textsuperscript{114} Ibid, 139.
casuist, she is perhaps less so. According to the OED, “casuistry” is “the science, art, or reasoning of the casuist; that part of Ethics which resolves cases of conscience, applying the general rules of religion and morality to particular instances in which “circumstances alter cases,” or in which there appears to be a conflict of duties. Often (and perhaps originally) applied to a quibbling or evasive way of dealing with difficult cases of duty; sophistry.” If Milton is arguing a “particular” instance, it must be that of his own marriage, but he does not mention his own situation once.¹¹⁵ He is arguing the larger matter of marriage and divorce in general. McCready qualifies, however, by claiming that “the divorce tracts may be identified as casuistry because they contain the set of characteristics of casuistry.”¹¹⁶ In fact, they may contain some of the characteristics of casuistry, but so does any discussion of the application of law to a particular set of circumstances. With law, however, and with Milton's discussion of divorce, there is a critical distinction to be made: in a legal judgement, underlying principles of law are brought to bear upon each particular case; with casuistry, the particular circumstances of a case manipulate the interpretation of the underlying principles of law. It is that manipulative quality which provoked Protestant criticism of Catholic casuistry in the first place. Milton was, therefore, no casuist, but in her article McCready raises a number of valuable points with regard to Milton's hermeneutics. She attempts to locate the place from which Milton judges his situation, and she disagrees with Barker, et al., that that place is “reason.” McCready calls the place “conscience.” Conscience is as good a word as any, and better than “reason”. More

¹¹⁵ It should be noted that Annabel Patterson's essay, “No Meer Amatorious Novel?,” Politics, Poetics, and Hermeneutics in Milton’s Prose, ed. David Loewenstein and James Grantham Turner, (Cambridge: Cambridge UP, 1990) does pursue the occasions of what she calls 'psychobiography’ in the divorce tracts. (Hereafter referred to as “Patterson”. ) Milton is no more biographical in his work than John Locke is in his Treatises on Government. At some level, any author must derive his opinions from personal experience, but Milton is doing his best to isolate the abstract argument from personal exigencies, and to base his opinions on detached reason and texts imbued with a universally recognized authority.

¹¹⁶ McCready, p. 423.
importantly, Milton argues that the dictates of his work, what McCready is calling his "conscience," are matters which apply to all society, not to himself alone.¹¹⁷

Lana Cable's useful essay, "Coupling Logic and Milton's Doctrine of Divorce,"¹¹⁸ explains the basic structure of Milton's logic to be one which reconciles apparent opposites, often using one side of such a pairing to explain the other.¹¹⁹ Thus, Milton uses divorce to explain the true nature of marriage. Further, Cable explains that this concept of opposites dwelling in necessary and complementary unions has, in Milton's philosophy, existed from the beginning and may be seen not only in marriage and divorce, but also in the most basic elements, such as light and darkness, liberty and bondage, and health and sickness. Neither can either element, positive or negative, be understood without the presence of its opposite. Cable's thesis also explains why many have such difficulty penetrating Milton's logic: "Milton does not compose his tract as a carefully reasoned persuasion, classically aimed at winning the confidence and ultimately the convictions of his audience. Rather, his strategy is to marshal his arguments into tactical preparedness and then demonstrate, point by point, their prowess."¹²⁰ That is to say, Milton's

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¹¹⁷ As opposed to McCready's argument that Milton's is a casuistic cause, for his sake alone. In the first half of her article, McCready discusses the roles of the confessor and confessee. McCready herself betrays this 'place' in herself when, in a footnote near the end of her article she explains, "In short, my analyses of conscience throughout Milton's writings lead me to interpret the primary force behind the divorce tracts as Milton's conscience, not his desire to be freed from his wife. If his conscience had told him that his misery was a trial to be endured, I think that Milton would have obeyed it" (p. 426, n.105). McCready's casuistic scholarship may have found Milton a casuist, but her conscience dictates that she declare it a belief ("I think that...") rather than a truth.

¹¹⁸ Lana Cable, "Coupling Logic and Milton's Doctrine of Divorce," Milton Studies XV (1981): 143-159. (Hereafter referred to as "Cable.")

¹¹⁹ I do not agree with many of Cable's secondary conclusions. She mistakenly equates "the Law of God" with "that holy seed," and the "mariagebed" with Scripture in the quotation on page 150, and from such mistakes she extrapolates an unfortunate set of assumptions about the nature of Milton's vision of God. "To the ineffable workings of the Supreme Being, Milton ascribes precisely that copulative act which the pharisées idolize, and Milton himself debunks, as the prime end of marriage." Further, she falls short on Milton's use of "fornication," analyzing the English word, rather than beginning from the Greek, ἁρπαζω, which is Milton's stated intention. Nevertheless, her conclusions regarding the pairing of opposites in order to attain complete definitions are, as discussed above, I think, accurate.

¹²⁰ Cable, 144.
logic, and his principles, are in place before the beginning of his printed argument. Indeed, the argument arises from the principles, not vice versa.

Cable demonstrates how this principle of complementary opposites underpins Milton's argument, without Milton ever explicitly stating so. He teaches by demonstration rather than by simple statement. We have found, in exactly the same manner, Milton's unstated reliance on the concept of beginnings and origins as justification for the principles upon which his divorce argument is built. Milton also holds, as Cable argues, that the only way men can demonstrate their worthiness of a truth is to "expound" that truth. They must make the truth or reason, of a law, doctrine, or principle work by demonstrating it as it was originally intended, just as Milton himself has explained the true nature of marriage by demonstrating its critical reliance upon divorce, as it has existed from the beginning. The deed matters, not the word; worthiness lies in textual demonstration, not in mere statement. Nor does Cable miss Milton's example of the divorsive principle preceding the coupling principle, when God separated the "unfitly" combined elements of Chaos, prior to creation, before recombining them in the original creative act.

Milton's hermeneutics, both in general and as they appear in the divorce tracts, need more critical attention. Much of the recent academic focus on these tracts has related to issues of gender, or to Milton's views regarding the marital institution. These matters are, I believe, derivative rather than central to the tracts. Ostensibly Milton is discussing divorce; fundamentally, he is debating the origins and role of law, and the interpretability of Scripture.

Proof of this, as the subsequent chapters will show, is that the divorce argument remains basically the same through the remainder of the tracts, but the arguments relating to law and individual liberty, arguments which could not have evolved without the hermeneutic work of The Doctrine and Discipline, develop radically.

8. Conclusions

With the publication of the second edition of The Doctrine and Discipline, Milton completed the presentation of an argument whose essence would not change. The logical elements had all been laid out, as had the basic principles which underlay the sorting and presentation of those elements. The purely exegetical tools are orthodox, but Milton's hermeneutics depend upon a set of fundamental principles which he finds have been in place from the beginning of God's revelation of Himself to mankind, but which have sadly been lost, now to be "restored to the good of both sexes."

Milton himself, however, problematizes this understanding of hermeneutics. He may espouse a theory in which the judgement of the individual exegete is paramount, but he also declares that not all exegetes are created equal, and that there are very few who are worthy to perform the hermeneutic process reliably, especially in difficult instances. Milton is, of course, considering himself one of those few. There is no malice in this declaration; it is simply a reaction to the ferocity and apparent ignorance of his opposition, despite what seemed to him the reasonable and obvious nature of his thesis.

Nevertheless, the second edition of The Doctrine and Discipline did not prove a sufficiently clear demonstration of Milton's hermeneutic principles, either for his audience or for himself.
Hermeneutic ability may be a gift from God, but the worthiness of such a gift lies in its demonstration, and so Milton continued on in his own demonstrations with three more divorce tracts, as though proving his argument worthy not only to his audience but to himself as well. In these subsequent tracts, the principles which underpin his argument may not change, but his understanding of them deepens and broadens.
9. APPENDIX: The Six Central Scriptural Passages

So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth. (Genesis 1.27-28)

And the LORD God said, It is not good that the man should be alone; I will make him an help meet for him. And out of the ground the LORD God formed every beast of the field, and every fowl of the air; and brought them unto Adam to see what he would call them: and whatsoever Adam called every living creature, that was the name thereof. And Adam gave names to all cattle, and to the fowl of the air, and to every beast of the field; but for Adam there was not found an help meet for him. And the LORD God caused a deep sleep to fall upon Adam, and he slept: and he took one of his ribs, and closed up the flesh instead thereof; And the rib, which the LORD God had taken from man, made he a woman, and brought her unto the man. And Adam said, This is now bone of my bones, and flesh of my flesh: she shall be called Woman, because she was taken out of Man. Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh. (Genesis 2.18-24)

When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleaness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house. And when she is departed out of his house, she may go and be another man's wife. And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife; Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination before the LORD: and thou shalt not cause the land to sin, which the LORD thy God giveth thee for an inheritance. (Deuteronomy 24.1-4)

It hath been said, Whosoever shall put away his wife, let him give her a writing of divorcement: But I say unto you, That whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery. (Matt 5:31-32)

The Pharisees also came unto him, tempting him, and saying unto him, Is it lawful for a man to put away his wife for every cause? And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female, And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away? He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so. And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another,
committeth adultery: and whoso marrieth her which is put away doth commit adultery.
(Matthew 19. 3-11)

And unto the married I command, yet not I, but the Lord, Let not the wife depart from her husband: But and if she depart, let her remain unmarried or be reconciled to her husband: and let not the husband put away his wife. But to the rest speak I, not the Lord: If any brother hath a wife that believeth not, and she be pleased to dwell with him, let him not put her away. And the woman which hath an husband that believeth not, and if he be pleased to dwell with her, let her not leave him. For the unbelieving husband is sanctified by the wife, and the unbelieving wife is sanctified by the husband: else were your children unclean; but now are they holy. But if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases: but God hath called us to peace. For what knowest thou, O wife, whether thou shalt save thy husband? or how knowest thou, O man, whether thou shalt save thy wife? (I Corinthians 7:10-16)
CHAPTER II:

The Judgement of Martin Bucer

The Cause of Truth

Servant of God, well done, well hast thou fought
The better fight, who single hast maintaine'd
Against revolted multitudes the Cause
Of Truth, in word mightier then they in Armes;
And for the testimonie of Truth hast born
Universal reproach, far worse to bear
Then violence: for this was all thy care
To stand approv'd in sight of God, though Worlds
Judg'd thee perverse: the easier conquest now
Remains thee, aided by this host of friends,
Back on thy foes more glorious to return
Then scornd thou didst depart, and to subdue
By force, who reason for thir Law refuse,
Right reason for thir Law, and for thir King
Messiah, who by right of merit Reigns.

Paradise Lost, VI, 29-42 (1674)
1. Introduction

The second of Milton's divorce pamphlets, *The Judgement of Martin Bucer,* was published on August 6th, 1644, a year and a week after the first edition of *The Doctrine and Discipline of Divorce,* and just six months after the much revised second edition. This new and independent tract on divorce does little to advance Milton's divorce argument, *per se,* for it is little more than selections from Bucer's *De regno christi* which Milton has chosen to translate into English as a reiteration of conclusions already argued in *The Doctrine and Discipline.* Nevertheless, Bucer's work on marriage and divorce has an amazing congruence with Milton's own views, despite the fact that Bucer's work was published some eighty years prior to Milton's, and despite the fact that Milton's work was developed (according to Milton) with complete independence from Bucer's views. Milton's point in re-presenting Bucer in English is that there are eminent and highly learned reformers who have historically agreed with his claims concerning divorce, yet the body of the Christian church in general, and of the English church in particular, has continued in a short-sighted, self-limiting, and disobedient stance which refuses divorce to couples unhappily wed. Ultimately, the tract is a skillful rhetorical manipulation, not of the particulars of the argument, but of the forum of the whole controversy: through using Martin Bucer as a means to justify his own argument on divorce, the tract opens up the examination of Milton's hermeneutics to historical sources; it contributes toward our understanding of Milton's vision of himself as a prophet; finally, it illustrates more clearly than *The Doctrine and Discipline* the effect which his critics had on his sense of suffering and isolation. By the end of its forty pages, *Martin Bucer*

122 The chosen text of *The Judgement of Martin Bucer* is that of the first edition as available in the Yale Complete Prose Works of John Milton, Volume II, 421-479 (Hereafter referred to as “Martin Bucer” and “CPW” respectively).

123 References to *The Doctrine and Discipline of Divorce* in this chapter will be to the text reprinted in *CPW* II, 221-356 (Hereafter referred to as “The Doctrine and Discipline”).
situates the divorce argument in the eternity of God's great truth, and places Milton shoulder to shoulder with the greatest advocates and defenders of this truth, in this age or any other.

Why Milton, a polemicist who constantly proclaims his independence of thought, bothered to send Martin Bucer to press is, initially, hard to determine. The tract does very little to advance his argument, or to answer any of his critics. Perhaps the best answer to the conundrum is multifaceted. One facet seems to lie simply in timing, for Milton was busy with other projects (his short tract Of Education went to press two months earlier, on June 4th). Six months had passed between the two editions of The Doctrine and Discipline, and another six months later, Martin Bucer was published. Perhaps Milton had been advised by a friend, or by his printer, Matthew Simmons, to maintain a "six month cadence" between polemical releases, lest he allow the public's attention to wane. After all, Milton's intention was not simply to state his case, but to force Parliament to change the divorce laws.

The very fact that Martin Bucer is a translation from Latin into English has its own significance. Latin may have been the language of scholarly discussion, but Milton chose English for an audience comprised not only of the better-educated Parliament, but the much larger body of the less-educated public whose collective voice could, ideally, sway Parliament.

The form of Martin Bucer bespeaks the intense pressure and haste under which Milton was writing. The tract is not an anealt of all those authors who had written over the centuries in support of divorce, but a carefully selected translation of a single author, an effort which involves much less time. Excepting the preface and postscript, Milton follows Bucer's own path, reproducing, as he goes along, Bucer's own chapter divisions and, when sufficient, replacing Bucer's own text with a single summarizing sentence. Portions of Bucer's work which may be at
odds with Milton's argument are elided, as are whole chunks of text deemed less relevant. In other words, Martin Bucer has all the marks of careful haste.124

Such haste was certainly necessary if Milton's work was to remain visible amidst the incessant political and military upheaval of the early to mid 1640s. Martin Bucer was, therefore, an effort not only to shore up his own argument with eminent support, but to fan the flames of controversy. Further, its audience was not only Parliament (to whom the tract is dedicated) but the general reading public as well, whose attention would have been constantly drawn away by the ongoing battle between Parliament and Royalist armies. Already, by July of 1644 alone, the Scottish army had crossed the border, Fairfax had defeated the Irish Royalists at Nantwich, Royalists had defeated Waller at Cropredy Bridge, York had surrendered to Parliament, and Cromwell had defeated Prince Rupert's army at the pivotal battle of Marston Moor. Despite Milton's claim that a healthy commonwealth can only be built on a foundation of happily married households, the unfanned flames of so domestic a question as divorce threatened to pale next to such alarming military matters.

Both Masson and Parker point out another possible motive for Milton's tract: a desire to impress his divorce argument even more firmly on the divines of the Westminster Assembly by noting that, while they frequently express admiration for both Bucer himself and for his opinions, they have failed to recognize his position with regard to divorce, and that this failure points up a hypocrisy which should shame them into a reconsideration of Milton's own offerings on the

124 The work of translating was difficult in itself, for Bucer's De regno christi is "written in the Latin style common to most of the divines of the sixteenth century, ... which is substantially that of the great scholastics of the thirteenth century, and quite different from the compressed periods of a Cicero or a Tacitus. ... Milton must have found the style of Bucer often prolix, loose, and graceless." See Arnold Williams's essay, "Milton as Translator," CPW II, Appendix D, 808.
The title page of the second edition of The Doctrine and Discipline addresses the tract to Parliament and the Westminster Assembly, while the title page of Martin Bucer honours only Parliament; the two biographers read this as Milton's intentional slighting of the Westminster Assembly, when combined with the title page's scriptural passage, John 3:10: "Art thou a teacher of Israel, and know'st not these things?" Although the infamous sermon of Herbert Palmer (a member of the Westminster Assembly) would not be delivered for another week, by the time of the publication of Martin Bucer, Milton had obviously been forced to bear both written and vocal abuse for his views.

This, then, an atmosphere of growing controversy, is the forum into which Milton released his next divorce tract. Favourable reception has been sparse, whereas opposition has been rife. Reflecting this situation, Milton does not attempt to expand the conflict but remains focussed on the single question of divorce; and with regard to divorce, his basic argument does not change from The Doctrine and Discipline to Martin Bucer. Situating himself so closely to an historical figure, however, shifts his position from one of a purely contemporary controversialist to one of more historical significance. Milton posits that the question of divorce has been misconceived in the Christian Church at large for millennia, that a few good men, including himself, have recognized this and have spoken to the question, and that it is best for all that he illustrate the

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125 There is another irony which both Masson and Parker miss. Bucer is a very apt choice for Milton in his case for matrimonial flexibility, and for more than his divorce arguments or his hermeneutics. Bucer himself had a colourful marital history, something Milton could not have known. While Bucer did not suffer marital collapse, he did marry twice, (and was one of the first Catholic priests to do so in defiance of Rome.) His first marriage ended only when his wife (and mother of at least thirteen) died of the plague in 1542. Before her death, Elizabeth urged him to marry again, even naming her successor. Bucer acceded to her wishes and married Wibrandis Rosenblatt, the former wife of both Johannes Oecolampadius and, later, Wolfgang Capito (Capito married her at Bucer's urging) making this rather remarkable woman the successive wife of three of the reformation's most prominent thinkers. Bucer was her last husband and she travelled to England with him, was with him at his death, and survived him by only two years.

126 See Appendix A.
historical context not only of his argument but also of the principles which underlie that argument.

2. Hermeneutics

As noted, Milton presents no new hermeneutic principles in Martin Bucer. Perhaps this is to be expected, as he was looking to Bucer for support through reiteration rather than through elaboration. Bucer's work does nothing to advance the argument *per se*, and while Milton must have been delighted to have uncovered agreement with his own views in so eminent a reformer, the lack of focus on hermeneutics reveals important attitudes relating to Milton's hermeneutic "archaism."  

Milton selected passages from the *De regno christi* which he deemed pertinent and most advantageous, and rendered them directly into English from Bucer's notoriously difficult Latin, or gave a paraphrastic translation. Nevertheless, while the chosen passages seem almost to echo his own words, they do little to clarify or expand any of his points. Other than that of divorce in general, they do not delve into any of the most controversial points of *The Doctrine and Discipline*: Bucer does not discuss, at least in the selection which Milton presents, the disputed passage in Malachi, or Milton's assertion that Christ in Matthew 19 is teaching only the Pharisees and not the divorce question *in toto*. The chosen passages do repeat many of the same conclusions at which Milton arrives, however, as well as re-affirming the basic hermeneutic

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127 Milton's originalism, or reversion to beginnings for authority or justification, while "atavistic," or temporally backwards, in direction, aims at concepts rather than simple ancestors, (atavism derives from "avus," Latin for grandfather, or "atavus" great-grandfather's grandfather). The terms "protologism" and "archaism" will now be used to indicate "first word or reason," and "protologic" and "archaic" as the direction or intention toward originalism.

128 Consider, for example, this comment by Wilhelm Pauck, translator of portions of the *De regno christi* for Melanchthon and Bucer (Philadelphia: Westminster Press, 1969). "It may here be remarked that Bucer, who worked hastily and produced much in an astonishingly short time, wrote in an extraordinarily prolix, wordy, and repetitious style, thus causing considerable difficulty for his modern translators."
premises upon which these points depend. The implication is that Milton has no quibbles with Bucer's own hermeneutics and that he subscribes to the Reformed protestant hermeneutic tradition of which Bucer considered himself a part.

Bucer does assert that the unity of scriptural instruction must supersede the authority of any apparently divergent passage, and that what Christ was teaching in Matthew must be read in conjunction with all other scriptural passages relevant to that question. As well, without using the same particular terminology as Milton's regarding the principle of Charity, Bucer asserts that God's goodwill must win out when one interprets Scripture on such difficult matters as divorce:

Now what the Lord permitted to his first-borne people, that certainly he could not forbid to his own among the Gentils, whom he made coheires and into one body with his people, nor could he ever permit, much lesse command ought that was not good for them, at least so us'd, as he commanded.129

Milton's choice of passages from the De regno reiterates other, more fundamental hermeneutic principles which he himself had espoused in The Doctrine and Discipline. The most obvious, and that most frequently voiced by Bucer, is of scriptural consistency, or the "analogy of faith": despite the apparent literal meaning of Matthew 19. 8-9, God would not have declared divorce permissible in Deuteronomy and impermissible in Matthew. This basic point is affirmed in what Milton terms Bucer's "four axioms":

1. Christ could not condemn for adultery that practice of divorce which he had already permitted. What was allowed to the Hebrews in Deuteronomy must be allowed in Matthew to the Christians, for Christ did not abolish any part of the law that was given to the Hebrews, but taught us, rather, to understand its true intent.

2. Christ did not intend to make new laws or to modify the laws of the nations, so far as these laws are righteous, fair-minded, and promote public decency.

129 CPW II, 455.
3. "That it is wicked to strain the words of Christ beyond thir purpose." I.e., one must not draw conclusions from the words of Christ which he did not intend when he spoke them.

4. "All places of Scripture about the same thing are to be joyn'd, and compar'd, to avoid contradictions." The analogy of faith obtains.\(^{130}\)

There is nothing herein which expands on what Milton had already argued in *The Doctrine and Discipline*. The third point roughly asserts what Milton had said in his complaints against literalism, and in the need for students to read Christ's words with interpretive flexibility.

What then is Milton saying about hermeneutic principles, and what may be gleaned which will enlighten our hermeneutic search? Only one of the principles which we have examined receives mention in Milton's own Preface, that of the "analogy of faith," or the need to compare all pertinent scriptures before passing judgment:

> Next, there being yet among many, such a strange iniquity and perversnes against all necessary divorce, while they will needs expound the words of our Saviour not duly by comparing other places, as they must doe in the resolving of a hunder'd other Scriptures, but by persisting deafely in the abrupt and Papistical way of a literal apprehension against the direct analogy of sense, reason, law and Gospel, it therafore may well seem more then time to apply the sound and holy persuasions of this Apostolic man.\(^{131}\)

Exposition of one text requires comparison with all other areas in Scripture which discuss the same matter: this principle is fundamental, though "perversely" ignored by his opponents. The last phrase of the quotation echoes the four "great directors" of *The Doctrine and Discipline*. The argument can be made that "sense" must represent the reactions of some internal voice, which is basically how Milton describes "faultles proprieties of [human] nature" in the second edition of *The Doctrine and Discipline*.\(^{132}\) By the same logical plasticity, "law" corresponds to "good example" in that laws are based on, and buttressed by, historical precedent. True to the

\(^{130}\) CPW II, 454-7.

\(^{131}\) Ibid, 431.

\(^{132}\) Ibid, 237.
meaning of "analogy," the words do not match literally, and the relationship is more one of proportion than exactitude, but the point is obvious: his opponents' argument, "papistical" rather than reformed, is "unsound" and "unholy," and against "Apostolic" teachings, for it is constructed in ignorance of ancient principles intrinsic to the "sound and holy persuasions" of the messengers of God.

i. Historical Hermeneutics: Augustine

From the beginning of his involvement in the divorce controversy, Milton removed himself from his own religious community, or climate, when he protested against the errors of custom and tradition. He also demanded, even earlier in 1641, a divorce from the greater part of that exegetical community whose influence had spanned the centuries since the establishment of a Christian hermeneutic tradition.

Whatsoever time, or the heedlesse hand of blind chance, hath drawne down from of old to this present, in her huge dragnet, whether Fish, or Sea-weed, Shells, or Shrubbs, unpickt, unchosen, those are the Fathers. Seeing therfore some men, deeply conversant in Bookes, have had so little care of late to give the world a better account of their reading, then by divulging needlesse tractats stuff't with specious names of Ignatius, and Polycarpus, with fragments of old Martyrologies, and legends, to distract, and stagger the multitude of credulous readers, & mislead them from their strong guards, and places of safety under the tuition of holy writ, it came into my thoughts to perswade my selfe, setting all distances, and nice respects aside, that I could do Religion, and my Country no better service for the time then doing my utmost endeavour to recall the people of GOD from this vaine forraging after straw, and to reduce them to their firme stations under the standard of the Gospell: by making appeare to them, first the insufficiency, next the inconvenience, and lastly the impiety of these gay testimonies, that their great Doctors would bring them to dote on.133

Unfortunately for Milton, such a divorce was not entirely possible, for hermeneutic principles which he embraced had been valorized from almost the beginning of the Christian tradition. One

need look no further than Augustine's *De doctrina christiana* for hermeneutic principles which Milton would later espouse. For instance, as regards the consistency of Scripture, Augustine says in Book I:

> It often happens that by thoughtlessly asserting something that the author did not mean an interpreter runs up against other things which cannot be reconciled with that original idea. If he agrees that these things are true and certain, his original interpretation could not possibly be true, and by cherishing his own idea he comes in some strange way to be more displeased with scripture than with himself.  

In Book II of his *De doctrina christiana*, Augustine reiterates the same point more positively:

> It is a wonderful and beneficial thing that the Holy Spirit organized the holy scripture so as to satisfy hunger by means of its plainer passages and remove boredom by means of its obscurer ones. Virtually nothing is unearthed from these obscurities which cannot be found quite plainly expressed somewhere else.

Regarding the use of original scriptural languages, Milton again agrees with Augustine, who holds that not only is meaning lost in translation, but that a plethora of translations, while useful in some ways, nevertheless muddies the semantic waters.

An important antidote to the ignorance of literal signs is the knowledge of languages. Users of the Latin language — and it is these that I have now undertaken to instruct — need two others, Hebrew and Greek, for an understanding of the divine scriptures, so that recourse may be had to the original versions if any uncertainty arises from the infinite variety of Latin translators. ... There are certain words in particular languages which just cannot be translated into the idioms of another language. ... But it is not because of these few words, which it is easy enough to note down and ask other people about, but because of the aforementioned diversity of translators that a knowledge of languages is necessary. Translators of scripture from Hebrew into Greek can be easily counted, but not so translators into Latin, for in the early days of the faith any person who got hold of a Greek manuscript and fancied that he had some ability in the two languages went ahead and translated it.

Milton asserts that “good examples” are a useful hermeneutic tool, and his use of “examples” extends outside Christian history to secular sources. Such illustrations are

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135 Ibid, 63.
136 Ibid, 73.
acceptable because the principles which underlie the individual situations are identical with the
principles upon which the Christian argument is based. Augustine had espoused secular
exemplarism many centuries earlier.

We were not wrong to learn the alphabet just because they say that the god
Mercury was its patron, nor should we avoid justice and virtue just because they
dedicated temples to justice and virtue and preferred to honour these values not in
their minds, but in the form of stones. A person who is a good and a true
Christian should realize that truth belongs to his Lord, wherever it is found,
gathering and acknowledging it even in pagan literature.\textsuperscript{137}

Milton argues no more than what Augustine himself had asserted when he says that
Charity is the fundamental hermeneutic principle upon which all interpretations of Scripture
must be based, that Charity was in place from the beginning, when God created mankind, and
that Charity, as an eternal principle, stands outside the temporal aspects of Scripture.

There is this important difference between temporal things and eternal things:
something temporal is loved more before it is possessed, but will lose its appeal
when attained, for it does not satisfy the soul, whose true and certain abode is
eternity. The eternal, on the other hand, is loved more passionately when
obtained than when desired. \ldots Therefore a person strengthened by faith, hope,
and love, and who steadfastly holds on to them, has no need of the scriptures
except to instruct others. That is why many people, relying on these three things,
actually live in solitude without any texts of the scriptures. By these devices (so
to speak) such an edifice of faith, hope, and love has been built in \{those
believers\} that they do not seek what is imperfect, for they hold what is perfect. \ldots
This is why scripture says, 'there remain faith, hope, and love, these three; the
greatest of these is love'. \ldots So when someone has learnt that the aim of the
commandment is 'love from a pure heart, and good conscience and genuine faith',
he will be ready to relate every interpretation of the holy scriptures to these three
things and may approach the task of handling these books with confidence.\textsuperscript{138}

The basic hermeneutic principles of scriptural exegesis are ancient, and those which Milton
involves in his own analysis of scriptural texts have varied little over the centuries. Rather than
the principles themselves, their application has been the source of error, and nowhere more so
than in the traditions of the Roman Catholic Church, the body responsible for England's current

\textsuperscript{137} Augustine, \textit{De doctrina christiana}, 91.
\textsuperscript{138} Ibid, 53.
divorce laws. Milton does not, however, acknowledge the fact that the principles of hermeneutics are timeless, nor should he. Indeed, to argue hermeneutics would be to make them an active element of the controversy, and they are not. These principles are unchanging, irrefutable, and derived from Scripture. Derived from the inspired word of God himself, they have been donated to mankind by God and are above repute.

Careless exegetes have forgotten or ignored these timeless hermeneutic principles, and have been misled in their application of Scripture to the divorce question. Milton notes this deficiency on Martin Bucer’s title page when he cites the words of Christ to the Pharisee Nicodemus: “Art thou a teacher of Israel, and know'st not these things?” Christ was explaining basic principles to a doubting or confused audience, as was Bucer, and as Bucer’s knowledge of Scripture was beyond question, so were his hermeneutics. Milton has based his argument on these same hermeneutic principles and endeavours to establish here an identity in concert with Bucer’s which will lend him authority by historical association.

ii: The Orthodoxy of Bucer’s own Hermeneutics

The hermeneutics of Martin Bucer himself warrant examination, for, were they irregular, Milton would be guilty of a careless choice. With regard to hermeneutic principles in particular, there is a surprising, though not complete, agreement between Milton's and Bucer's views. Many of Bucer's writings on divorce were not available to Milton, being either unpublished, or available only as tracts in very limited numbers in and around Strasbourg (which Milton never visited), and so Milton may not have been aware of the fullness of this agreement, having access
to only (so far as we know) the *De regno christi*.\textsuperscript{139} Like Milton, Bucer takes the Bible as "his starting point and norm.\textsuperscript{140} Bucer's studies, true to reformed Protestant scholarly principles, intend not to justify earlier, traditional positions, but to carefully search Scripture for what it alone says, and to suggest from these discoveries where a reformation of public or church life is needed. Milton says the same thing in *The Doctrine and Discipline*, defying the errors of custom and temporal authority in favour of the eternal truths of God's word.\textsuperscript{141}

Milton and Bucer oppose both literalism (Selderhuis calls it "biblicism") and allegoric interpretation, advising that when the text is difficult, the problem is not with the text but with the student.\textsuperscript{142} Such a view may seem self-contradictory: how can one be both anti-allegorical and anti-literal? Their anti-literalism is not tacit agreement with allegorical interpretation, for they do not hold with the four-fold scholastic division of meaning into the allegorical, tropological, anagogical and literal. Αλληγορία, in Heraclitus's *Quaestiones Homerice*, is defined as "description of a subject under the guise of some other subject of aptly suggestive resemblance." (OED) For Milton, a word means what it means, and not "some other subject." The context of a word's utterance may, however, be critical to discovery of that meaning, and, when a word or passage is obscure, comparison with other passages discussing the same or

\textsuperscript{139} For much of what follows I am indebted to H. J. Selderhuis's *Marriage and Divorce in the Thought of Martin Bucer* (Kirksville: Sixteenth Century Essays and Studies, 1999). (Hereafter referred to as "Selderhuis").

\textsuperscript{140} Selderhuis, 272.

\textsuperscript{141} "To persue the Allegory, Custome being but a meer face, as Eccho is a meere voice, rests not in her accomplishmest, untill by secret inclination, shee accorporat her selfe with error, who being a blind and Serpentine body without a head, willingly accepts what he wants, and supplies what her incompleатnesse went seeking. Hence it is, that Error supports Custome, Custome count'nances Error. And these two betweene them would persecute and chase away all truth and solid wisdome out of humane life, were it not that God, rather then man, once in many ages, calles together the prudent and Religious counsels of men, deputed to represse the encroachments, and to worke off the inveterate blots and obscurities wrought upon our mindests by the sulttle insinuating of Error and Custome: Who with the numerous and vulgar train of their followers, make it their chiefe designe to envie and cry-down the industry of free reasoning, under the terms of humor, and innovation; as if the womb of teeming Truth were to be clos'd up, if shee presume to bring forth ought, that sorts not with their unchew'd notions and suppositions." CPW II, 223-4.

\textsuperscript{142} For a summary of the hermeneutic aspects of Bucer's divorce arguments, see Selderhuis, 272-87.
similar matters is therefore necessary. The allegorical plasticity of scholastic hermeneutics ventured into the fanciful or fantastical, and this was too far afield for Bucer and Milton. When textual obscurity requires interpretative flexibility, they teach that a reader resort to the basic Protestant principles which underlie all Scripture, such as scriptural consistency, the “analogy of faith,” and God’s eternal and unchanging will. The point is not, therefore, that the absolute letter of the law be followed, but that its intent be realized. If Christ says, “What therefore God hath joined together, let not man put asunder,” the words must be understood in their semantic context, relative to the time, the place, and the audience of Christ’s speaking. On this point, Bucer agrees with Milton, that Scripture must be read with appreciation for the customs, the character, and the circumstances of the specific textual situation. By this means, Milton could argue that Christ spoke in Matthew 19. 8-9 only to the Pharisees and to pharisaic hypocrisy. Despite the prevailing perspicuity of the Bible, therefore, students must apply themselves to secondary, scholarly studies in order that they be able, like Bucer and Milton, to resort, for example, to the original Hebrew and Greek texts.

Selderhuis lists three rules which he has derived from Bucer’s writings, each of which agrees closely with what Milton has already discussed in The Doctrine and Discipline. The first says that specific words and specific situations in Scripture must be understood to apply to that particularity first, and may not be intended to apply generally to all Scripture. The second of Selderhuis’s points is more important for our purposes, and will therefore be cited verbatim:

143 Another good discussion of these principles, to complement those of Farrar and Rogers & McKim, is in Christopher Ocker’s Biblical Poetics Before Humanism and Reformation (Cambridge: Cambridge UP, 2002).

144 While this “distinction of times” had already been observed by Augustine, among others, Selderhuis notes (p. 274) that Bucer took these criteria from Erasmus, who in his annotations on 1 Cor. 7 says: “Excutiamus, quando, quibus, qua occasione dictum sit, ac fortassis veram germanamque sententiam deprehendemus.” Erasmus, Opera Omnia, (Leiden edition) 1704, 6:695F.

145 For comments on Bucer’s strengths with the Hebrew language, and with rabbinic scholarship, see pp. 73-74 of G. Lloyd Jones, The Discovery of Hebrew in Tudor England (Manchester: Manchester UP, 1983).
2. In interpreting a passage the interpreter must bear in mind the focus of the teaching (*scopus doctrinae*). As we saw earlier, the goodness of God, i.e. the conviction that God is the highest good (*sumnum bonum*), comes to expression in his words and laws. The purpose of God's word, accordingly, is the advancement of a pious and honorable life. All God's ordinances aim at the well-being and salvation of humanity and, by implication, at combating and preventing the sins which bring a person into judgment. In the interpretation of texts on marriage and divorce this [principle] means that a given statement in Scripture can never be intended to bring about seduction or even coercion into sin. Every commandment is meant for the good of humans so that it can never be properly construed to mean that marriage is denied to a person who really needs it to live an honorable life.¹⁴⁶

While Selderhuis does refer very briefly to Milton's work near the end of his book, he does not seem to have read Martin Bucer, or he would undoubtedly have emended his last sentence to have read, "so that it can never be properly construed to mean that marriage or divorce is denied to a person who really needs it to live an honorable life." This second point agrees succinctly with that critical hermeneutic principle of Milton's, Charity, and needs only to expand from declaring God's word to intend the good of mankind, to declaring God to intend the good of mankind; this is, however, more a point of semantics, for God has expressed himself to mankind through, among other means, Scripture.

The third point deals with the "analogy of faith" and Selderhuis again cites Bucer's agreement with Erasmus in stating that one must not stop one's exegesis at the letter of the text, but continue into the *sensus germanus*: "In his omnibus illud oportet perpetuum esse Concionatoris et votum et studium, ut germanum sensum assequatur..."¹⁴⁷ When the student is unsure of God's intention in a specific passage, Bucer draws again on Erasmus, stating that the

¹⁴⁶ Selderhuis, 275.
¹⁴⁷ Erasmus, *Opera Omnia* (Leiden), 1704, 5:1019D-E.
answer can only be found by consulting all pertinent scriptural data: “Ut sint scripturæ loca interpretanda, nempe, ut neququam elementis inhaæremus, sed consultis et locis aliis.”

In order to more fully examine Bucer's hermeneutics as they find development in the entire range of his views on marriage and divorce, Selderhuis trisects his analysis into an examination of their theological, christological, and pneumatological aspects, noting, cleverly, that this will best accommodate the specifically “trinitarian” nature of Bucer's theology. Each of these three aspects coincides with a vital aspect of Milton's hermeneutics, despite Milton's later denial of the Trinity.

Selderhuis’s theological analysis of Bucer's hermeneutics (corresponding to God the Father in his tripartite examination) reveals the most important aspect of Milton's own argument for divorce, the unity of Scripture. God is one and unchanging through all time, and so his rulings are also unchanging. He would not, therefore, have permitted divorce in Moses’s times, and forbidden it in Christ’s, or in our own. This very understanding demands both Bucer's and Milton's re-evaluation of Christ's words in Matthew, for while various texts may seem to contradict each other, this is only a seeming and not an actual condition.

The unity of God and of his laws brings Selderhuis to his christological analysis (corresponding to the Son), in which Bucer states, as does Milton, that Christ did not come to abolish the law, but to illuminate the law. Provisions made for the Hebrews are, therefore, also made for Christians, especially when they concern civil laws. Bucer holds, however, that the law which Christ will not abolish is the law which he himself gave to the people of Israel. Milton does not assert that Christ provided the Mosaic law, and in this respect differs significantly from

\[148\] Cited by Selderhuis as, “[Bucer,] Enarrationes perpetuae in sacra quatuor Evangelia... Strasbourg, 1530. (Bibl., no. 17).”
Bucer. Milton's only assertion with regard to Christ and the law is that Christ did not come to change one “jot or tittle” of that law.

Selderhuis's pneumatological analysis (corresponding to the third aspect of the Trinity) examines Bucer on the role of the Holy Spirit in relation both to the student and to the text itself. With regard to the former, Bucer and Milton agree completely. The Spirit guides a student to an understanding of Scripture, but this does not obviate a need for scholarship; no student with the Spirit guiding, but without study, can completely interpret Scripture. Original languages and an understanding of the world from which Scripture arises are both necessary to the exegetical process. As well, a student must be competent in the technique of scriptural comparative analysis.

With regard to the relationship between the Spirit and the text, Bucer rejects Erasmus's views favouring an allegorical interpretation of difficult texts, holding instead that a meaning lies within a text, rather than behind: "Allegoricas igitur istas nugas, ut optarim nullum prorsus locum in Ecclesiis habere, ita nullas uspiam adhibui."149 The Spirit vivifies the text, and without it the text is merely a collection of dead letters. This understanding of meaning lying always “within” a text, rather than sometimes “behind,” parallels another external/internal relationship which has specific bearing on Milton's own arguments regarding divorce. Like Milton, Bucer holds that the true nature of marriage lies in the private and internal love relationship between the conjoined couple, not in that relationship which is alone apparent to external observers, that of a legal nature. Once the love between a couple has broken down, a marriage has collapsed and, in essence, ceases to exist. As we saw in The Doctrine and Discipline, Milton repeatedly contends this very point, holding that only when the love in a marriage has dissolved can adultery, or any

149 Martin Bucer, Preface to Enarrationes perpetue in sacra quatuor Evangelia... (Strasbourg, 1530), p. 19. For Erasmus's hermeneutical theory, see Manfred Hoffman, Rhetoric and Theology: The Hermeneutics of Erasmus, (Toronto: U of Toronto P, 1994).
other violations to the bond, occur. With this dissolution, divorce is a legal formality, rather than a radical alteration.\textsuperscript{150}

Milton and Bucer are not in complete agreement on all points regarding divorce. For example, Bucer holds that divorce is the recourse of Christians whose faith is somehow deficient.

As we have shown earlier it is the case, to be sure, that Christians who have a true marriage (that is to say, who have a marriage partner who is both able and willing to do the things for which God instituted marriage) must never again think of divorce. Unfortunately, however, there are also many people who, though they pass for Christians, are not really Christians at heart or belong to the category of very weak Christians. Now the government, whose task it is to govern over the whole population, the majority of whom are still under the law, must deal with such non-Christians and weak Christians in such a way that this disease (their unchristian lifestyle) will do the least possible damage to the community and give a minimal amount of offense. In order to achieve this goal, a government must on occasion permit divorce in order that marriage will be maintained all the better. For God himself has given this order to his people, from whom he desired that it should pursue a holy and wholesome lifestyle.\textsuperscript{151}

Milton would adamantly oppose any such view which would call in question the integrity of his own faith. In \textit{The Doctrine and Discipline}, he states that a "most sanctify'd" Christian may be in faultless error when choosing a spouse, only to discover the mistake once the union has been instituted; this applies, as well, to both the man and the woman.

Lest the soul of a Christian which is inestimable, should be over-tempted and cast away, considering also that many properties of nature, which the power of regeneration it self never alters, may cause dislike of conversing even between the most sanctify'd, which continually grating in harsh tune together may breed some jarre and discord, and that end in rancor and strife, a thing so opposite both to mariage and to Christianitie, it would perhaps be lesse scandal to divorce a natural disparity, then to link violently together an unchristian dissention, committing two ensnared souls inevitably to kindle one another, not with the fire of love, but with a hatred \textit{inconcileable}.\textsuperscript{152}

\textsuperscript{150} Milton and Bucer are also similar in that they both examine a subject for the principles which subtend the apparent. This is true here, and harkens back to the point made in Chapter I that Milton's divorce argument itself is patterned after the interdependence of his hermeneutic principles. The strength of any argument, indeed the structure of any argument, is only as valid as the principles upon which it is based. Likewise, a marriage can only be as successful as the "private and internal love relationship" on which it depends.

\textsuperscript{151} Martin Bucer, \textit{Von der Ehe und Ehescheidung}, quoted as translated in Selderhuis, 271-2.

\textsuperscript{152} \textit{CPW} II, 279-80.
Another point of disagreement arises when Bucer states that every Bible text has as much authority as any other, for all of the Bible has but one divine author, the Holy Spirit. Bucer refers specifically to I Corinthians 7.12, a passage of interest to Milton as well.\(^{153}\) Bucer discounts Paul's claim that what he is about to say is not a command but a recommendation, for, as Bucer puts it, "The Holy Spirit, not Paul, wrote this entire letter. The Spirit only used Paul as his instrument."\(^{154}\) Milton argues in *The Doctrine and Discipline* that Paul is to be taken at his word.

But what shall we say then to St. Paul, who seems to bid us not divorce an Infidell willing to stay? We may safely say thus; that wrong collections have been hitherto made out of those words by modern Divines. His drift, as was heard before, is plain: not to command our stay in mariage with an Infidel, that had been a flat renouncing of the religious and morall Law; but to inform the *Corinthians* that the body of an unbeliever was not defiling, if his desire to live in Christian wedlock shewed any likelihood that his heart was opening to the faith: and therefore advises to forbear departure so long, till nothing have bin neglected to set forward a conversion: this I say he advises, and that with certain cautions; not commands: If we can take up so much credit for him, as to get him beleev'd upon his own word; for what is this els but his counsell in a thing indifferent, *to the rest speak I, not the Lord;* for though it be true that the Lord never spake it, yet from St. Pauls mouth wee should have took it as a command, had not himself forewarn'd us, and disclaim'd; which, notwithstanding if we shall still avouch to be a command, he palpably denying it, this is not to expound St. Paul, but to outface him.\(^{155}\)

Bucer's influence on Milton is noted by Selderhuis in the penultimate paragraph of his study, a passage typical of recent scholarly attitudes toward Milton's divorce work.

So as to promote the reading of the book Milton made a rather free translation and omitted certain passages that, in his opinion, could be dispensed with and added a translation of the lengthy passage on divorce from Bucer's commentary on Matthew 5. ... Noteworthy is that where others thought that Bucer would have reconsidered his proposals had he lived longer, Milton assumes the position that if from his place in heaven Bucer was aware of the things that go on here on earth he would certainly not be sorry if his views were put into practice in England.

\(^{153}\) See the text as reprinted as an appendix to Chapter I.
\(^{154}\) *De regno christi*, 202, in Selderhuis, 273.
\(^{155}\) *CPW* II, 265-66.
Milton had no difficulty agreeing with Bucer’s views, mainly, however, because his own marriage could be dissolved only on the grounds mentioned by Bucer! \(^{156}\)

“Milton had no difficulty agreeing with Bucer’s views” because they agreed with his own, and Milton’s marriage could only be dissolved if Parliament declared Milton’s arguments valid and passed the laws permitting divorce.

Milton claims in his Preface to Martin Bucer that the work of The Doctrine and Discipline was his own, and was not the result of another’s prior research or speculation. Nevertheless, such agreement of views between the two authors suggests, regardless of Milton’s protests to the contrary, some acquaintance with Bucer’s work prior to the composition of The Doctrine and Discipline. \(^{157}\) Short of relying on pure coincidence, rarely the resort of good scholarship, the reader must acknowledge the contradiction somehow. Unless one is willing, therefore, to accuse Milton of either plagiarism or of fabrication, the remarkable agreement of Bucer’s and Milton’s hermeneutic principles must be attributed to some other factor. Both Bucer and Milton, for example, express admiration for, and indebtedness to, Erasmus, which must explain some similarities; but then, how many other such authors might they share? Ernest Sirluck’s notes to his edition of The Doctrine and Discipline for the CPW repeatedly cite William Perkins, the Cambridge-educated Puritan divine and author of An Exposition of the Lord’s Prayer (1592) and

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\(^{156}\) Selderhuis, 372.

\(^{157}\) The matter of the “Postscript” to the Smectymnuan An Answer needs further research. Milton had no idea, of course, that his work would be as carefully scrutinized as history and his literary merit have deemed necessary. Some believe he is responsible for the “Postscript” (March, 1641) as discussed in Don M. Wolfe’s preface and notes to Appendix B, “A Postscript,” CPW 1, 961. If, however, Milton wrote “A Postscript,” then he had acquaintance not only with Bucer’s work, but with De regno christi in particular, for herein is not only a reference to Martin Bucer, but a translation from Bucer’s work. The short translated passage makes no reference to divorce, but nevertheless requires the question, how could Milton have known of this passage without having read De regno christi, and the passages on divorce? There are obvious explanations, such as that he knew of this passage in Bucer from another author’s reference to it, and only translated it because the Smectymnuan piece is in English. The Smectymnuan piece precedes the first of Milton’s divorce work by more than two years, and Martin Bucer by more than three: could Milton have forgotten? If one accepts, however, the arguments of Masson, Hale, Wolfe, et al., regarding Milton’s composition of “A Postscript”, profound questions follow.
Reformed Catholike (1597) who, as Selderhuis notes,\textsuperscript{158} seems influenced by Bucer. In short, the web of secondary influence is ultimately untraceable, but an undeniable influence, albeit at one remove.

There is no complete account of Milton's hermeneutic training, and it would make no sense to apply what he himself says in the *De doctrina christiana* to this case, for we must search for a verification external to Milton's own words, and for something earlier than the *De doctrina christiana*. Fletcher lists a number of works which Milton would have read prior to and during his stay at Cambridge, any combination of which could have given rise to Milton's hermeneutic views, for these texts were absolutely fundamental to Protestant religious education.\textsuperscript{159} Among them are copies of the Bible in various languages, and of the Hebrew scriptures, of various catechisms, including the Calvinist and the Ursinian, and of religious or devotional books, perhaps the most important of which were Lewis Bayly's *The Practise of Pietie* (1613) and Richard Rogers's *The Practise of Christianity* (1618). Milton was not simply absorbing his readings verbatim, for these readings contradict each other at points (for example, the whole episcopal question was raging at the time, and would become the focus of Milton's first polemic flurry). More importantly, he was developing the ability to think for himself, to examine conflicting points of view and to decide which, if any, he favoured, based on principles which he felt lay at the core of each question. On points less hermeneutic, such as the belief that a marriage is broken as soon as the love between its occupants dissolves, Bucer simply asserts what Milton came to learn first through sad experience, and then through scriptural examination.

Milton and Bucer were capable of independent thought, of weighing their intellectual options and of choosing whatever best suited the logic of the situation, or of deriving an alternate

\textsuperscript{158}Selderhuis, 371.

solution, if necessary. Thinking for oneself, while admirable, necessitated care, for the subject matter at hand was no less than Scripture itself. Such patterns of problem solving demand anti-literalist views, for while the scope of Scripture is the only parameter whose bounds apply, within those bounds is tremendous variety not only of time and place, but of culture and interest. Great flexibility is necessary, however, for while orthodox doctrine states that Scripture arises from one source only, divine inspiration, the historic interpretation of Scripture has proven notoriously inconsistent. To access the unified, consistent nature of scriptural revelation, both Milton and Bucer understood the need to view the whole canon as one, to recognize and respect its diversity, but to interpret according to a set of principles whose attribution was God's eternal authority. These hermeneutic principles must reflect God's unchanging intention for mankind, authoritarian yet beneficent, and they must clarify the consistency of Scripture, and arise from, yet not be shackled by, the literal text of Scripture. As interpreters, therefore, both Milton and Bucer saw themselves as standing outside the religious and political "envelope" of their own times, floating, as it were, in the truth of hermeneutic eternity.

So Milton's "independent" interpretative techniques are not original, nor could such a thing be reasonably expected. So long as students of Scripture have been attempting to come to grips with the difficult aspects of their readings, the basic principles which contextualize a passage within the larger body of a work have been recognized as essential. Jerome, more pragmatic than Augustine, asserts many of the same principles, though with less emphasis on the allegorical aspect of exegesis which Augustine inherited from, among others, Origen. Clement and Origen freely borrowed from the exegetical work of Philo Judæus and of Josephus, Jewish exegetes roughly contemporary with Christ, and who, in turn, were the product of earlier Jewish
traditions, and to both of whom Milton refers in his divorce work. Either way, the essential point is one which Milton himself makes in his preface to Martin Bucer, that not only the basic principles of Scriptural exegesis are relevant; an expositor's motives too must remain true to Scripture, and not be seduced by the politics of custom or tradition. It was the early Roman church which reversed divorce laws, in place from much earlier and, in Milton's version, re-interpreted Scripture in order to twist God's laws into "human Canons."

No wise Nation ever wanted, till the Popery and superstition of some former ages attempted to remove and alter divine and most prudent Laws for human and most imprudent Canons; whereby good men in the best portion of their lives, and in that ordinance of God which entitles them from the beginning to most just and requisite contentments, are compell'd to civil indignities, which by the law of Moses bad men were not compell'd to.

The Roman abuse of Scripture turns history on its head, for where church tradition portrays the Jews as barbaric persecutors of Christ, as the arch-antichristians, truth would have it that Jewish antiquity supports Christian law (analogia fidei, the principle of scriptural consistency applies from Genesis to the Revelation) and the actual antichristians are the Papists.

Be not bound about ... by the scanty and unadequat and inconsistent principles of such as condemn others for adhering to traditions, and are themselves the prostrate worshippers of Custom; and of such a tradition as they can deduce from no antiquitie, but from the rudest, and thickest barbarism of Antichristian times.

Bucer may have said already many of the same things which Milton argues in The Doctrine and Discipline, but this should surprise nobody, for what both men speak of is a "truth linkt inseparably with the most fundamental rules of Christianity."

Only by ignoring these rules can an exegete mistake the truth about divorce. A humble and faithful application of these rules or principles would, therefore, lead any student to the same conclusions, and Milton can therefore

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160 Philo is spoken of in The Doctrine and Discipline, CPW II, 288, and in Tetrachordon, CPW II, 593 and 646. Josephus is spoken of in tandem with Philo in the second of the Tetrachordon passages.

161 CPW II, 438-9.

162 Ibid, 439.

163 Ibid, 435.
claim he is no follower of Bucer, but a student who walks shoulder to shoulder in eternal time with another student, or, as he puts it, a “collateral teacher.”

So as I may justly gratulat mine own mind, with due acknowledgement of assistance from above, which led me, not as a lerner, but as a collateral teacher, to a sympathy of judgment with no lesse a man then Martin Bucer. And he, if our things heer below arrive him where he is, does not repent him to see that point of knowledge which he first, and with an uncheckt freedom preacht to those more knowing times of England, now found so necessary, though what he admonisht were lost out of our memory, yet that God doth now again create the same doctrin in another unwritt’n table, and raises it up immediatly out of his pure oracle to the convincement of a pervers age, eager in the reformation of names and ceremonies, but in realities as traditional and as ignorant as their forefathers.164

Both men are instruments of God, led to teach the same doctrine, but, because the English ignored Bucer, Milton now serves as God's second teacher of this first truth. Were a critic to accuse him of plagiarism (and this self-justificatory passage is quite long, indicating that he is concerned to exonerate himself of any suspicion), Milton points out that he came across Grotius's views first, before Bucer's, and cites them openly four times in the first edition of The Doctrine and Discipline. After Grotius, he also uncovered Fagius, whom he cites four times for the second edition. None of these three men, Grotius, Fagius, and Bucer, agree exactly with each other, though each may be understood as having been led in varying degrees by God; yet the two closest in thought, Fagius and Bucer, though friends, and fellow exiles to England, companions at Cambridge, do not mention each other in their works on divorce, despite their congruence of opinions. So close were the teachings of these two men, indeed, that four years after the Roman Catholics gained the upper hand with the coronation of Mary in 1553, the bodies of both Bucer and Fagius were disinterred from their separate graveyards and taken to a common site for public burning, surrounded with sequestered heaps of their condemned writings. Nevertheless, though Bucer and Fagius may well have discussed with each other their views on marriage and divorce,

164 CPW II, 435-6.
Milton, separated by the better part of a century, could only have shared in their thoughts through their texts. Even so, as Milton pointedly attests, he disagrees with Bucer at least in form, and has the courtesy not to mention the various points of disagreement discussed above.

I soon perceav'd, but not without amazement, in the same opinion, confirm'd with the same reasons which in that publisht book without the help or imitation of any precedent Writer, I had labour'd out, and laid together. Not but that there is some difference in the handling, in the order, and the number of arguments, but still agreeing in the same conclusion.165

Milton uses the sad event of Bucer's and Fagius's disinterment and burning for some very peculiar humour at the end of his preface. Should his detractors still condemn his argument after reading Martin Bucer, they must accept that they have not only defaced, in opposing his views, the reputations of these two eminent reformers once again, but they are guilty of the same disgusting and macabre behaviour (by our present standards, at least) which characterized the persecutors of the two earlier reformers.

Nor that I think to win upon your apprehensions with numbers and with names, rather then with reasons, yet certainly the worst of my detracters will not except against so good a baile [the opinions of Bucer and Fagius] of my integritie and judgement, as now appeares for me. They must els put in the fame of Bucer and of Fagius, as my accomplices and confederats into the same endightment; they must dig up the good name of these prime worthies (if thir names could be ever buried), they must dig them up and brand them as the Papists did thir bodies; and those thir pure unblamable spirits, which live not only in heaven, but in thir writings, they must attaint with new attaintures which no Protestant ever before aspers't them with.166

By their opposition, Milton's reputation would be forced into conjunction with those of Bucer and Fagius in indictment and, if condemned, they would be “branded,” or stigmatized, all together, making his, with theirs, a martyr to the cause. Therefore, in order to enhance his reputation and his argument, Milton retroactively thrusts himself into the flames beside Bucer and Fagius.

165 CPW II, 435.
166 Ibid, 440.
This martyr identity, while ironically linked with that "Papistical" sort against whom Milton has historically opposed himself\(^{167}\), has its own place of honour in the Reformed camp, of which Milton now partakes with the invocation of Bucer. Milton quotes in Martin Bucer none other than John Foxe, the central figure of Renaissance English martyrology. Foxe's own relation of Bucer's and Fagius's persecution (Milton's excerpt is a blend of Foxe's with that of Conradus Hubertus) is worth inclusion here, for Milton's audience would certainly have been familiar with The Acts and Monuments.

The Vicechancellor therefore taking with him Marshall the common Notarie, went first to St. Michaels Church where Phagius was buried. There he called forth Andrew Smith, Henrie Sawyer, and Henrie Adams, men of the same Parish, and bound them with an oath, to dig up Phagius bones, and to bring them to the place of execution. Marshall took their oaths, receiving the like of Roger Smith and William Hasell the Town Sergeants, and of J. Caper, Warden of the same Church, for doing the like with Bucer. Smith the Maior of the Town, which should be their executioner (for it was not lawfull for them to intermeddle in cases of blood,) commanded certain of his Towns-men to wait upon him in harnesse, by whom the dead bodies were guarded, and being bound with ropes, and laid upon mens shoulders (for they were enclosed in Chests, Bucer in the same that he was buried, and Phagius in a new,) they were born into the midst of the Market stead, with a great train of people following them.

This place was prepared before, and a great post was set fast in the ground to binde the carkases to, and a great heap of wood was laid ready to burn them withall.

When they came thither, the Chests were set up on end with the dead bodies in them, and fastned on both sides with stakes, and bound to the post with a long iron chain, as if they had been alive. Fire being forthwith put to, as soon as it began to flame round bout, a great sort of books that were condemend with them, were cast into the same.

There was that day gathered into the Town a great multitude of countrey folke (for it was Market day) who seeing men born to execution, and learning by inquirie that they were dead before, partly detested and abhorred the extreme crueltie of the Commissioners toward the rotten carkasses, and partly laughted at their folly in making such preparative. For what needeth any weapon, said they? As though they were afraid that the dead bodies, which felt them not, would do them some harme: Or to what purpose serveth that Chaine wherewith they were

\(^{167}\) Consider again the quotation from Of Prelatical Episcopacy (1641, CPW I, 626-7) wherein Milton attacks his opponents for their manipulation of their audience "by divulging needlesse tractats stufft with specious names of Ignatius, and Polycarpus, with fragments of old Martyrologies, and legends, to distract, and stagger the multitude of credulous readers."
tyed, since they might be burnt loose without peril? for it was not to be feared that they would run away.

Thus, everie bodie that stood by found fault with the cruelnesse of the deed, either sharply or else lightly, as everie mans minde gave him. There were very few that liked their doing therein.\textsuperscript{168}

The gruesome act was witnessed by crowds of “country folk” come to market, whose common sense protested against the vanity of burning men already deceased. The authorities were, of course, burning not to kill the men but to destroy their reputations by treating their bodies as the remains of heretics. Milton’s strategy is to point up once again the horror and foolishness of such persecution, and to share in some of their honour and fame by standing shoulder to shoulder in opinion with these “martyrs,” writing not in the Latin of the academies, but to all England in the vernacular, the language of both Parliament and of the “country folk.”

\section*{3. The Bipolarity of Martin Bucer}

There is a curious ambivalence to Martin Bucer, for while Milton takes pains to buttress his divorce argument and his hermeneutics through an appeal to the opinions of one of the Reformation’s most respected writers, much of his focus is also directed at his contemporary audience, with whom he is openly disillusioned. Despite all of his hard work, they are not taking his points. The most interesting contributions of Martin Bucer are, therefore, the fact that Milton bothered to publish the tract at all, and what he has to say to Parliament in the Preface which, considering the length of the tract itself, is disproportionately long. Milton has allied himself with historical pedagogues, such as Bucer and Fagius, despite the agonies of their temporal sufferings. Their truths, including their arguments in favour of divorce, are of paramount

importance, far more so than the woes of this life. With such an alliance, Milton also manages to bifurcate his audience into the eternal audience which recognizes the validity of the divorce argument (which must be imagined to include not only God himself, but Bucer and Fagius, as well as all of like mind who will eventually read his work), and the contemporary audience, misinformed and misled. His aim, like Bucer’s, is to bring the mistaken contemporary audience to the enlightened eternal audience, and this bipolarity is reflected in the bicipitous structure of the tract itself.

The tract takes up only forty octavo pages, of which eight are devoted to the Preface, and another two to a Postscript; Milton’s two personal offerings, therefore, total 25% of the whole. Bucer is honoured, on the other hand, with 75% of the tract’s content. The most intense prose of the tract occurs in Milton’s own writings, however, for these sections intend to give impetus and specific direction to the translations of Bucer.

The intended contemporary audience of Martin Bucer is Parliament. Considering the actual makeup of this highest political body, which in his preface Milton refers to as the “Supreme Court of Parliament,” “that house of justice and true liberty,” and whose deliberations he calls “the prosperous issue of your noble and valorous counsels,” he could hardly have been so deluded as to believe that this patchwork of political representation could have effected his proposed reforms. A.N. Wilson describes the truncated body of Parliament at the end of 1643:

By the end of [1643] the legislation of the country was being determined, in effect, by a dozen peers (most days no more than five sat in the House), perhaps a hundred MPs and the sixty or eighty Presbyterian divines, many of them Scotch, who sat in the nearby Jerusalem Chamber as a consequence of the so-called Westminster Assembly. This motley collection of people, only half of whom had been elected to speak for their fellow-Englishmen (and nearly all of whose members were dispersed in their constituencies, never to return to Westminster) was the body which Milton was to address.169

Despite the address to Parliament, Milton's intended audience also included the general populace (and of that, of course, the literate and educated portion) out of whom would eventually be elected large parts of the complete parliamentary body, once the turmoil of civil discord had settled. Whether or not the tract is addressed to the highest political body in the land, therefore, Milton is also re-presenting his argument, a case more fully and eloquently developed in his previous tracts, to specific criticisms of his opponents. The address to Parliament is, functionally, no more than a statement that the matter is worthy of the highest council, even though the opinions of Parliament were deeply influenced by the Westminster Assembly of Divines, a body appointed by Parliament and which had so far vehemently opposed Milton's divorce work.

The fact that both Parliament and Church opposed Milton forced upon him a sense of isolation, and impressed upon him that he was, in fact, another member of the powerless mass of the general populace who could debate all they wanted, but who had no real power to implement their opinions. Milton was unhappy with this idea, for he knew himself not to be, at least intellectually, another member of the great mass of the "common" people. His arguments on divorce had not only merit but the authority of Scripture, and as Scripture is an eternal authority, Milton believed that it was Parliament which would have to change its position. Milton was not alone in his views, as this translation of Bucer's opinions proves, but, if the reception of The Doctrine and Discipline was any means by which to gauge his audience, he appeared to be, by and large, alone in his own time and place. He had, then, to resort to a position of intellectual exile, or solitude, cast out by his non-conformity, and Martin Bucer represents the working out of this resolution. His refusal to accept the apparent will of Parliament and Church regarding divorce left but one alternative identity — one akin to that of a prophet whose very isolation
reinforces, rather than diminishes, the authority and power of his voice, "crying," as it were, "in the wilderness." How, then, did Milton pattern his cry?

The Preface may be broken down, by and large, into clearly delineated sections of three basic sorts: there are portions of justification, either of Milton himself or of Bucer; there are portions which identify the role and responsibility of the Parliament, while offering encouragement; and there are portions of attack against adversaries. The justifications take up the vast majority of the Preface, and those involving Milton himself provide very interesting biographical material. Milton explains that he had almost finished composing the first edition of The Doctrine and Discipline before he came across the opinions of Hugo Grotius, the first of his major non-scriptural supports. Grotius dealt with the question "reasonably," but there was more: "somthing he whisper'd rather then disputed about the law of charity, and the true end of wedlock," both of which points, "the law of Charity," and "the true end of wedlock," are central to The Doctrine and Discipline argument. Grotius's opinions were incorporated and Milton sent the first edition of The Doctrine and Discipline to the printer, rather than pursue any further extra-scriptural evidence, "for God, it seems, intended to prove me, whether I durst alone take up a rightful cause against a world of disesteem, & found I durst."\(^{70}\) The pulpit railing against his pamphlet drove him to prepare a rebuttal, in the form of a second edition, during which preparation Milton discovered the further supporting opinions of Fagius. Believing that Parliament was populated by learned, reasonable, and good men, Milton did not endeavour to over-justify his argument with names and citations, but sent the second edition to press armed with little more than his own learning, reason, and good cause. There were those, he notes cryptically, who supported him,

\(^{70}\) CPW II, 434.
and eased the attack of others' "odious inferences" and "indiscreet censure": "Nor doth the event hitherto, for some reasons which I shall not heer deliver, faile me of what I conceiv'd so highly."

Only after the second edition had been available nearly three months did Milton "come to hear" of the opinions of Martin Bucer on marriage and divorce, and, while already satisfied with his own argument, he now set forth Bucer's thoughts, that "I may be fully justify'd also in the eyes of men."  

The timing is interesting, but the concept of like-minded help is more so. No names are named, but there is the coincidence that the help found in Parliament, and the help which led him to the work of Bucer are mentioned in such close textual quarters. Neither Masson nor Parker mentions John Selden, but other critics note the possibility that Selden, whom Milton himself refers to in The Doctrine and Discipline, had a strong influence on Milton's later divorce argument.  

Selden certainly knew of Grotius's divorce work, and so could well have pointed Milton in that direction or recommended specific texts. As well, though Selden's own great work on marriage and divorce, the Uxor ebraica, would not be published until 1646, it was, by his own testimony, finished in manuscript by 1640. Milton may, or may not, have had direct guidance while in preparation of his own writings (he categorically denies any such thing) but he was certainly aware of the Parliamentarian Selden, to whom he had twice referred specifically in The Doctrine and Discipline, and who may well have mentioned a thing or two in passing.

Unfortunately, there is no record or evidence of their meeting, but then, there is no record, despite exhausting research, of the majority of events in the lives of even the most eminent seventeenth-century figures. The coincidences of their both having written on marriage and divorce, and of Milton referring to Selden repeatedly, coax cautious speculation.

171 CPW II, 435.

4. Milton’s Prophetic Sense

Such a peculiar handling of the matter, as we see in the combination of Milton’s deferential tone to Parliament with his admonitory citation of the posthumous fate of Bucer’s and Fagius’s bodies, extends our understanding of Milton’s vision of himself as a prophet. In the second edition of The Doctrine and Discipline, Milton speaks of himself suffering ignominiously while offering up the truth to “the draffe of men.” This vision continues in Martin Bucer:

For God, it seems, intended to prove me, whether I durst alone take up a rightful cause against a world of disesteem, & found I durst.  

A retreat from the approbation of contemporary opinion to a position allied historically with righteous, though persecuted, figures necessitated a psychical fragmentation, a setting aside for sacrifice of a part of his self-image. This part of the self, resigned to the flames with Bucer and Fagius, fulfilled the need for a prophet to suffer. The process is also indicative of an increasing autospecularism\textsuperscript{174} in Milton, a trait which would develop to signature status for the invocations of Paradise Lost.

Thus with the Year
Seasons return, but not to me returns
Day, or the sweet approach of Ev’n or Morn,
Or sight of vernal bloom, or Summers Rose,
Or flocks, or heards, or human face divine;
But cloud in stead, and ever-during dark
Surrounds me, from the cheerful wayes of men
Cut off, and for the Book of knowledg fair
Presented with a Universal blanc
Of Nature's works to mee expung'd and ras'd,
And wisdom at one entrance quite shut out.
So much the rather thou Celestial light
Shine inward, and the mind through all her powers

\textsuperscript{173} CPW II, 434.
\textsuperscript{174} 'auto' (self) + 'speculor -ari' (watch, observe). Milton not only practises narcissism, but manipulates the self-vision, as in the case above where he places himself in the persecutory branding fire with Bucer and Fagius.
Irradiate, there plant eyes, all mist from thence
Purge and disperse, that I may see and tell
Of things invisible to mortal sight.\(^{175}\)

Milton is separated from all things visible to his fellow man, but in replacement for this loss he requests, and is presumably granted, sight somewhere within himself of other things denied to all but the chosen prophet.

The technique of this separation is quite clever for, while Milton is allying himself with the suffering of these eminent “martyrs,” he is suffering no real cost.\(^ {176}\) The fires of his own martyrdom are imaginary; it is only his self-image which burns in the eyes of his detractors while his esteem soars, he hopes, in the eyes of eternity.

This fragmented vision, this second self, is an heroic character, God's own instrument of teaching, prophetic, floating supratemporally in the eternity of God's truth, fighting shoulder to shoulder with the likes of Bucer and Fagius against those their persecutors who have bound this divorce matter to controversy.

Certainly if it be in mans discerning to sever providence from chance, I could allege many instances, wherein there would appear cause to esteem of me no other then a passive instrument under some power and counsel higher and better then can be human, working to a general good in the whole cours of this matter.\(^ {177}\)

I would ask now the foremost of my profound accusers, whether they dare affirm that to be licentious, new and dangerous, which Martin Bucer so often, and so urgently avoucht to be most lawfull, most necessary, and most Christian, without the lest blemish to his good name, among all the worthy men of that age, and since, who testifie so highly of him? If they dare, they must then set up an arrogance of their own against all those Churches and Saints who honour’d him without this exception.\(^ {178}\)

\(^{175}\) *Paradise Lost*, III. 40-55. (1674)

\(^{176}\) The technique is clever, but time-honoured. Consider, for example, the explanation for the term “Azazel”, (“scapegoat” in Leviticus 16:8,10,26) as provided by the *Dictionary of Deities and Demons in the Bible*, van der Toorn, Becking, and van der Horst, eds. (Leiden: Brill, 1995) 240-48. It is the process of fragmentation for sacrifice which I wish to note here, not the function of a scapegoat, for, despite the frequent culpability of the biblical Hebrews and the potential for identifying their faults with those of his own opponents, Milton gives no hint of accessing the scapegoat identity for himself.

\(^{177}\) CPW II, 433.

\(^{178}\) Ibid, 436.
Self-distancing is increasingly characteristic of Milton's treatment of his role in the controversy. In the preface to Martin Bucer, he repeatedly refers to himself in the third person.

And he, [Bucer] if our things heer below arrive him where he is, does not repent him to see that point of knowledge which he first, and with an uncheckt freedom preacht to those more knowing times of England, now found so necessary, though what he admonisht were lost out of our memory, yet that God doth now again create the same doctrin in another unwritt'n table, and raises it up immediatly out of his pure oracle to the convincement of a pervers age, eager in the reformation of names and ceremonies, but in realities as traditional and as ignorant as their forefathers.\(^{179}\) (my italics)

Milton's mind, or at least his argument, is this “unwritten table,” this tabula rasa, on which God inscribes his doctrine, which he “raises up immediately out of his pure oracle” for all peoples. He does not refer to himself as “me,” or “the unwritten table which is me,” but as “another,” a companion not only to Bucer's “unwritten table” but to Milton's temporal self as well. Bucer is, at the moment of Milton's writing, floating free of time, presumably in Heaven, but at least somewhere supratemporal; and further, there is a possibility of communication with him, for Milton's argument may well be speeding to him,

And he, if our things heer below arrive him where he is, does not repent him to see that point of knowledge which he first, and with an uncheckt freedom preacht to those more knowing times of England.\(^{180}\)

Later in the preface, Milton extends the analogy of himself as a virgin fertility on which God may demonstrate his doctrines.

Think not that God rais’d up in vain a man [Bucer] of greatest autorty in the Church to tell a trivial and licentious tale in the eares of that good Prince, and to bequeath it as his last will and testament, nay rather as the testament and royall law of Christ to this Nation, or that it should of it self after so many yeares, as it were in a new feild where it was never sow’n, grow up again as a vitious plant in the minde of another, who had spoke honestest things to the Nation; though he knew not that what his youth then reason’d without a pattern, had bin heard already, and well allow’d from the gravity and worth of Martin Bucer: till

\(^{179}\) CPW II, 436.
\(^{180}\) Ibid, 436.
meeting with the envy of men ignorant in their own undertak'n calling, God directed him to the forgott'n Writings of this faithfull Evangelist, to be his defence and warrant against the gross imputation of broaching licence.¹⁸¹ (my bold text)

This is Milton's own text, from the preface to Martin Bucer, yet each of the bolded pronouns refer to Milton himself, in the third person, as though when writing his divorce argument he envisioned himself as two separate entities, the one who suffers and the other who bears witness to these sufferings.

What he did through Bucer's testimony to Edward VI, God is doing again with Milton, for, as noted in the above quotation, "what he admonisht were lost out of our memory." The terminology echoes not only the Old Testament fate of God's words at the hands of the forgetful Hebrews, but also God's faithful and frequent offering of prophets who would repeat for him warnings and teachings, despite the faithlessness of their intended object. Milton is "a new field ... never sown"¹⁸² in which God plants his seed of doctrine. Once grown to maturity, this "plant" composed The Doctrine and Discipline, completely innocent of Bucer's having already addressed the same matters to the nation. Suffering the persecution of ignorant ecclesiastics, God led his servant to Bucer's writings, that from these he might buttress his role as God's defence and warrant. Milton thrice refers to himself in the above quotation with the third-person pronouns, "he," "his," and "him," and once with the relative pronoun "who." The Milton who writes this preface has separated and thrust off into the eternity of events a portion of himself as an heroic character, a willing instrument, patterned on those few who precede him in the service of God's

¹⁸¹ CPW II, 438.
¹⁸² The adjective 'vicious' is negated by the second word of the quotation.
truth, such as Bucer, or of Sulpitius Severus and his Chronicle, to which Milton refers in Of Reformation.\(^{183}\)

One more time, near the end of the preface, Milton refers to himself at a distance: “there lives yet who…” (i.e., Milton), a scholar to serve as the defence and warrant of Bucer himself.

**there lives yet who** will be ready, in a fair and christianly discursive way, to debate and sift this matter to the utmost ounce of lerning and religion, in him that shall lay it as an error, either upon Martin Bucer, or any other of his opinion.\(^{184}\)

(my bold text)

This higher, separate self which Milton has imagined, an heroic alter ego who shall fight for the principles and persons associated with truth, now “lives,” and shall remain prepared beyond the time frame of this (or, presumably, any other) controversy, defending the embattled adherents of truth.

The aspect of Milton’s heroic alter ego, this aspect of self offered up on an altar as a sacrifice for truth, is linked with hermeneutic principles through its supratemporality. All four “great directors” from The Doctrine and Discipline, discussed in the previous chapter, Reason, Human Nature, Good Example, and Charity, are part of an eternal “big picture.” They are part of God’s plan for mankind, at least as it pertains to Scripture. They stand above the errors of custom and tradition, for these two are firmly rooted in temporality. Reason is the means by which the thoughts of men of all ages may speak together. Human nature is the manner in which God molded us from the beginning, and is the aspect which links our behaviour sympathetically to others, from the beginning to the present, from Adam to our own brother. Good examples are no

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\(^{183}\) CPW I, 543. Milton’s research taught him that, for the sake of self-respect and integrity, he would have to divorce himself from the examples of his own times, as indeed the coincidence of these two authors, Sulpitius and Bucer teach him. The quotation of Sulpitius to which Milton refers in Of Reformation praises the quality of penury in fifth century bishops, the exact opposite of that quality in sixteenth century bishops which Bucer derides in the quotation translated, possibly by Milton, in the “Postscript”. For more on Sulpitius, see G. K. van Andel’s The Christian Concept of History in the Chronicle of Sulpicius Severus (Amsterdam: Adolf M. Hakkert, 1976).

\(^{184}\) CPW II, 440.
more than the instances of that human behaviour which our reason may find in any historical
time to illustrate, clarify, and validate our own behaviour. Lastly, Charity is the attitude which
God exhibits toward mankind, and which, emanating from the eternal divine, is itself eternal.

Milton's “big picture” extends from the beginning to the end of time, from creation to the
apocalypse and beyond. It is the over-arching, unchanging, ever-present state of affairs, includes
everything, and is coordinated by God's truth. Historical events are no more than the working
out of God's plan and have no effect on the “big picture.” As far as mankind is concerned, the
only thing which has undergone permanent change in this “big picture” is human nature, which
suffers the effects of mortality introduced by the fall. Nevertheless, wherever possible, this
fallen nature is not an absolute loss, but a good thing constantly threatened; most of what existed
prelapsarily still exists. Milton hearkens back constantly to the beginning of a thing in order to
find its true nature, as he does with mankind. The true nature of marriage is to be found in Eden,
when it was first instituted by God. The true meaning of Scripture is to be found in the original
languages, and especially Hebrew which was given by God to mankind as his first language.
The true meaning of any particular passage in Scripture must be found in its consistency with
other like passages, but it must be sought out most carefully in those passages which are earliest
in Scripture. Truth is eternal and is to be found in the earliest form of anything, for it is here that
God's influence is clearest. For example, Milton refers constantly to the “first reformers” as
having had the clearest vision for the protestant Church.

They publisht this doctrine of divorce, as an article of their confession, after they
had taught so eight and twenty years, through all those times, when that Citie
flourisht, and excell’d most, both in religion, lerning, and good goverment, under
those first restorers of the Gospel there, Zellius, Hedio, Capito, Fagius, and those
who incomparably then govern’d the Common-wealth, Farrerus and Sturmius.\(^{185}\)

\(^{185}\) CPW II, 433.
There will be due to them for this their unadvised rashnes ... a round reproof ... to be so unacquainted in the writings of Bucer, [and] ... to condemn that for lewd ... and for new, that which was taught by these almost the first and greatest authors of reformation, who were never taxt for so teaching ... and confest in the public confession of a most orthodoxall Church & state in Germany.\textsuperscript{186}

God, that I may ever magnifie and record this his goodnes, hath unexpectedly rais’d up as it were from the dead, more then one famous light of the first reformation to bear witnes with me,\textsuperscript{187}

God's intention, “from the beginning,” was that men have happy lives, upon which this prohibition against divorce obtrudes.

Good men in the best portion of thir lives, and in that ordinance of God which entitles them from the beginning to most just and requisite contentments, are compell’d to civil indignities, which by the law of Moses bad men were not compell’d to.\textsuperscript{188}

Not surprisingly, Bucer implies the same principle in those texts which Milton translates, namely, that what was established first, in the beginning, is God's will.

Our Saviour came to preach repentance, and remission; ... he recall’d them to a right interpretation, and taught that the woman in the beginning was so joyn’d to the man, that there should be a perpetual union both in body and spirit: where this is not, the matrimony is already broke.\textsuperscript{189}

While technically Bucer and Fagius were not themselves burned at the stake, their reputations and their ideas were certainly martyred at the hands of the Marian Catholics. Martyrdom, a death of highest honour for the sake of one's faith, propels its sufferer into a pantheon of Christian heroes catalogued by John Foxe in his \textit{Acts and Monuments}. These figures serve as eternal proponents of the Christian faith, and it is that eternal nature of truth, that voice of prophecy, to which Milton aspires with his martyr identity.

\textsuperscript{186} CPW II, 436. \hfill \textsuperscript{187} Ibid, 438. \hfill \textsuperscript{188} Ibid, 438-9. \hfill \textsuperscript{189} Ibid, 456.
5. Conclusions

The main accomplishment of Martin Bucer is to clarify the process by which Milton re-affirms his hermeneutic principles. These principles are a necessary tool of every faithful reading of Scripture and a part of the eternal truth of Scripture. Granted, the principles arise from a long and intense education, but Milton has personalized them by imbuing them, as Bucer did, with the qualities of “reason” and of “human nature”. Milton also eternalizes those few individuals, including himself, who best exemplify the studious, faith-driven advocates of God's truths. There is a degree of psychological fragmentation in this process, which itself may be the first indication of damage, not only at the hands of his detractors, but also as a reaction to his deteriorating physical state, and the intense stress of his political isolation and marital separation. Milton believes himself to be chosen by God, and that his writings serve as a “defence and warrant” of God's truths. He separates from the performance of his everyday functions and misfortunes another self who struggles in the eternal course of God's truth against the inevitable troop of adversaries.

With Martin Bucer, Milton appeals to an audience much greater temporally than those who will not listen to him in his own time. He executes this appeal by two means: the first is through the occasional inclusion of biographical materials; the second, and far more striking, is by identifying himself with the martyrs. When an author suffers death for unbending beliefs or principles, this fate imbues his writings with an eternal sense of that individual's honour and conviction. Milton attempts to access all of these qualities for himself and his writings, without suffering any of the martyr's misfortunes, when he associates the posthumous burning of Bucer and Fagius with his own reputation and work. He states that a “good name” cannot, in fact, be “dug up” or “branded,” yet by associating his writings with theirs, through a demonstration of
their common opinions on divorce, and by invoking the fact that the actual books containing Bucer's and Fagius's writings were piled against the pyre of their corpses, Milton extrapolates the suffering of these two across eighty years, piling, as it were, their burning books against that of Milton's own which the reader holds in his hands.

Martin Bucer serves a number of purposes. One's initial impression is that it is no more than a simple gathering and translation of the "good example", the opinions, of an eminent reformer, opinions on divorce which just happen to be in agreement with those of Milton. Appearances can be deceiving, however, for the tract also, secondly, reiterates those very hermeneutic principles, the reasonability, which underlie these opinions, and for which Milton had suffered abuse at the hands of his detractors. Thirdly, the tract performs one of those acts of virtual theatre characteristic of the best rhetoric, wherein the audience is emotionally manipulated, the veracity of their human nature is appealed to, under the guise of the purely intellectual. Finally, and most importantly, Martin Bucer displays the strategy by which John Milton develops his separated, eternal persona: he refers to himself in the third person, in terms reminiscent of some prophets and martyrs, and reminds us that he speaks in the face of persecution of the eternal matters of Charity, of God, and of his Scripture. Ultimately, the "four directors" of this appeal, an appeal to principles which were established from the beginning, justifies Milton, bringing all time and all truth to this one locus, converting Milton's larger argument and this small tract from a forty page pamphlet on divorce into a testament of the contemporaneity and immediacy of eternity.
CHAPTER III

Colasterion: Radical Hermeneutics as Prophetic Castigation

What a Boarish Adjective you joyne with a Polititian. Polititian is a title worthie of honour and respect, and why you should so disgrace it with this homely language, I cannot imagine; except it be, because Polititians ordinarily differ from you in this your opinion. For although its likely some Polititians sometimes at a time of need are content to make use of others then their own wives, yet to be divorced from their own upon a little contrariety of mindes or dispositions, Polititians will not easily agree to it.

(An Answer to a Book, intituled, The Doctrine and Discipline of Divorce, p. 17)
1. Introduction: The Place and Nature of *Colasterion*

The first thing which strikes a reader about *Colasterion*, Milton’s third divorce tract, is the language. Interspersed among discussions of Church doctrine, ancient languages, and legal precedent are words and expressions one might expect to hear flung about in the street between contending fishmongers. A passage from the tract to which Milton is replying, chosen as this chapter’s title page quotation, shows his opponent is worthy of such abuse.

Milton’s two final divorce pamphlets were published together on March 4, 1645, yet while both address the same subject matter, they could not be more different in tone and focus. Where *Tetrachordon* is a long, careful re-examination of the four scriptural passages central to the divorce question, *Colasterion* is a much shorter tract of forty pages, and is the fullest representation of the anger and despair which had been building in John Milton throughout this period.

Which tract was composed when is an important issue only to bibliographers. *Tetrachordon*, is, for the purely hermeneutic quest, the more important of the two tracts and will be dealt with in the next chapter, yet a close reading of *Colasterion* retrieves valuable materials not found in any of the other three divorce tracts. *Colasterion* is one of the most startling documents in the Miltonic corpus, radiating anger and disdain in virtually unremittent streams. If Milton failed to maintain an intellectual distance and dignity during a period of what was never less than crushing emotional turmoil, it is here in *Colasterion*. His protracted separation from Mary

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*Liddell and Scott, Greek-English Lexicon* (Oxford: Oxford UP, 1992). Liddell and Scott list this substantive form as: κολαστήριον, “house of correction, or chastisement, or punishment” and “instrument of correction, chastisement, or punishment” as in κολαστήριον δαλάσσω. The traditional role of the prophet is certainly one who chastises, and offers corrected alternatives to the errors of his audience. The punishing aspect of κολαστήριον is less traditional, but one which the furious “prophet” Milton might have chosen to assume in response to his detractors.
Powell and fear for his eyesight awoke with him each morning and went to bed with him each evening, constantly eroding any possible sense of well-being; such invincible companions inevitably took their toll on his temper. The objects of his wrath, as is so often the case in similar circumstances, may not have been, then, the true source of his pain, but bystanders of a sort, though hardly innocent. The co-authors of *An Answer to a Book, Intituled, The Doctrine and Discipline of Divorce*, the "serving-man" and his more learned successor, Joseph Caryl, are opponents to Milton’s cause, granted, but there were many: Milton had railed against textual "literalists" in *The Doctrine and Discipline*, and against short-sighted divines of the Westminster Assembly in *Martin Bucer*, yet against neither with such vitriol. Milton could hardly have remained unaffected by the emotional intensity of the subject matter; indeed, history has spent far more ink on his personal motivation, the separation from Mary Powell in 1642, than on his argument itself. Curiously, *Colasterion* has been left virtually untouched by scholarly inquiry, and yet it alone provides explicit evidence of Milton’s eventual and inevitable explosive reaction to the controversy. The vehemence with which Milton repudiates the authors of *An Answer* is not seen in either of the two prior divorce tracts, or in any of the other writings which he composed during this same period (including *Of Education, [June, 1644]* and *Areopagitica [November, 1644]*), yet in *Colasterion*, his ferocity and scorn is astonishing. “In the *Colasterion*

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191 *An Answer to a Book, Intituled, The Doctrine and Discipline of Divorce* London, 1644. (Hereafter referred to as “*An Answer*”). The text quoted in this chapter is from the microfilm copy of the University Microfilms International holdings at U. B. C. (Early English Books, 1641-1700; 7:4, 231:E.17[12].)

192 Reference to these persons will generally be to the “author,” or to the “servingman”. Which parts of the tract were actually composed by Caryl is impossible to tell, though Milton does give hints as to where he believes Caryl is involved.

193 Speaking of this aspect of Milton’s prose in the divorce tracts, Barbara Lewalski writes, “He wrote nothing so charged with unconscious self-revelation as his passionate descriptions of loneliness, courtship, and incompatible wives, and of the wife he wanted but did not get. ... He describes the pain of loneliness, disappointment, and despair so feelingly that he must have experienced it acutely.” *The Life of John Milton*, Rev. ed. (Oxford: Blackwell, 2003) 155.
Milton is abusive, incoherent, illogical, and very, very angry.” 194 Ultimately, the purgative effect of Colasterion served its purpose, but Milton’s pride and intellectual dignity could not remain unshaken by such a violent reaction and its impact would force a critical re-evaluation of both his argument and, more importantly, his role in the greater forum of Christian controversy.

An Answer was not originally finished, but set aside by the “servingman,” only to be taken up shortly thereafter by Joseph Caryl, a member of the influential Westminster Assembly of Divines, 195 and he whose name appears as licenser, with the following short and unnecessary note of approval for the tract’s contents:

To preserve the strength of the Mariage-bond and the Honour of that estate, against those sad breaches and dangerous abuses of it, which common discontents (on this side Adultery) are likely to make in unstaied mindes and men given to change, by taking in or grounding themselves upon the opinion answered, and with good reason confuted in this Treatise, I have approved the printing and publishing of it. 196

It was not the duty of a licenser to state the reasons for approving a work for publication, but simply to permit or to deny that publication. Caryl’s statement is an abuse of his office, and an outright act of bullying, no doubt politically motivated, and implying, by the very appearance of such a statement opposite the title page, that the political body whom he serves shares his views regarding Milton’s work.

Colasterion swings as far from the pure argument for divorce as Milton was to go during the progress of his four tracts. The language is often colourful, if not outright rude and disdainful, and this derogates from any sense of the tract as a serious contribution to the divorce

194 William Riley Parker, Milton’s Contemporary Reputation (Columbus: Ohio State UP, 1940) 21.
196 Referring to the transcription of An Answer provided with this chapter will show this passage’s location on the page facing the title page. As it is written by Caryl, one of the authors of the tract itself, it can be considered part of the actual text of An Answer.
argument. Milton acknowledges this at the close of the piece, and he pleads that he was left without choice because his adversary was an unlearned fool, abusive and crude, even declaring that the best end of *The Doctrine and Discipline* would be consignment to the hangman’s flames. That his argument might be condemned by so unworthy a judge, and that this condemnation might be trotted out into the public forum under the imprimatur of an official licencer, irked Milton very badly. The reader senses, at one point, that he is ready not simply to leave off preparing an answer to *An Answer*, but to retire from the whole divorce controversy in abject disgust.

And for this, for I affirm no more then *Bucer*, what censure doe you think, Readers he hath condemn’d the book to? To a death no less infamous then to be burnt by the hangman. ... But now your turn is, [Mr. Licencer,] to hear what your own hand hath earn’d ye, when you suffer’d this nameles hangman to cast into public such a despightfull contumely upon a name and person deserving of the Church and State equally to your self, and one who hath don more to the present advancement of your own Tribe, then you or many of them have don for themselves, you forgot to bee either honest, Religious, or discreet. ... But as to this brute Libel, so much the more impudent and lawless for the abus’d autority which it bears, I say again, that I abominat the censure of Rascalls and their Licencers. With difficulty I return to what remains of this ignoble task, for the disdain I have to change a period more with the filth and venom of this gourmand, swell’d into a confuter. Yet for the satisfaction of others, I endure all this.**

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**198** CPW II, 753.
The suggestion that the book be burned refers back directly, as Milton notes, to the fate of Martin Bucer and Paulus Fagius who, while they had died and been buried peacefully, were later disinterred and what remained of their bodies publicly burned, along with a gathering of their writings. The mere suggestion of such a fate for his own book horrified Milton, yet that his adversary might suggest burning materials which had arisen in what Milton presumed to be an open forum of Protestant ideas, free of the "papistical" narrowness of "superstitious" condemnation, horrified Milton more, and threw, once again, burning faggots on the memory of the laudable reformers Bucer and Fagius. As we saw in the previous chapter, however, threats of temporal condemnation or punishment propelled Milton in three directions: an appropriate retort must be launched, and this took the form of Colasterion; as well, a reiteration of the original divorce argument would be prepared, taking the form of Tetrachordon; and he developed his identity as God's prophet in the cause of eternal truth. Milton's use of English, searingly abusive, would seem to work against the spiritual nature of the self-identification as God's chosen teacher and prophet. Quite the contrary is true, however, for prophets always condemn mankind's errors; witness the rhetoric of Isaiah or Jeremiah, or, for that matter, of John the Baptist, "crying in the wilderness."

Then he said to the multitude that came forth to be baptized of him, O generation of vipers, who hath warned you to flee from the wrath to come?

... The axe is laid unto the root of the trees: every tree therefore which bringeth not forth good fruit is hewn down, and cast into the fire.\(^{199}\)

Colasterion may be the most extreme example of Milton's polemical abuse, but it is not the first; the anti-prelatical tracts are also warm with censure. Indeed, Milton had written in An Apology an explanation for such language.

And this I shall easily averre though it may seeme a hard saying, that the Spirit of God who is purity it selfe, when he would reprove any fault severely, or but relate things done or said with indignation by others, abstains not from some words not civill at other times to be spok'n. ... We may finde in Deuteronomy and three of the Prophets, where God denouncing bitterly the punishments of Idolaters, tells them in a terme immodest to be utter'd in coole blood, that their wives shall be defil'd openly.... God who is the author both of purity and eloquence, chose this phrase as fittest in that vehement character wherein he spake. Otherwise that plaine word might have easily bin forborne.... And thus I take it to be manifest, that indignation against men and their actions notoriously bad, hath leave and autority oft times to utter such words and phrases as in common talke were not so mannerly to use.200

Milton’s language has, then, even in its most abusive form, he believes, close affinity to examples of God’s own.

Milton, toward the end of Colasterion, states the purpose of his tract to have been distasteful, but necessary, for he has been attacked by persons who deserve no respect, and yet must, in the course of things, be dealt with. The paltry nature of his opponent, however, and the tiresome task of putting him in his place, would not remove Milton from the pantheon of his heroes. Toward the end of Colasterion, he inserts an analogy comparing his ignominious task to the humiliation of the greatest mythic hero.

I have now don that, which for many causes I might have thought, could not likely have bin my fortune, to bee put to this under-work of scowring and unrubbishing the low and sordid ignorance of such a presumptuous lozel. Yet Hercules had the labour once impos’d upon him to carry dung out of the Augean stable.201

The focus of Colasterion is, then, the tract An Answer ... or, A Plea for Ladies and Gentlewomen, and all other Maried Women against Divorce, published anonymously on November 19, 1644, three and one half months after The Judgement of Martin Bucer, and four

200 CPW I, 901-2.
201 CPW II, 756.
days before Areopagitica. If the calibre of one’s opponent determines the tone of one’s response, Milton’s opponents were of the lowest order, for Colasterion maintains throughout an unremitting, base excoriation against what Milton saw as an unintelligent, ill-informed, and vicious attack.

The structure of Colasterion is clear to follow, for it refutes An Answer point by point, whose author had himself, in turn, serially attacked what he considered the main flaws in the arguments of the first edition of the Doctrine and Discipline of Divorce. What might have been a purely rational exercise, however, is coloured with the rhetoric of scorn and disgust. To the best of Milton’s knowledge, and of scholarship since, the two authors of the anonymously published tract were a “servingman” and the tract’s licenser, Joseph Caryl, though Caryl never claims credit. That the only comprehensive response to his divorce arguments might come from such a pair, and in so poor a form, dismayed Milton. While Caryl was Lincoln’s Inn preacher, had published some sermons, and was known to be engaged in a long exposition of the Book of Job, and while he had been appointed to the Westminster Assembly, none of the learning which might justify such distinguished posts was to be found in An Answer. For that matter, Milton accuses Caryl of hypocrisy after discovering that the clergyman had, in a very short period, been the minister of three different London parishes.

Shall a man of your own coat, who hath espous’d his flock; and represents Christ more, in beeing the true husband of his Congregation, then an ordinary man doth in beeing the husband of his wife, and yet this representment is thought a cheif cause why Mariage must bee inseparable; shall this spiritual man ordinarily for the increase of his maintenance, or any slight cause forsake that wedded cure of souls, that should bee dearest to him, and marry another, and another, and shall not a person wrongfully afflicted, and persecuted eevn to extremity, forsake an unfit, injurious, and pestilent mate, ty’d only by a civil and fleshly covnant? If you bee a man so much hating change, hate that other change; if your self bee not guilty, counsel your brethren to hate it; and leav to bee the supercilious judge of other

202 For the dating of Milton’s tracts, and of the various events in his life, I have followed the timeline provided by Gordon Campbell in his A Milton Chronology (London: Macmillan, 1997).
mens miseries and changes, that your own bee not judg'd. The reasons of your licenc't pamphlet, you say are good; they must bee better then you own then, I shall wonder els how such a trivial fellow was accepted and commended, to bee the confuter of so dangerous an opinion as yee give out mine.203

Despite his lower station, the “servingman” bears the brunt of the abuse. He had composed the majority of An Answer, Milton states, for purely selfish motives, believing Milton’s work an easy target, and that refutation of such “unsound” reasoning would advance his career aspirations.

The chief [author], by circumstance, was intimated to mee, and since ratifi’d to bee no other, if any can hold laughter, and I am sure none will guess him lower, then an actual Serving-man. This creature, for the Story must on, (and what though hee bee the lowest person of an interlude, hee may deserv a canvasing,) transplanted himself, and to the improvement of his wages, and your better notice of his capacity, turn’d Solliciter.204

On the evidence of the pamphlet itself, he seems a very insignificant person, not worth Milton’s while, but his words were long-awaited and unfortunately brash, and Milton wanted, no doubt, to toss and gore somebody publicly for a whole hour, if only to deter any others. This man’s prose is “dull and plodding,” his punctuation ill accustomed to the task. From the frequent use of attorney’s phrases and illustrations, one soon conjectures that the pamphlet was written by someone “in a small way of law-business.”205 This “basest and hungriest inditer,” this “rank petti-fogger,” “this odious fool,” “unswilled hogshead,” and “cock-brained solicitor” is a “barbarian, the shame of all honest attorneys” and “a serving-man both by nature and function, an idiot by breeding, and a solicitor by presumption.”206 The language is astonishing and vitriolic and evidences greater emotional turmoil than scholars generally recognize, when they do acknowledge it.

203 CPW II, 728.
204 Ibid, 726.
205 This last phrase, and some of the former vocabulary are borrowed from Masson III, 317.
206 CPW II, 743; II, 743; II, 751; II.755; II.754; II.741.
2. The Relationship between Colasterion and Tetrachordon

Given the elevated tone of Tetrachordon, the contemporaneity of Colasterion’s openly distraught display is very inconsistent. Yet Colasterion was not a fit of pique, isolated and unique, temperamentally tossed off between the magnificent Areopagitica and the erudite Tetrachordon. Though Milton states that the second edition of The Doctrine and Discipline had been out for “a whole year, with many Arguments added, and the former ones better’d and confirm’d” before An Answer appeared from the press, if Thomason’s dates are correct for the appearance of the second edition of The Doctrine and Discipline (February 2, 1644), it is more likely that Milton read An Answer and began his reply sometime in November of 1644. As Coolidge, editor of Colasterion for the CPW notes, there is clear intertextual evidence that at least part of Tetrachordon had been composed prior to Colasterion. The first of these occurs on page 11.

As ignorantly, and too ignorantly to deceav any Reader but an unlerned, hee talks of Justin Martyrs Apology, not telling us which of the twain; for that passage in the beginning of his first, which I have cited els-where, plainly makes against him.

The only reference in the whole of the Milton corpus to this passage in Justin Martyr appears in the Tetrachordon, on page 81.

The second place in Colasterion referring specifically to work found only in Tetrachordon is on page 20.

Of Malachy I have spok’n more in another place; and say again that the best interpreters, all the ancient, and most of the modern translate it, as I cited, and very few otherwise, wherof perhaps Junius is the cheif.

207 Campbell relies for many of his publication dates on Thomason. The Thomason Tracts, named for their punctilious gatherer, George Thomason, are a collection of books, manuscripts, broadsides, and newspapers collected during the English Civil War and Interregnum, 1640-1661, which reflect the political tumult of the times. The collection is now in the British Library, London.
Milton had discussed, at length, the significance of the Malachi passage in the second edition of The Doctrine and Discipline, but there is no mention of Junius. In Tetrachordon, on the other hand, Junius is mentioned in close proximity to Malachi.

Yet som there be who follow [Vatablus], not only against the current of all antiquity, both Jewish and Christian, but the evidence of Scripture also, Malach. 2. 16. Let him who hateth put away saith the Lord God of Israel. Although this place also hath bin tamper'd with, as if it were to be thus render'd, The Lord God saith, that hee hateth putting away. But this new interpretation rests only in the authority of Junius; for neither Calvin, nor Vatablus himself, nor any other known Divine so interpreted before.

The discussions in Colasterion and Tetrachordon deal with materials quite specifically similar to each other in two other places, but not again with the exact same words or references. Quite clearly, then, Milton was composing the two tracts alternatingly, if not simultaneously. Perhaps he had already begun work on Tetrachordon, read An Answer on its appearance in November, was so enraged that he dropped Tetrachordon completely for a while, wrote his reply, Colasterion, and then returned to Tetrachordon. The highly charged tone of Colasterion is non-existent in Tetrachordon, however, which leads us to believe that Milton was swinging widely on an emotional pendulum. As we shall see, the steadying influence of John Selden had much to do with the far more level tone of Tetrachordon, but not until the invocation to Book III of Paradise Lost were Milton’s tones to be so plangent again as they are here in the opening to Colasterion.

I stood a while and wonder’d, what wee might doe to a mans heart, or what anatomie use, to finde in it sincerity; for all our wonted marks every day fail us, and where wee thought it was, wee see it is not, for alter and change residence it cannot sure. And yet I see no good of body or of minde secure to a man for all his past labours without perpetual watchfulness, and perseverance.

The first of these places occurs in the Colasterion and Tetrachordon discussions of Marcion (CPW II, 736 and CPW II, 694-5); the second instance occurs in the Colasterion and Tetrachordon discussion of Augustine (CPW II, 739-40 and CPW II, 596).
The sadness of this passage betrays Milton's sense of isolation, yet his solitude could only be intellectual, for he continued on with a busy home life. He maintained close ties with his father and siblings, with a home in the bustle of London. Yet in the environment of his studies and writings, his intellectual and philosophical stance was one of growing isolation, a position more resigned to, no doubt, than adopted, in response to the series of disappointments and frustrations which would assault him before and during his involvement in the divorce controversy. During the spring of 1645, Milton was perhaps most alone, or so it must have seemed. His wife had left him little more than a month after their nuptials in June of 1642, and, while he had often pleaded for her return, no resolution to the separation was yet in sight. His Presbyterian affiliations had betrayed him with their scathing and public opposition to his divorce argument. His Parliamentary politics were as insecure as Parliament itself, repeatedly threatened by the exigencies of the Civil War, and this body continued resistance, or turned a deaf ear, to his arguments.

In some ways, the most devastating of all these misfortunes would have been his failing eyesight. Milton had produced seven tracts in just twenty months, a staggering feat of publication in itself, but when the vast reading for this work is considered, as well as the fact that he laboured without electric light, few today could imagine the time invested, or the strain placed on the eyes. In 1654, he wrote to Leonard Philaras, a friend serving in the Parisian court, describing his recollections of the onset of blindness ten years prior to the letter.

Decennium, opinor, plus minus est, exquo debilitari atque hebescere visum sensi, eodemque tempore liinem, viscerâque omnia gravari, flatibusque vexari: & mane quidem, siquid pro more legere cœpissem, oculi statim penitus dolere, lectionemque refugere, post mediocrem deinde corporis exercitationem recreari; quam aspexisset lucernam, Iris quædam visa est redimire: haud ita multò post

Parker, like A. N. Wilson, places great emphasis on a long list of Milton's friends and acquaintances, as though Milton were some gregarious socialite. The volume of his publications at this point, the intensity of his prose, and the depth of his thought argue otherwise. See Parker I, 753 and Wilson, 129.
Milton was not completely blind in 1645, but that there was something drastically wrong with his eyes would have been obvious. Nor did he have, at this point, daughters to read to him in the various languages of his study. Milton’s growing sense of isolation has already been associated with his self-identification as a prophet, and this identity is completely contingent upon an “originalistic” hermeneutic philosophy whose first principles are based not upon civil, ecclesiastical, or familial relations but on the solitary, “original,” Adamic relationship between man and God. These principles do not change in Colasterion, despite the caustic and retaliatory nature of the prose; allusions to them do arise, but must be watched for amid the general roiling muck of the language. How could Milton risk the clarity of his argument to this imbroglio? Given his increasing dismay with the judgment of his larger audience, fear that An Answer might actually sway influential opinions left him no choice.

3. Explaining the Tone of Colasterion

Milton had discussed, in The Doctrine and Discipline, the right and duty of a Christian man to think for himself and the obligation, if competent, to publish these thoughts for the benefit of all. Not all men are competent, though, nor are all the disciples of truth. In a striking metaphor, the masculine, headless (and serpentine!) body of Error, capitates himself with the feminine face of Custom and sets out to mislead mankind, opposed by those whom God “deputes to repress the

211 “It is ten years, I think, more or less, since I noticed my sight becoming weak and growing dim, and at the same time my spleen and all my viscera burdened and shaken with flatulence. And even in the morning, if I began as usual to read, I noticed that my eyes felt immediate pain deep within and turned from reading, though later refreshed after moderate bodily exercise; as often as I looked at a lamp, a sort of rainbow seemed to obscure it. Soon a mist appearing in the left part of the left eye (for that eye became clouded some years before the other) removed from my sight everything on that side.” This is the translation of W. Arthur Turner and Alberta T. Turner for the CPW IV. ii, 867-70.
encroachments” of these “subtle insinuations.” There is a continuous battle between this Error/Custom hybrid and those of Milton’s party.

 Custome being but a meer face, ... accorporat[s] her selfe with error, who being a blind and Serpentine body without a head, willingly accepts what he wants, and supplies what her incompleatnesse went seeking. Hence it is, that Error supports Custome, Custome count'nances Error. And these two betwene them would persecute and chase away all truth and solid wisdome out of humane life, were it not that God, rather then man, once in many ages, calls together the prudent and Religious counsels of Men, deputed to represse the encroachments, and to worke off the inveterate blots and obscurities wrought upon our mindes by the sulttle insinuating of Error and Custome; Who with the numerous and vulgar train of their followers, make it their chiefe designe to envie and cry-down the industry of free reasoning, under the terms of humor, and innovation. ... Against which notorious injury and abuse of mans free soule to testifie and oppose the utmost that study and true labour can attaine, heretofore the incitement of men reputed grave hath led me among others; and now the duty and the right of an instructed Christian calls me through the chance of good or evill report, to be the sole advocate of a discount'nanc't truth: a high enterprise Lords and Commons, a high enterprise and a hard, and such as every seventh Son of a seventh Son does not venture on.  212

The seventh son of a seventh son is uncommon enough, yet Milton claims his voice to be even rarer (which itself bespeaks an increasing sense of philosophic isolation.) Regardless, he carried on with his same goal, despite opposition, and with the same convictions. Those whom he had hoped would recognize the justice of his arguments, and perhaps support him in print, had not appeared. Fairly early on in the divorce period, then, he must have felt himself to be, at least in the world of London’s recent publications, a voice crying in the wilderness.

Of course, unrelenting criticism could only serve to isolate Milton further, and to convince him that one individual could be right, despite the apparent opposition of the majority. In the prefatory address to Parliament in Martin Bucer, Milton noted he had been “lavishly traduc't,” made the victim of “odious inferences,” of “blind reproaches and surmises,” but nobody had yet taken the pains to answer him either in print or in person. The clergy “inveigh and exclaim on

212 CPW II, 224.
what I am credibly inform'd they had not read." This "inadvised rashnes" and "indiscreet kind of censure" provoked Milton to accuse the ministers of envy and ingratitude. His prelatical tracts had "done good service to the Church by their own confession." Those "of whose profession and supposed knowledge I had better hope" had waited almost a "whole year clamouring a farre off," before pronouncing the divorce argument to be "licentious, new and dangerous," "a new and pernicious paradox," even "Libertinism."

In the latter part of 1644, after the publication of Martin Bucer, the Presbyterian group in Parliament actually considered censuring Milton. The Westminster Assembly had been agitating about the increase of heresy and schism in the output of the popular press, and the whole society of booksellers was so threatened by these rumours, and by Herbert Palmer’s sermon before Parliament on August 13, 213 that, on August 24, the Stationers’s Company delivered a petition to the House of Commons, attempting to exonerate them "from all responsibility in the growing evil, and pointing out that the blasphemous and pernicious opinions complained of were ventilated in unlicensed and unregistered pamphlets, grievous to the soul of the regular book-trade, injurious to its pockets, and contrary to the express ordinance of Parliament." 214 Parliament responded, on the 26th, with instructions to prepare a more comprehensive ordinance for licensing, and "diligently to inquire out" the authors, printers, and publishers of the Divorce Pamphlet, and of another, then in circulation, against the Immortality of the Soul. 215 Historically, Milton was as guilty of a casual attitude toward registering his writings as was any other "author, printer, and publisher": his five anti-episcopal tracts were unlicensed and unregistered, though printed by Stationers’s printers; a new and much more elaborate Ordinance

213 An excerpt from this sermon is appended to this chapter, the text of which is taken from Masson, III. 263.
214 Masson III, 265.
215 Ibid, 266.
for Printing had appeared on June, 1643, but Milton had ignored it and published the first edition of *The Doctrine and Discipline* unlicensed and unregistered, as he did the second edition, six months later.\textsuperscript{216} It is understandable, however, that he should do so, in the case of the divorce pamphlets, for seven of the twelve men appointed by Parliament to oversee these matters were members of the Westminster Assembly, and unlikely to approve.

On September 18, the Commons sent up a revised ordinance concerning printing, but this was eventually lost in the works. The Stationers, likely at the behest of the Assembly, submitted another complaint on December 28, and Milton was called to appear before the Lords. The following is from an anonymous, manuscript life of the poet, which Helen Darbishire conjectures to have been written by his nephew, John Phillips.

The Assembly of Divines then sitting at Westminster, though formerly obliged by his learned Pen in the defense of Smectymnus, and other thir controversies with the Bishops, now impatient of having the Clergies Jurisdiction, as they reckon'd it, invaded, instead of answering, or disproving what those books had asserted, caus'd him to be summon'd for them before the Lords: But that house, whether approving the Doctrin, or not favoring his Accusers, soon dismiss'd him.\textsuperscript{217}

Prior to that “meeting” with the Lords, however, *An Answer* had finally appeared, the only comprehensive attempt to match Milton’s argument, and he had a concrete target for his anger. If he had had, to this point, reason for disgust and frustration with the glancing mentions and opportunistic sermons which condemned him, this little pamphlet gave good cause for full fury. *Colasterion* has no prefatory material: Milton’s addresses to Parliament and the Assembly had been protests against detractors as much as they had ever been requests for consideration; in *Colasterion*, the requests for consideration have been forgotten, for the object of his fury is self-evidently pathetic, while the protests, sharpened to stridency, have bled completely into the body

\textsuperscript{216} *Of Education* (June, 1644) and *The Judgement of Martin Bucer* (July, 1644) were both duly licensed and registered. The former is innocuous, but the latter, dealing with the divorce matters, must have passed by the licenser, Mr. Downham, as Masson says, “either off his guard or very good-natured” (Masson III, 272).

of the tract. To this point, the valve through which Milton vented his frustrations and anger had been only partially open, mitigated by the diffused image of his general opponents. Now the image was in clear view, the valve opened, and the full force of his excoriations poured forth.

The excessive tone of Colasterion, often grating and occasionally offensive, and certainly inconsistent with the traditional view of Milton as a deeply learned, deeply spiritual, and supremely gifted poet, is our clearest indicator of the psychological stresses which he faced during this period. The experience may well have left regrets, but it reaffirmed a need for the philosophical support to his identity which only his particular brand of hermeneutics could provide. Colasterion is, therefore, far more useful for our immediate purposes than its overtly polemic nature might imply. There is, unfortunately, a gaping void in Milton criticism regarding Colasterion, yet the tract most warrants study, perhaps, for the manner in which Milton’s mental state applied his “four directors” to a specific opponent. Amongst the anger and the florid and gritty prose, Milton makes refinements to his hermeneutic principles which reflect a need to protect himself from an intellectual climate which not only failed to adopt his argument, but also chose to attack both his philosophy and his theology.

4. The Four Great Directors

The hermeneutic contributions of Colasterion, while virtually overpowered by the rhetoric of the tract, both reiterate and elaborate on what had been said regarding the “four great directors” in The Doctrine and Discipline. Each of the four is mentioned, but only as they apply to the specific and disagreeable occasion of the “servingman,” an inadequate scriptural commentator.
There is none of the abstract discussion of The Doctrine and Discipline, and little sense of goodwill to mankind.

The Doctrine and Discipline lists its hermeneutic first principles as “Charity,” “Reason,” “Nature,” and “Good Example.” “Charity” is the love not only of God for mankind, but also that which conditions the faithful’s obedience to God’s will: firstly, in return to God; next, in all self-governance; and lastly, toward his fellow man. “Reason” is the God-given intellectual means by which to examine all those sites of instruction through which God reveals himself to man. “Nature” is human nature, the innate good state in which man was created, in the image of God yet distinct from God, with needs and drives peculiar to his created state. “Good example” is the teaching of history, replete with lessons on how best to obey God’s will. The prime source of instruction in these principles is Scripture, as revealed in its original languages, Hebrew and Greek.

These four principles underpin Milton’s examination of Scripture during each aspect of his argument for divorce. In turn, his argument champions the rights and needs of the individual in marriage, rather than the role of marriage in society. That is, Milton’s emphasis is on the service of the institution to the individual, rather than the service of the individual, through marriage, to the greater community of mankind. Pre-eminence of the one over the many is characteristic of a reversion to originalist principles, for man began as a single being subservient in obedience to his creator God, and not as a member of the larger, fallen community of mankind.
i. Charity

It comes as no surprise that Charity is the most extensively discussed of the four directors in Colasterion. Milton felt little charity for this disputant and such animosity helped to refine his definition of the principle. Whereas both The Doctrine and Discipline and Martin Bucer begin their discussions of Charity almost immediately in the prefatorial materials, the word does not appear in Colasterion until page 7 of the 1645 text.

Charity indeed bids us forgive our enemies, yet doth not force us to continue friendship and familiarity with those freinds who have bin fals or unworthy toward us; but is contented in our peace with them, at a fair distance. Charity commands not the husband to receav again into his bosom the adulterous Wife, but thinks it anough, if hee dismiss her with a beneficent and peacefull dismission. No more doth Charity command, nor can her rule compell, to retain in neerest union of wedloc, one whose other grossest faults, or disabilities to perform what was covnanted, are the just causes of as much greevance and dissention in a Family, as the private act of adultery. Let not therfore under the name of fulfilling Charity, such an unmercifull, and more then legal yoke, bee padlockt upon the neck of any Christian.²¹⁸

Charity is not to be exercised as a naïve, all-blanketing balm for the world’s evils, for despite being the first and most profound gift of God to mankind, not even Charity can alter the fact that mankind is flawed and limited. An unrepentant enemy, or an incompatible spouse, may, or must, be forgiven, but then avoided or divorced. Charity may never alter its recipient’s character, so while a husband or wife can treat their difficult spouse with continual kindness, there may be yet no change in that person’s demeanour or “heart.”

Such Charity, at first glance, seems almost strained, or constrained, and self-serving, certainly convenient to the situation, and distant from the grand Charity of God to mankind. Yet it is much closer to God’s own Charity than might at first appear. As God the Father himself declares in Paradise Lost,

²¹⁸ CPW II, 731-2.
For man will heark'n to his glozing lyes,
And easily transgress the sole Command,
Sole pledge of his obedience: So will fall,
Hee and his faithless Progenie: whose fault?
Whose but his own? ingrate, he had of mee
All he could have; I made him just and right,
Sufficient to have stood, though free to fall.  (III.93-9)

The manner in which one expresses Charity must not be in conflict with God’s will, for Charity
is God’s will expressed; Charity, therefore, requires an act of obedience in its expression, in
order that God, and no individual creature, be recognized as the first mover of Charity.
Otherwise, we are doomed to impress Eve and repeat Adam’s error *ad aternitatem*, as Milton
illustrates when Adam chooses a fallen state over obedience to God.

So saying, she embrac’d him, and for joy
Tenderly wept, much won that he his Love
Had so enobl’d, as of choice to incurr
Divine displeasure for her sake, or Death.  (IX.990-3)

Coupled with an individual’s responsibility to behave charitably toward his fellow man is
that individual’s reasonable right to expect responsible behaviour from others, and, if such
behaviour is wanting, to express charitable regret and, if one’s spiritual welfare appears
imperilled, to withdraw.  If one’s spouse behaves badly, and refuses to relent from such
behaviour, and to repent, one may withdraw to a position of divorce.  Milton himself displays
such behaviour when he repeatedly requests the opponents of his position on divorce to debate
with him, or to expound a better, scripturally-based way of managing the situation.
Unfortunately, Colasterion also displays in Milton the uncharitable response of abusive
condemnation characteristic of *An Answer to a Book*.  In his defence, Milton’s loss of restraint
was two years coming.

Charity, then, is by nature limited, both in God and man, and not the seemingly all-forgiving,
self-sacrificing pattern of behaviour espoused by Christ in his maxims on the Mount.
Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth:
But I say unto you, That ye resist not evil: but whosoever shall smite thee on thy
right cheek, turn to him the other also.
And if any man will sue thee at the law, and take away thy coat, let him have thy
cloke also.
And whosoever shall compel thee to go a mile, go with him twain.
Give to him that asketh thee, and from him that would borrow of thee turn not
thou away.
Ye have heard that it hath been said, Thou shalt love thy neighbour, and hate thine
enemy.
But I say unto you, Love your enemies, bless them that curse you, do good to
them that hate you, and pray for them which despitefully use you, and persecute
you.²¹⁹

Charity is a gentle and forgiving response, not a suicidal tendency. If they smite you, take it; if
they wish your cloak, give it willingly; but if they draw the blade, do not stand passively against
the thrust. Christ may teach us to love our enemies, but he does name evil for what it is.

Charity is not a passive withdrawal from action or judgement. Milton holds that God
intended man to be active in the exercise of his faith, and that activity begins with self-control
and self-preservation.

For seeing love includes Faith, what is ther that can fulfill every commandment
but only love? And I meant, as any intelligent Reader might apprehend, every
positive, and civil commandment, wherof Christ hath taught us that man is the
Lord. It is not the formal duty of worship, or the sitting still, that keeps the holy
rest of Sabbath; but whosoever doth most according to charity, whether hee work,
or work not; hee breaks the holy rest of Sabbath least. So Mariage beeing a civil
Orindance made for man, not man for it; hee who doth that which most accords
with charity, first to himself, next to whom hee next ows it, whether in mariage or
divorce, hee breaks the Ordinance of mariage least. And what in Religious
prudence, can bee charity to himself, and what to his Wife, either in continuing, or
in dissolving the mariage knot, hath bin already oft anough discours’d ... mariage
is nothing, and divorce is nothing, but faith, which worketh by love.²²⁰

“First to himself, next to whom hee next ows it”: Charity, literally, begins at home. As “man is
the Lord,” so must he care for himself first. Others, including his spouse, come second, after
himself. God’s institutions, of the Sabbath and of marriage, were designed and created for the

²¹⁹ Matthew 5.38-44. All quotations from Scripture are from the Authorized Version.
²²⁰ CPW II, 750.
individual man, to enhance his existence. An argument which demands that anybody remain in a bad marriage merely for the sake of that marriage puts the ox before the cart, valuing the form of the institution before the purpose of its creation. Milton had already made this point in the second edition of *The Doctrine and Discipline*.

For what are all these reasonings worth, will some reply, when as the words of Christ are plainly against all divorce, except in case of fornication. To whom he whose minde were to answer no more but this, *except also in case of charity*, might safely appeal to the more plain words of Christ in defence of so excepting. *Thou shalt doe no manner of worke* saith the commandment of the Sabbath. *Yes saith* Christ works of charity. And shall we be more severe in paraphrasing the considerat and tender Gospel, then he was in expounding the rigid and peremptory Law? What was ever in all appearance lesse made for man, and more for God alone then the Sabbath? yet when the good of man comes into the scales, we hear that voice of infinite goodness and benignity that *Sabbath was made for man, not man for Sabbath*. What thing ever was more made for man alone and lesse for God then marriage?221

Milton's final question here is curious, as though the interests of man and of God could be different. Yet, in Milton's philosophy, mankind stands as an entity independent from God's will, free to choose, though defined by an active and responsible obedience to God's will, not subsumed, unthinkingly, in a passive dependence on God's will and guiding Spirit. Such inactivity, such passivity, such an unwillingness to think things through, to examine laws merely in their wording rather than through the principles which underpin them, is the literalism against which Milton argued so vigorously in *The Doctrine and Discipline*.

Nevertheless, the "rigid and peremptory Law" no longer depended on mankind, but not because God had removed, through the work of his Son, the "rigid and peremptory" part of the equation; he had simply redefined the "Law" part, exempting mankind from obedience to ceremonial and dietary restrictions of the Mosaic dispensation. The "rigid and peremptory" aspect of the relationship between mankind and God still pertains, but individual man is now

221 *CPW* II, 281.
required to examine himself for the manner of his obedience, as the primary relationship is now between the individual and God. With the individual privileges of redemption and salvation come the individual responsibilities of obedience: hence, the Sabbath becomes a day not for sitting back, inactive according to fastidiously regulated strictures of rest, but a day for exercising individually regulated rest, a rest which may include, as Christ taught, acts of Charity. Marriage is therefore an institution within which an individual may determine how best to serve his spouse in Charity, even if that involves a divorce for irreparable differences. Were marriage made for God, mankind would have received a series of "rigid and peremptory" rules and regulations for performance within the institution; because marriage was not made for God, mankind did not receive these rules, but principles allowing flexible, interpretative judgment.

ii. Reason

Milton has little to say in Colasterion about the hermeneutic principle of Reason, perhaps because he sees so little of the rational capacity exercised by the two authors of An Answer. The authors of the tract are against all reason, not only in their style of delivery, but in the structure of their arguments as well.

Nor was the stile flat and rude, and the matter grave and solid, for then ther had bin pardon, but so shallow and so unwary was that also, as gave sufficiently the character of a gross and sluggish, yet a contentious and overweening pretender. 222

This "doul... as sad and obtuse as any mallet" 223 is of an inferior intellect to start with, but then that author abuses the reasoning of those about him, including Milton in The Doctrine and Discipline, believing himself to be more clever than all.

222 CPW II, 725.
223 Ibid, 736.
Only in the passage following, I cannot but admire the ripeness, and the pregnance of his native trechery, endeavouring to bee more a Fox then his wit will suffer him. Wheras I breifly mention'd certain heads of Discours, which I referr'd to a place more proper according to my method, to bee treated there at full with all thir Reasons about them, this Brain-worm against all the Laws of Dispute, will needs deal with them heer.\footnote{224  CPW II, 743.}

Milton’s protests against the irrationality of \textit{An Answer}'s arguments are legion, peppering every page, but the “servingman” and Joseph Caryl are not the only objects of his irritation. William Prynne had referred to the thesis of \textit{The Doctrine and Discipline} as “divorce at pleasure” in his \textit{Twelve Considerable Serious Questions}, published on September 16, 1644. Milton respected Prynne and was dismayed that reason could so inexplicably desert him.

When as one above others who hath suffer'd much and long in the defence of Truth, shall after all this, give her cause to leav him so destitute and so vacant of her defence, as to yeild his mouth to bee the common road of Truth and Falshood, and such falshood as is joyn’d with a rash and heedles calumny of his neighbour.\footnote{225  Ibid, 722.}

Prynne had published repeatedly for Puritan causes, and had suffered considerable persecution at the hands of authorities. He had stood firmly against the bishops when Milton wrote his anti-episcopal tracts and, again like Milton, opposed the ornamentation of the Church and its officers. Prynne had been imprisoned and degraded from his Oxford degrees, yet continued his struggles. Despite his many publications and the lessons of these trials, Prynne was inexplicably obtuse here. When it came to the matter of divorce, Milton could only conclude that God creates those of greater and lesser rational capacities and, while Prynne may be a shining example of the former, reason can, at times, desert even the most competent and learned, regardless of their devotion to truth.

Later in the tract, Milton obliquely explains more about his conception of reason while discussing another matter.
If therfore the minde cannot have that due society by mariage, that it may reasonably and humanly desire, it can bee no human society, and so not without reason divorcible, heer hee falsifies, and turnes what the position requir'd of a reasonable agreement in the main matters of society, into an agreement in all things, which makes the opinion not mine, and so hee leavs it.

Reason is an essential ingredient in marriage, for a happy union is chiefly seated in agreement and unity of minds. Further, a mind "reasonably and humanly desire[s]" due society. "Human" desire refers to human nature, another of the "four great directors," which, according to this reference, Milton considers a co-habitant of the mind, with reason. Reason also "desires" (an attribute conventionally associated with emotion) but only as a string of logic "desires" the next step in its progression, as 4 follows 1, 2, and 3. Milton constantly berates An Answer for arguing outside the obvious logic of his argument. When its authors depart in an illogical direction, disregarding reason in favour of custom and literalism, Colasterion cites the place and manner of this dissent in an effort to reunite the reader with his argument, as in the above quotation.

iii. Human Nature

Colasterion's discussion of human nature is occasioned by An Answer's comments on the thesis statement in the second edition of The Doctrine and Discipline.

That indisposition, unfitnes, or contrariety of mind, arising from a cause in nature unchangable, hindring and ever likely to hinder the main benefits of conjugall society, which are solace and peace, is a greater reason of divorce then naturall frigidity, especially if there be no children, and that there be mutuall consent.

An Answer, having quoted the above almost verbatim, replies by breaking Milton's thesis into four "propositions":

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226 CPW II, 754-5.
227 CPW II, 242.
1. That there is in some men and women a disposition, unfitness, or contrariety of minde, arising from a cause unchangeable in nature.
2. That such a contrariety of disposition hinders the main benefit of mariage or conjugall society.
3. That solace and peace are the main and chief ends of mariage or conjugall society.
4. That such a contrariety of minde or disposition is a greater cause of divorce then naturall frigidity.

An Answer then elaborates on each of the points. To the first, "that there is no such disposition in nature as is unchangeable, so teacheth Philosophy: That by the careful use of diet and the help of Physick, there is no disposition or constitution but may be altered, if not altogether, yet in a great measure." "That by the grace of the Gospel, the Lionish dispositions shall so be changed that they shall be fit for the society of milder natures; and if so, it will follow, that if the disagreeing dispositions of a man & his Wife are from their own corruption."

To the second, "If ... you mean a sordid filthy sullen disposition, or other crabbed qualitie, kindled ... after mariage, and increased by each mutual provocation; this is not naturall: no contrarietie in Nature, but a sinfull and corrupt aberration from Gods law and their owne duties, which they are bound to purge away ... not being naturall or of nature, but corruption wilfully nourished."

To the third, "Solace and peace ... is not the main end of mariage or conjugall society, ... for then would it have been ... more content and solace to Adam; and so consequently to every man, to have had another man made to him of his Rib in stead of Eve: this is apparent by experience, which shews, that man ordinarily exceeds woman in naturall gifts of minde, and in delectableness of converse."
To the fourth, "If contrariety of minde or disposition be not so great a cause to have maried persons to burning in lust towards others, as naturall frigidity is, in the one maried partie, to leave the other to burn in lust to others, then is it not so great a cause of divorce as naturall frigiditie is." But "Burn in lust," which Milton does not use in the passage which An Answer is examining, occurs only in Romans 1.27 in the AV, but An Answer is probably alluding to I Corinthians 7.9, "it is better to marry than to burn," for Milton addresses this passage on page 9 of the first edition of The Doctrine and Discipline. Indeed, he mocks the author of An Answer for repeating the phrase "burn in lust" so frequently, six times on pages 12-13, and nine times on pages 30-32. To Milton, this indicates a deeply libidinous character barely disguised by self-righteousness.

Milton answers each of these four objections in turn, but the topic of human nature arises only in his answer to the first.

I mean not to dispute Philosophy with this Pork, who never read any. But I appeal to all experience, though there bee many drugs to purge those redundant humors, and circulations that commonly impair health, and are not natural, whether any man can with the safety of his life bring a healthy constitution into physic with this designe, to alter his natural temperament, and disposition of minde. How much more vain, and ridiculous would it bee, by altering and rooting up the grounds of nature, which is most likely to produce death or madness, to hope the reducing of a minde to this or that fitnes, or two disagreeing mindes to a mutual sympathy. ... But lastly, whether these things bee changeable, or not, experience teacheth us, and our Position supposes that they seldom doe change in any time commensurable to the necessities of man, or convenient to the ends of mariage. ... For his freinds and followers ... I send them by his advice to sit upon the stool and strain, till their cross dispositions and contrarieties of minde shall change to a better correspondence, and to a quicker apprehension of common sense, and thir own good.

Milton holds that there is a medicable body, and a God-given, immedicable human nature.

Whereas drugs may be used on "redundant humors" and bad "circulations," any attempt to "alter [the] natural temperament, and disposition of minde" with drugs would threaten the very life of

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232 An Answer, p. 12.
233 CPW II, 737-8.
the patient. Indeed, to medicate the body so severely, to “alter and root up the grounds of nature” would likely cause death or madness. Human inventions forcibly applied to God’s design can only work harm. Even were a routine of medicines to effect an alteration of moods, the eventual result would arrive too late to be “commensurable to the necessities of man, or convenient to the ends of marriage.” Then, as is often characteristic of this tract, Milton rudely sends the author of An Answer, and his friends, off to the toilet to strain themselves back to good common sense. Perhaps the human disposition is more likely to benefit from purgation than by the infusion of any medicines.

In 1642, Milton had argued that various human dispositions or combinations of humours were created in each man by God, and that they were the means by which God ensured that all men were touched by the message of Christ. Christ himself was all in all, but “what was all in him, was divided among many others the teachers of his Church.” The Apostles and various other teachers of the Church, each of a different temperment, taught individualistically in order that the nature of each future man might be reached by a teacher suited to him particularly. This variety of teachers was sent,

    some to be severe and ever of a sad gravity, that they may win such, and check sometimes those who be of nature over-confident and jocond; others were sent more chearful, free, and still as it were at large, in the midst of an untrespassing honesty; that they who are so tempered, may have by whom they might be drawn to salvation, and they who are too scrupulous, and dejected of spirit, might be often strengthen’d with wise consolations and revivings: no Man being forc’d wholly to dissolve that ground-work of nature which God created in him, the sanguine to empty out all his sociable liveliness, the choleric to expel quite the unsinning predominance of his anger; but that each radical humour and passion wrought upon and corrected as it ought, might be made the proper mould and foundation of every Man’s peculiar gifts and virtues.  

234 An Apology Against A Pamphlet. 21; CPW, I. 900. (Hereafter referred to as “An Apology”.)
235 CPW I, 900.
Various dispositions of human nature are “peculiar gifts and virtues” here, quite contrary to An
Answer’s elaboration on the second division of Milton’s thesis, which terms some as “sordid
filthy sullen disposition[s].”

Milton is not, of course, asserting that all persons are obedient to God and faithful to their
own God-given nature. He would agree that there are those of a “sordid filthy sullen
disposition,” both men and women, but these are persons outside of God’s grace, and as likely to
change their unpleasantness as a “Blackamore changes his colour, or the Leopard his spots, Jer.
13.23.”236 Once a person comes under God’s grace, there is no reason to remain married to a
spouse still outside of God’s grace, of an unpleasant mien who proves, over time, an unrepentant,
unyielding character. Why “dwell in torment all his life, for the ungracious?”237 One would
think from the following reply that Milton had a specific clergyman in mind.

Wee see that holiest precepts, then which ther can no better physic bee
administred to the minde of man, and set on with powerfull preaching, cannot
work this cure, no not in the family, not in the wife of him that Preaches day and
night to her. What an unreasonable thing it is that men, and Clergy-men
especially, should exact such wondrous changes in another mans house, and are
seen to work so little in thir own?238

If, then, there is a diet or regimen of exercise sufficient to remedy ailments of disposition, it is
Scripture, but Scripture was never meant to alter human nature, only to cure the misbehaviour of
those still outside of God’s will.

236 CPW II, 738.
237 Ibid, 738.
238 Ibid, 738. If this is a personal “stab” at Caryl, it must be in reply to Caryl’s own impropriety noted
below, on page 35.
iv. Good Example

As the best exercise of Charity may be to turn away from one’s enemies, as Reason’s arguments turn irrational when tainted with a “brain-worm,” and as God-given Human Nature may be saddled in the “ungracious” with an ugly disposition, so may the value of Good Example be mitigated by improper application.

Now follows the Chaplain with his Antiquities, wiser if hee had refrain’d, for his very touching ought that is lerned, soiles it, and lays him still more and more open a conspicuous gull.239

Not all historical examples are “good,” whether applied rightly or not. While an example may seem to support an argument, the tenets and conditions of its particulars must agree with their application, or risk opposition in principle. For example, the first Church Council which An Answer cites against Milton is the twelfth of Toledo, held in 681. As Coolidge notes, this was hardly a council of historical importance, and, as Milton himself notes, the conclusions of this council (that marriage is indissoluble except for fornication)240 contradict what An Answer itself states two pages earlier.241 Good Example must work in concern with Reason to support an argument, not to dis-assemble it.

While reference to the twelfth Toledan Council may have authority when rightly applied, though in this case it fails to do so, the Council next cited by An Answer (the first of the English provincial councils, the Synod of Hertford, convened in 668), as far as Milton is concerned, does not. This “Saxon Council” is, according to Milton, tainted, for the man under whose authority it

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239 CPW II, 735.
240 “Preceptum Domini est, ut excepta causa fornicationis, uxor a viro dimitti non debeat.” Canon 8, as cited by Coolidge, CPW II, 735. n. 57.
241 Milton, mistakenly, says one page, but he is quite correct in the assertion of contradiction. The “servingman”: “If the Husband and Wife be by the Ordinance of God one flesh, then may they not separate or be separated from one another, except it be for some cause which either in it selfe or by consequence may justly be thought to be a just cause of dissolving the union of being one flesh. Only as I intimated, such other causes may be allowed or as dissolves this union of being one flesh, either directly, or by consequence.” An Answer, p. 7.
was convened had already proven himself morally corrupt. "Theodorus, the Canterbury Bishop, a Grecian Monk of Tarsus, revolted from his own Church to the Pope." The inference is that such a man may not be relied upon to lead the Church in spiritual matters.

Perhaps Milton's argument for careful research in the use of historical examples is even stronger than he had intended, and at his own expense, for he was later to reverse his own opinion of this "Monk of Tarsus." At 70 years of age, Theodore was ordained Archbishop of Canterbury by Pope Vitalian in 668. His Council at Hertford was convened to solve the problem of a lack of bishops and general abuses in the English Church. He promoted studies, introduced Gregorian Chant, and reorganized the dioceses. Under him, the Church in England gained a more unified and established structure.

In Kent, Ercombert expiring, was succeeded by his Son Ecbert. In whose fourth year, by means of Theodore, a learned Greekish Monk of Tarsus, whom Pope Vitalian had ordain'd Archbishop of Canterbury, the Greek and Latin Tongue, with other liberal Arts, Arithmetic, Music, Astronomie, and the like; began first to flourish among the Saxons; as did also the whole Land, under potent and religious Kings, more then ever before, as Bede affirms, till his own days.

In contradiction to the tone of Colasterion's reference to Theodore, Milton's History of Britain (1670) discusses Theodore with praise. Milton is as guilty, then, as the "servingman" of eventual self-contradiction, even if, at this point, the error is not as blatant as that in An Answer.

Good Example is not as obvious or as easy as many scholars seem to think: historical examples which consistently agree with one's argument are much scarcer than initial research might seem to indicate. The principles of one's argument supersede the opinions of others and the Christian scholar must think for himself. Further, the spiritual principles of one's own argument also supersede the opinions of others: if historical examples, even Church Councils,

242 CPW II, 735-6.
244 CPW V. i., 216.
contradict prescribed spiritual principles, human precedent must be the least authoritative of the “four great directors.” Milton values hermeneutics above historical precedent, as is evident in his anger with “tradition”: the logic of an argument is more important than the fact that somebody before you said the same thing. A Christian scholar must, therefore, assemble the principles of his argument first, and then search out congruent opinions.

5. Other Exegetical Discussions

Originalism, the principle that the oldest precedent in a case is the most authoritative, enters into Milton’s argument with An Answer. The first instance is that cited above, wherein the “servingman” mentions the twelfth Council of Toledo, and the Synod of Hertford. Milton simply notes that there are “both Fathers and Councels more ancient, wherewith to have serv’d his purpos better.” Not that the Council of Toledo does not carry weight, for, as Milton notes jestingly, their testimony cuts across prior points of An Answer:

I would not undervalue the depth of his notion, but perhaps he had heard that the men of Toledo had store of good blade-mettle, and were excellent at cuttling; who can tell but it might bee the reach of his policy, that these able men of decision, would doe best to have the prime stroke among his testimonies in deciding this cause.

This seventh century Council is “ancient,” yet not all authorities are so — some are “modern.” When, six pages later, Milton refutes the criticism of his reading of Deuteronomy 24.1, he claims his to be the same understanding of the Hebrew as that held by all learned men.

The exposition of Deut. which I brought, is the receav’d Exposition both ancient and modern, by all lerned men, unless it bee a Monkish Papist heer and there.  

\[\text{\textsuperscript{245}}\text{CPW II, 735.}\]

\[\text{\textsuperscript{246}}\text{Ibid, 744.}\]
Learning is not confined to ancient writers, though when discussing the translation of Malachi, Milton seems to infer that it is more prevalent among the ancient.

Of Malachy I have spok'n more in another place; and say again that the best interpreters, all the ancient, and most of the modern translate it, as I cited, and very few otherwise, wherof perhaps Junius is the cheif.247

In a gathering of “best interpreters” of Malachi, all of the ancients are attendant, but not all of the modern. Once again, older is better.

In The Doctrine and Discipline, Milton explains that the words of Christ are, often, not to be taken literally, but must be understood within the context of their utterance, accounting for their audience, and for any hebraisms in the language. Colasterion reiterates this point.

His Explanation don, hee charges mee with a wicked gloss, and almost blasphemy, for saying that Christ in teaching meant not always to bee tak'n word for word; but like a wise Physician administering one excess against another, to reduce us to a perfet mean. Certainly to teach thus, were no dishonest method: Christ himself hath often us'd hyperbolies in his teaching.248

Milton uses secular authorities at this point to illustrate his argument, as he had in The Doctrine and Discipline when he wrote that a scholar, drawing on “Good Examples,” might access both the sacred and the secular.

[The] gravest Authors, both Aristotle in the second of his Ethics to Nichomachus, and Seneca in his seventh De Beneficiis, advise us to stretch out the line of precept oft times beyond measure, that while wee tend furder, the mean might bee the easier attain’d.249

Extending an argument beyond its obvious bounds provides greater room for the middle ground, and therein permits clearer expression of an argument’s principles. He had argued the same in The Doctrine and Discipline.

247 CPW II, 749.
248 Ibid, 745.
249 Ibid, 745.
What middle way can be tak'n then, may some interrupt, if we must neither turne
to the right nor to the left, and that the people hate to be reform'd: Mark then,
Judges and Lawgivers, and yee whose Office it is to be our teachers, for I will
utter now a doctrine, if ever any other, though neglected or not understood, yet of
great and powerfull importance to the governing of mankind. He who wisely
would restrain the reasonable Soul of man within due bounds, must first himself
know perfectly, how far the territory and dominion extends of just and honest
liberty. As little must he offer to bind that which God hath loos'n'd, as to loos'n
that which he hath bound.250

Aristotle's words from the Nichomachæan Ethics, to which Milton is referring in the above
quotation from Colasterion are,

So much, then, makes it plain that the intermediate state is in all things to be
praised, but that we must incline sometimes towards the excess, sometimes
towards the deficiency; for so shall we most easily hit the mean and what is
right.251

Milton's citation of Seneca in the same passage of Colasterion refers to the following sentence:

Quedam præcipimus ultra modum, ut ad verum et suum redeant. "We overstate
some rules in order that in the end they may reach their true value."252

Hyperbole is a rhetorical technique of considerable tradition, both secular and sacred. For
Colasterion, Milton applies these authors to Christ's teachings.

And who-ever comments that fifth of Matthew, when hee comes to the turning of
to cheek after cheek to blows, and the parting both with cloak and coat, if any please
to bee the rifler, will bee forc't to recommend himself to the same Exposition,
though this catering Law-monger bee bold to call it wicked.253

As Milton points out, Christ teaches the principle of excess, that violence must be defeated
through active passivity, and that poverty must be salved by charitable excess. The points of the
argument are less important to us here than that Milton has once again used secular examples to
confirm sacred arguments.

250 CPW II, 227.
252 "De Beneficiis" VII.xxxi.1. In, Seneca III: Moral Essays III (Cambridge, MA.: Harvard University
253 CPW II, 745.
6. The Matter of Hebrew

The translation of the Hebrew texts is a prime point of controversy between Milton and An Answer. Many twentieth century critics have written on Milton’s Hebrew, developing a fascinating and discordant forum, and, while most of our treatment of this topic occurs in the next chapter on Tetrachordon, either the “servingman” or Caryl, or both, demand a brief discussion here, for Milton’s Hebrew abilities are challenged in two places in An Answer.

Much of Milton’s argument hinges on his translation of Deuteronomy 24.1, for, as has been noted in Chapter I, Hebrew is the first language of the text and the key to an accurate understanding of Moses’s law. To attack his translation of this verse would be to shatter the very foundation of his scriptural case for divorce.

The Hebrewes themselves expound this Text, to be understood of a woman of evill condition, who is not modest according to the honest Daughters of Israel. So that here seems to be no ground for your understanding the Text to speak of any unpleasing naturall quality, when as indeed it speaks of uncleannesse: so that as we conceive, the maine Pillar of your Book is not able to hold up it self, much lesse will it serve for a prop to hold up the rest of your discourse.254

The discussion of Hebrew in An Answer is frustrating, however, for, as Milton notes, the authors’ knowledge of the language is obviously minimal, if not non-existent.255 Where Milton’s reading is contended against, An Answer prints an inaccurate transliteration, disclosing that the Hebrew was probably strained through, letter by letter, against a learner’s guide. The resultant roman letters render, unfortunately, a pronunciation completely different from that of the actual Hebrew. דירוהו, the Torah text for the “some uncleanness” of the Authorized Version,

254 An Answer, 19-20.
255 See pages 1-2 and 19 of An Answer.
transliterates as *erath davar*,²⁵⁶ not "*Gueruath Dabhar*," as An Answer prints repeatedly. Were the authors of An Answer conversant with Hebrew on any level, this would not have happened. Further, there cannot be any veracity to their discussion of Deuteronomy 24.1, on the level of Hebrew, at least. Their analysis of Deuteronomy arises, obviously, from use of marginal notes, a comparison of texts, and from what appears to be some knowledge of New Testament Greek. All of these are legitimate exegetical tools, but they are no substitute for actual knowledge of the original language. Contentions such as these regarding the original text must always revert to a translation of the original languages (as Milton noted in The Doctrine and Discipline), in which the author of An Answer has just proven himself incompetent.²⁵⁷

Milton does not bother to argue the points regarding Hebrew, for there is no argument. He simply notes that the author of An Answer cannot even spell the language²⁵⁸ and that his reading is "meerly new, and absurd, presuming out of [their] utter ignorance in the Ebrew, to interpret those words of the Text ... against all approved Writers."²⁵⁹

The author of An Answer is confused about languages generally, though he sets himself up as a polyglot. At one point, he accuses Milton of "count[ing] no woman to due conversation accessible, ... except she can speak Hebrew, Greek, Latin, & French."²⁶⁰ Ironically, it is he himself that uses all four of these languages. Not once in the first edition of The Doctrine and Discipline, or in any of the other divorce tracts, does Milton use the French language or the

²⁵⁶ Authority for this rendering is from, J. Weingreen, A Practical Grammar for Classical Hebrew (Oxford: OUP, 1959).
²⁵⁷ These judgements are a reflection of Milton's own criticisms. As Prof. Paul Mosca has noted, however, the transliteration of certain hebrew letters to roman script is difficult, and the "gueruath dabhar" rendering of An Answer is, in his view, no more or less valid than Milton's own "erath davar".
²⁵⁸ CPW II, 724. As Coolidge notes, "The errors [in the Greek] consist in the substitution of short vowels for long ... (ε for η in επιστομη, ο for ω in επιστεμω), and in the general omission of accents" (n. 14).
²⁵⁹ CPW II, 744.
²⁶⁰ An Answer, p. 16.
French Bible, nor do they have anything to do with Milton’s treatment of the divorce controversy. The references to his relations with women is a veiled and rather cruel reference to his marital misfortunes.

Another point of confusion in An Answer, the counter to which clarifies one more aspect of Milton’s hermeneutics, is its identification of “the main pillar” of Milton’s argument. Initially, “the main pillar” is claimed to be Milton’s original thesis, that,

undisposition, unfitnesse, or contrariety of minde, arising from a cause in nature unchangeable, hindring and ever likely to hinder the main benefits of conjugall society, which are solace and peace, is a greater reason of divorce then naturall frigidity.

Later, “the maine Pillar which he trusts in to hold up his whole Book” becomes the text of Deuteronomy 24.1, as the “servingman” claims twice, once on page 19, and again on page 20. Apparently, the contention that two incompatible persons should be permitted to divorce, and the text of Deuteronomy 24.1, are the same thing. Milton himself notes this conflict but takes the opportunity to clarify rather than to rail. The two “pillars,” his thesis and the Deuteronomy text, are those pillars upon which he builds his argument.

Concerning that place Deut. 24.1. which hee saith to bee the main pillar of my opinion, though I rely more on the institution then on that. These two pillars I doe indeed confess are to mee as those two in the porch of the Temple, Jachin and Boaz, which names import establishment, and strength; nor doe I fear, who can shake them.

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261 An Answer compares the French to an English biblical translation on page 19, as though the French were to be thought an authoritative text. The author also uses Latin in this way, a practice not found in Milton (that is, as a means to establish meaning), as Latin is not an original language of Scripture. Milton’s use of Latin as a comparative is to prove the consistency of learned and ancient translators.

262 Ironically, the stab is itself untimely, for, as Masson notes, Milton was now interested in “a very handsome and witty gentlewoman,” the daughter of a “Dr. Davis” who may have seen fit to reciprocate Milton’s attentions, for talk of a marriage was underway. Knowledge of this put a panic into the Powell family and a “chance” meeting between Milton and the estranged Mary was shortly contrived (Masson, III, 436-9).

263 The text of one of these appears above.

264 An Answer, p. 10. This is a fairly accurate reproduction of Milton from The Doctrine and Discipline.

265 CPW II, 744.
The division of the second edition of The Doctrine and Discipline into two books is intended to reflect this bipartite focus. The first half deals with the “institution,” or what Milton believes to be the true nature of marriage, as established first in Eden, the abuse of whose conditions would warrant divorce. The second half of the second edition of The Doctrine and Discipline deals with the more scripturally based, hermeneutically developed aspects of the argument, deriving clarity and definition from specific scriptural passages.

The use of “Jachin and Boaz” as the two pillars of his temple porch is another oblique strike at An Answer’s lack of Hebrew, for while the names could be found in any English Bible, the meaning of the Hebrew names, which only Milton gives, could not. As he notes, the name of the one, בֹּאוֹז, Boaz, which stands on the left or north of the porch, denotes strength, and the name of the other, יָכִין, Jakin, the pillar on the right or south, signifies establishment. They correlate to the two aspects of his argument, the principle of the institution of marriage, and the meaning of Moses’s Deuteronomic text, though he does not say which he sees as which. Were he asked, he would say, presumably, that יָכִין is for the institution “established” in Eden, and בֹּאוֹז for the text which permits divorce, therein “strengthening” the institution.

The temple itself is Solomon’s temple, the great building on Mount Moriah in Jerusalem. The porch, supported by the two pillars, was not outside, at the entrance to the greater temple, but well inside, at the entrance to the הֵיכָל, the main hall, within which was kept the הֵיכָל הָעָלֶה, the “holy of holies,” the final sanctuary which housed the Ark of the Covenant. The “porch,” then, is much closer to the centre of the most holy of buildings, as Milton’s case for

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266 The names of the pillars appear twice, in 1 Kings 7.21 and in II Chronicles 3.17.
divorce is close to, or illustrative of, the most central of hermeneutic principles, the key to God’s intentions for mankind, Charity.

That Milton considers the institution of marriage to be the more significant of the two pillars, that he relies more on the institution than on the text, is significant. Despite the better part of two years working away at the defense of his argument, his heart remains with the principle of the matter. Milton is no pragmatic polemicist, determined to win a debate at all costs. He is, rather, a man with a mission, and that to defend against all comers the sanctity of the institution of marriage as a union founded on the free and loving “conversation” of both consenting parties.

“All comers” includes not only opposing polemicists themselves, but also those who would teach that the Christian religion is dictated to, and bound by, the literal words of Scripture alone, rather than a composing union of Scripture with the guidance of the Spirit of God, in conjunction with human reason. The “human element” is critical to Milton, for his personal opinions arise, he believes, from the most sincere workings of his heart, his reason, that place where the Spirit of God teaches the individual. God engraved in men’s nature, as he wrote in The Reason of Church Government in 1641, laws and ideas.

That which is thus morall, besides what we fetch from those unwritten lawes and Ideas which nature hath ingraven in us, the Gospell … lectures to us from her own authentick hand-writing.\textsuperscript{268}

He who strays least from his own God-given nature is therein closest to understanding these “unwritten lawes and Ideas.” Indeed, as he wrote the next year in An Apology Against a Pamphlet, nature leads through reason.

For doubtlesse that indeed according to art is most eloquent, which returnes and approaches nearest to nature from whence it came; and they expresse nature best, who in their lives least wander from her safe leading, which may be call’d regenerate reason.\textsuperscript{269}

\textsuperscript{268} CPW I. 764.
\textsuperscript{269} Ibid, 874.
Milton's own reason is to be included in the category of "all comers" as well, as the intense revisions which his argument undergoes, both in form and content, indicate. The two editions of *The Doctrine and Discipline*, *Martin Bucer*, and *Colasterion* have little in common, save their central argument. What first appeared with the first edition of *The Doctrine and Discipline* has been extensively elaborated, supported, and defended. Milton's opinions have remained unshaken from the beginning of the controversy, as have his hermeneutics, most clearly expressed in the principles of his argument, the "four great directors." When he asserts, in the above passage, that Deuteronomy 24.1 does not form the main pillar of his opinion, he is claiming as much, for the logical aspects of his argument are mere exegetics, the nuts and bolts of the machine, which must not be idealized above the purpose for which the machine was assembled in the first place. God instituted marriage in Eden as an expression of his "Charity," his love for mankind, as a means to alleviate the loneliness of Adam. The two pillars must coexist and be seen to support the "temple porch" equally. To over-value the pragmatics of exegesis, a concession to reason, is to lose sight of the forest for the trees, as Milton's "literalist" opponents so frequently do.

7. The Impact of An Answer and the Implications of Colasterion

The "four great directors" comprise the driving principle of God's will for mankind, Charity, and the means by which to comprehend His will, but the nature of this relationship to God has an ominous side as well. This relationship depends upon, on the part of man, responsible and active obedience. Ignorance of such responsibility is terrible, for once a man relinquishes his active and thinking obedience in exchange for a passive dependence upon another's thoughts and
actions, not only has he relegated himself to the condition of "original blindness," as Milton describes it in the second edition of The Doctrine and Discipline, he has exempted himself from this very relationship with God. Under the old Law, a man could rest assuredly in the belief that he obeyed God by obeying the laws and regulations as explained to him by the priests. Such is no longer the case for the Christian; now each individual is responsible for his own obedience, and this according not to laws but to principles taught by Scripture. The flagrant violation of this fundamental relationship on the part of his accusers is what eventually drove Milton to the ferocity of Colasterion — that and the temerity with which they justify such error. Freedom to choose divorce is merely the obverse of the coin of responsibility: an individual who exercises his responsibility to obey God thoughtfully and actively also exercises a freedom to determine for himself, guided by the Spirit, the best manner in which to obey God; that is, each individual has the God-given opportunity to exercise autonomy in the judgment of his own thoughts and actions. Responsibility and freedom are inseparable.

Many of Milton's writings make the case for personal liberty, on either the religious, the civil, or, as is the case with the divorce tracts, the domestic level. Years later, in the oft-quoted Defensio Secunda of 1654, Milton would himself enumerate these three aspects of liberty, explaining that he had had a larger agenda of sorts in mind while working on each of them individually.

When [the bishops] ... had at last fallen ... I directed my attention elsewhere, asking myself whether I could in any way advance the cause of true and substantial liberty, which must be sought, not without, but within, and which is best achieved, not by the sword, but by a life rightly undertaken and rightly conducted. Since, then, I observed that there are, in all, three varieties of liberty without which civilized life is scarcely possible, namely ecclesiastical liberty, domestic or personal liberty, and civil liberty, and since I had already written

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270 CPW II, 222. See also the discussion on regenerate reason in the De doctrina christiana I, xii (CPW VI, 394-8), and De doctrina christiana I, xviii. (CPW VI, 461).
about the first, while I saw that the magistrates were vigorously attending to the third, I took as my province the remaining one, the second or domestic kind.271

The artificiality of such retrospective method is apparent, yet Milton cannot but be accurate in recollecting his desire at this point in his life to pursue freedom of all sorts. Perhaps the most magnificent of all his prose works, the Areopagitica, immediately precedes Colasterion and Tetrachordon,272 and argues in impassioned tones the case not only for freedom of publication, but for freedom of thought as well. Milton had already expressed, in Martin Bucer, his abhorrence of the licensing of publications, as that had been most extremely displayed in burning the writings of Bucer and Fagius beside their exhumed bodies. The matter of licensing had long been contentious, as witnessed by, for example, the lack of names on title pages. Nevertheless, despite Milton’s efforts to link licensing to a suppression of the truth, he had himself been called before an examining board to defend his divorce work. He was dismissed, but what mattered to Milton, as in all other things, was not the pragmatics but the principles which underlie the business at hand. The result of his experience was the protesting Areopagitica, yet even this ageless testimony had failed to alter the situation. Opposition did not so much bother Milton (he closes Colasterion with yet another invitation to a reasonable and learned response), as did the nature of that opposition — both An Answer and Palmer’s sermon are arrogant and ignorant. Further, the nature of the opposition offended him, for rather than come to him with reasoned rebuttals, his accusers chose to address his arguments with ill-chosen counter-arguments, and that in his absence.

One comment by the author(s) of An Answer was far too excessive for Milton’s pride.

This frothie discourse, were it not sugred over with a little neat language, would appear so immeritous and undeserving, so contrary to all humane learning, yea,

271 CPW IV. i., 623-4.
272 Areopagitica was published on November 23, 1644.
truth and common experience it self, that all that reade it must needs count it
worthie to be burnt by the Hangman.\textsuperscript{273}

An \textit{Answer} does not mention Bucer, but Milton had heard of Palmer, reacting to his divorce
argument, making similar comments from the pulpit, which precipitated his defensive comments
in \textit{Martin Bucer}. Perhaps this one comment was enough to enflame Milton to that degree of
wrath which characterizes \textit{Colasterion}: after all, the very name of the tract derives from the
Greek for “punishment” or “correction.” As \textit{Colasterion} closes, both offending authors receive a
whipping,\textsuperscript{274} yet, while it was the “servingman” who made the “burning” comment, Caryl
receives most of the strokes.

And for this, for I affirm no more then \textit{Bucer}, what censure doe you think,
Readers he hath condemn’d the book to? To a death no less infamous then \textit{to be
burnt by the hangman}. Mr. Licencer, for I deal not now with this caitif, never
worth my earnest, & now not seasonable for my jest, you are reputed a man
discreet anough, religious anough, honest anough, that is, to an ordinary
competence in all these. But now your turn is, to hear what your own hand hath
earn’d ye, that when you suffer’d this nameles hangman to cast into public such a
despightfull contumely upon a name and person deserving of the Church and
State equally to your self, and one who hath don more to the present advancement
of your own Tribe, then you or many of them have don for themselvs, you forgot
to bee either honest, Religious, or discreet. . . . But as to this brute Libel, so much
the more impudent and lawless for the abus’d autority which it bears, I say again,
that I abominat the censure of Rascalls and their Licencers.\textsuperscript{275}

Milton is the one “deserving of the Church and State,” who in his anti-prelatical tracts had “don
more to the present advancement of [Caryl’s] Tribe, then you or many of them have don for
themselvs,” yet he has received no recognition, only abuse. Further, Caryl, as a member of the
Westminster Assembly “Tribe,” an ecclesiastical body appointed by Parliament itself, represents
both Church and State. The underlying tone of bitterness is unmistakable, for it is to both the

\textsuperscript{273} \textit{An Answer}, p. 41.
\textsuperscript{274} \textit{CPW} II, 729. Milton equates himself, metaphorically, with Ajax who, enraged because the arms of
Achilles had been awarded to Ulysses, binds and whips a sheep, under the delusion that it is Ulysses
himself. Milton’s “servingman” adversary is unworthy, but all he has for now, until he meets with “this
Rammel’s] . . . Ulysses.”
\textsuperscript{275} \textit{CPW} II, 753.
Church and to the State that Milton has appealed throughout this campaign, and while the preface to Martin Bucer may have jettisoned the Assembly, Parliament has always been the anchor point for Milton's hopes. Here in Caryl, though, Church and State unite, and ineptly, in opposition to the whole case for divorce.

Clearly, Milton doubts his arguments will persuade Parliament, even in the long run, to change the divorce laws. That body seems generally prejudiced against this "matter to expect evill from," even though he hopes "to meet among them with wise, and honourable, and knowing men." Despite the majority of "clowns and vices," these wise and honourable men, however few they might be, are Milton's last hope for reform. Nevertheless, Milton has lately been labouring alone in a distasteful cause.

I have now don that, which for many causes I might have thought, could not likely have bin my fortune, to bee put to this under-work of scowring and unrubbishing the low and sordid ignorance of such a presumptuous lozle. ... At any hand I would bee ridd of him: for I had rather, since the life of man is likn'd to a Scene, that all my entrances and exits might mixe with such persons only, whose worth erects them and their actions to a grave and tragic deportment, and not to have to doe with Clowns and Vices.

This likely allusion to As You Like It may intimate hope on Milton's part, for, while Milton's "entrances and exits" to and from the world's stage are finite, and best not wasted, he may nonetheless mix with those of "erect and active deportment." Preceding Shakespeare's "all the world's a stage" speech, there occurs, albeit faint, encouragement from Duke Senior to Jaques.

Thou seest we are not all alone unhappy:
This wide and universal theatre
Presents more woeful pageants than the scene
Wherein we play in.

276 CPW II, 753.
278 Mark Vessey has observed that this commonplace has long currency in Greek and Latin literature as well, not to mention its appearance in Erasmus's Praise of Folly, itself a prophetic work of clowning.
279 As You Like It, II.vii.135-8, as printed in The Norton Shakespeare (New York: Norton, 1997) 1122.
Perhaps Milton is not entirely alone in his frustration.

The sense of isolation increases, mortality is mentioned, and the circle of preferred association is closing to include only a few, the "wise, and honourable, and knowing," those of "grave and tragic deportment." The influence of one such man, John Selden, a member of Parliament, a legally trained orientalist and historian, and considered by many the most learned man of his times, who authored the Uxor Ebraica and the De jure naturali et gentium, the first on divorce and the second on the natural rights of men, shall be discussed in the next chapter, on Tetrachordon.

8. Conclusion

While there is relatively little new hermeneutic material in Colasterion, there is a great deal of elaboration. Charity, the prime aspect of God's behaviour toward mankind, may endure all things, but it should not tolerate or favour all things. "Let not therefore under the name of fulfilling Charity, such an unmercifull, and more then legal yoke, bee padlockt upon the neck of any Christian." Christ may have taught us to turn the other cheek, but he did not teach us to search for such abuse. Reason is the ability to make sense of God's teachings, to discern the self-consistency of Scripture. Milton had written of "regenerate reason," in An Apology, of God's restoration of those parts of the rational abilities damaged through the effects of the fall. Denis Saurat contextualizes reason in the larger philosophy of liberty and free will: Milton believed in "the idea of free wills, liberated by the retraction of God, and the union of the idea of reason to the idea of liberty, which is an original proof of free will (intelligence is impossible

280 CPW II, 732.
281 CPW I, 874.
Colasterion shows Milton reacting to a dearth of reason, of liberty, and of free will. Human nature, whose influence the “servingman” would negate with medicines, is good, original, and must not be meddled with, on pain of illness, if not death. Lastly, while an education is beneficial, a means by which one may glean “Good Examples,” it is not the ultimate means of comprehending God’s will: as Milton points out, An Answer is full of poor scholarship and irrational analyses. Each of the “four great directors” is refined and circumscribed.

The overwhelming sense of Colasterion is that Milton is closing the gates, limiting the application of God’s charity to mankind, as though to say, “this is what it looks like, this is the despicable nature of those who puff themselves up without warrant, and, in doing so, separate themselves from God.” This task of turning fools away is not Milton’s, but his angry reaction to An Answer inspires him to point out, as he sees them, the boundaries of God’s grace. Should a man refuse to see the obvious nature of God’s will, as in this case of divorce, and should that man choose to rail against those who teach these “recovered” tenets of Scripture, it is only fitting that such a man should suffer the fate of an adversary of God.

While Milton discusses in Colasterion aspects of each of his four directors, and a few other hermeneutic principles, such as originalism and the proper use of Hebrew, his flagrantly abusive vocabulary reminds his audience that the purpose here is not simply to instruct and correct, but also to chastise, even to punish. In this aspect, if in this aspect alone, the prophetic tone survives in the voice of a Milton obviously and deeply offended on a very personal level by his attackers.

Often, in great writers, the most ribald or light of passages is balanced or tempered with at least an allusion to weighty matters. In the quoted passage from An Apology, for example, Milton refers to “Jonathan, or Onkelos the Targumists,” the “Masoreths,” “Keri,” “Ketiv,” and

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282 Denis Saurat, Milton: Man and Thinker (New York: Dial, 1925) 198.
the Talmud. All are references to secondary, non-Torah aspects of his most abstruse endeavour, his Hebrew studies, an area of scholarship of which he was perhaps most proud. Hebrew is God's language, the language of Creation, of Eden, and of Moses, the original expression of God's laws and Charity for mankind. "Which had it beene an unseemely speech in the heat of an earnest expression, then we must conclude that Jonathan, or Onkelos the Targumists were of cleaner language then he that made the tongue." 283 The balance, then, for the rude and abusive Colasterion is the subject of our next chapter, Tetrachordon, written intermittently with the former, much longer and much more sophisticated, and an eloquent final formulation, not only of Milton's divorce argument but of his originalist hermeneutics as well.

280 CPW I, 902.
9. Appendix: An excerpt from Herbert Palmer’s sermon to Parliament

“But against a Toleration in general even the COVENANT itself, in that very Article [Article II.], hath a reason suitable to the Text [Psalm xcix. 8]. 'Lest we partake of other men’s sins, and be in danger to receive of their plagues,' saith the Covenant; which in the language of the Text is 'Lest God take vengeance on their inventions' and ours together. It is true that the name of Conscience hath an awful sound unto a conscientious ear. But, I pray, judge but in a few instances whether all pretence of Conscience ought to be a sufficient plea for Toleration and Liberty: — 1. There be those that say their conscience is against all taking of an oath before a magistrate. Will you allow an universal liberty of this? What then will become of all our legal and judicial proceedings? which are confined to this way of proof: and so it was by God appointed, and hath been by all nations practised. 2. There be some that pretend Liberty of Conscience to equivocate in an oath even before a magistrate, and to elude all examinations by mental reservations. Will you grant them this liberty; or can you, without destroying all bonds of civil converse, and wholly overthrowing of all human judicature? 3. If any plead Conscience for the Lawfulness of Polygamy; (or for divorce for other causes then Christ and His Apostles mention; Of which a wicked booke is abroad and uncensured, though deserving to be burnt, whose Author hath been so impudent as to set his Name to it, and dedicate it to your selves,) or for Liberty to marry incestuously, will you grant a Toleration for all this?”

CHAPTER IV

Tetrachordon:

A Declaration of Independence

"What are we to doe, but to search the institution our selves?"

Tetrachordon, 45 (CPW II 649.)
If there is a summation of Milton’s argument for divorce, it must be found in *Tetrachordon*, though its structure or design is not obvious. *Tetrachordon* was one of the two last of Milton’s divorce tracts, published simultaneously with *Colasterion* on March 4 of 1645, and is certainly the more substantial of the two. *Colasterion* itself is fascinating but, as we have seen in the last chapter, more for its evidence of Milton’s emotional torment than as a piece of rhetoric or remonstrance. Critics have left it alone, but *Tetrachordon* they have pored over, for it is in this much larger tract that Milton moves from a discussion of the theoretical aspects of scriptural analysis and the function of divorce, the two theoretical foci of *The Doctrine and Discipline*, to a consideration of how and why divorce ought to be implemented in his own society. In *Tetrachordon*, Milton discusses the law, both scriptural and civil. In Milton’s mind and, indeed, in Milton’s time, the two were inexorably linked, for to have enacted a civil law discordant with scriptural principles would have been anathema. The bridge between the two was the Law of Nature, a nebulous entity introduced into Milton’s political environment by, among others’, Hugo Grotius’s discussions of natural rights theory. Natural Law theory discusses the nature of man, created in God’s image, and the legal design which every society needed in order to protect and succour this nature.

With *Tetrachordon*, Milton was moving away from the argument for divorce *per se*, though not because he had changed his mind, or because the argument could not be won, but because the
argument was exhausted. His opponents were not taking his points, and again, not because the points were arguable; they were simply not facing the fact that the case for divorce arose directly from Scripture. He had hit a brick wall of sorts, and as a last resort, Milton turned directly and almost exclusively to scriptural proof, once more analyzing each of the four biblical passages which pertain to the argument.

Milton's strategy of focussing exclusively on the argument from Scripture dictates the rather simple structure of Tetrachordon. There is a preface, addressed one last time to Parliament, the body which had thus far not acted on his arguments, and there are four major sections to the tract. The pertinent verses from Genesis, Deuteronomy, Matthew, and Paul's first letter to the Corinthians are each considered in turn. A final section lists chronologically the support for his case to be found among the Fathers, among the Roman jurists, and among the magisterial Reformers. The scope of Tetrachordon ranges therefore from the very beginnings of Scripture to the end. As far as the simple scriptural case for divorce is concerned, the discussion is exhaustive and conclusive, but the tract leaves the reader with a sense that there is another matter afoot, that Milton is struggling with other issues. That undeclared focus is, for Milton, a novel vision of the law.

The word "law", in its various permutations, occurs in Tetrachordon (including the title page) 475 times; in The Doctrine and Discipline, it occurs 456 times. While the numbers are almost equal, the emphasis in Tetrachordon is very different. The Doctrine and Discipline expounded the eternal validity of Mosaic moral law in order to prove that Christ's words were never intended to abolish Mosaic divorce. Tetrachordon, on the other hand, provides a cursory history of law from the earliest biblical times, with an analysis of the changes in scriptural law as the expression of God's eternal law, as the body of ordinances governing the Hebrews, and as the
strictures from which Christ freed, at least in part, his followers. Accompanying this analysis of scriptural law is a theorizing about the structure and functioning of society as a body strung together by a web of law, akin to that performed by Grotius in his *De Iure Belli ac Pacis*, and by John Selden in *De Iure Naturali et Gentium*.

The natural and immediate questions which this shift in focus raises are “Why?” “What is Milton attempting with this shift?” The obvious answers point up Milton’s need to justify, not only to his audience but to himself as well, the incorporation of divorce into everyday life in seventeenth-century England. Divorce itself is justifiable, both theoretically and scripturally — Milton had more than proven that over the last two years. What, though, might compel Parliament to adopt the cause of divorce, to actually push a motion through the stages of legal enactment to full and real implementation? Could Milton prove that the law itself by its very nature demanded that divorce be considered, and considered not only theoretically but practically and really, Parliament might just begin to pay attention. That is the real direction of *Tetrachordon*, to prove that divorce is legally necessary.

While the fundamental direction of *Tetrachordon* may be to prove that divorce is legally necessary, the structure of the tract does not reflect that aim. As with each of the preceding divorce tracts, *Tetrachordon* opens with a preface addressed to Parliament. The major body of the tract then analyzes in turn the passages from Genesis, Deuteronomy, Matthew and I Corinthians which *The Doctrine and Discipline* had introduced in the first place. This reworking of the material is, for the most part, not redundant. The argument for divorce is the same — that two persons unhappily married must be permitted a dissolution of their union — but Milton is not taking, as he did in *The Doctrine and Discipline*, the long and arduous route of teaching fundamental hermeneutics in conjunction with the argument. Nor is the strident

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polemical tone of *Colasterion* to be found in *Tetrachordon*; though the two tracts were published on the same day, their striking dissimilarities prove them fraternal rather than identical twins. Milton relies upon, repeatedly, one hermeneutic rule, though, that which was termed “originalism” in our discussion of *The Doctrine and Discipline*, and which holds that the historically earlier reference or principal is always more authoritative, and that the original languages are always and exclusively the final authoritative vehicle of scriptural truth. The vernacular is useful for initial delivery, but in matters of more abstruse controversy, the Hebrew or Greek must be employed.

As noted above, the discussion of law is central to *Tetrachordon*, and dovetails exactly with originalism, for Milton holds that God’s law remains unchanged from its first introduction in Eden, despite the various moments of its presentation - in the beginning, to Noah, the written delivery at Mt. Sinai, and the final clarification by Christ. There is no discordance between the edicts of Eden, therefore, and the teachings of Christ, despite the apparent prohibition of divorce (save for adultery) in Matthew. Milton puts particular effort, therefore, into explaining the nature of Christ’s pedagogical technique, for it is this peculiar method of teaching which has misled so many “common expositors” over the ages. As Milton explains it, the logic of Christ’s methodology is deflective: because Christ’s teaching is sculpted to the psychology of his particular contemporary audience, it has proven opaque to scholars who have mistaken it for simple, clear instruction. Christ’s words on divorce berate the Pharisees for their corruption, and did not revise God’s eternal laws as revealed to Moses.

History and Scripture, in Milton’s account, recall mankind’s continual misunderstanding and abuse of God’s laws, and of God’s attempts to clarify, repair, and punish mankind’s ineptitude. Milton is not attempting to establish principles but to illuminate an error, to right a wrong; the
principles are God’s, the perversion is man’s. Unfortunately, the harm of the perversion had to be felt before the perversion itself could be recognized, and this before the original law could be appreciated. In a way, then, the delivery of Milton’s divorce tracts is a metaphor for the delivery of God’s law itself. The initial argument of The Doctrine and Discipline was relatively clear and simple, based on sacred principles and aimed firmly at the good of mankind. Milton’s critics failed, in their stubborn superstition, to accept his reasoning, attacking him instead.

Tetrachordon works, in a manner similar to Christ’s with the Pharisees, to reiterate the first arguments, while also teaching the nature and purpose of the legal principles which necessitate the argument in the first place. Much more is at stake in Tetrachordon than the divorce argument; Milton’s ultimate purpose is to justify the ways of God to men by explaining that the first and final delivery of God’s intentions for mankind is Charity in the form of law.

The best approach to this multilayered tract is to begin with the structure, to examine the preface, the four central sections, and the concluding list of historical authorities as they each in turn develop the argument. Consideration of the law is key to Tetrachordon, yet it is not immediately obvious to the tract. Nor, it seems, was its centrality completely apparent to Milton, for it is interwoven throughout, yet never focussed upon or isolated. By the end, though, Milton has re-written his conception of law, and implicitly declared his independence from his contemporary legal environment.

The two preceding chapters, dealing with Martin Bucer and Colasterion, have, among many other things, postulated a deterioration in Milton’s psychological state during the process of the divorce controversy. This chapter will continue to suggest that Milton’s mental state had a central role in developing the rhetorical strategy of the divorce argument. Milton’s vision of the law is critical to his self-justification, to his concepts of individual liberty and of Christian
responsibility. Finally, the jewel of Milton’s creativity, Paradise Lost, is best understood against this backdrop.

2. The Structure of Tetrachordon

Tetrachordon is ninety seven octavo pages in length, making it the longest of the four divorce tracts. As mentioned already, the tract is divided into sections, though these are not denoted as chapters. The Preface is followed by discussions of the four passages of Scripture central to the controversy. A fifth section is a long list of those persons in rough agreement with Milton’s views, from the early Church Fathers through to the Reformers, with a synopsis of each of their opinions. Each of the four central sections reprints the scriptural verses, as a whole initially, and then in portions, each of which portions is then analyzed in detail. The goal of this strategy is, firstly, to clarify the meaning of the whole passage, yet to leave room for analysis of individual words or phrases, a technique critical to humanist exegesis and to Milton’s own originalist hermeneutics.285

i. The Preface

Tetrachordon’s compact preface to Parliament sets out Milton’s purpose for the tract and historically contextualizes this latest instalment in the controversy. As in the prefaces to his other divorce tracts, Milton focusses on an adversary — this time, Herbert Palmer and his sermon to Parliament.286 More to the point, while formally praising Parliament, he cites their

286 Palmer’s sermon has been discussed in Chapter II, with an extract from that sermon appended to the chapter.
continuing responsibility to the divorce issue, and with a delicate tension notes that they have
done nothing to date on the matter.

For although it be generally known, how and by whom ye have been instigated to
a hard censure of that former book entitl’d, The Doctrine, and Discipline of
Divorce, an opinion held by some of the best among reformed Writers without
scandal or confutement, ... I do not find yet that ought, for the furious incitements
which have been us’d, hath issu’d by your appointment, that might give the least
interruption or disrepute either to the Author, or to the Book. Which he who will
be better advis’d then to call your neglect, or connivence at a thing imagin’d so
perilous, can attribute it to nothing more justly, then to the deep and quiet streame
of your direct and calme deliberations; that gave not way either to the fervent
rashnesse, or the immaterial gravity of those who ceas’d not to exasperate without
cause.287

The tone here is concilatory, though obviously frustrated, and is the first instance of Milton’s
disapproval of Parliament’s behaviour or actions. Milton had been called to account for his
divorce work, summoned to appear before a Parliament-appointed committee to explain his
publication of unlicensed materials, but had been released without punishment. For his release,
he is grateful, despite Parliament’s apparent disregard for all that he has pleaded for divorce thus
far. Parliament had not examined his opponents as they had examined Milton himself, which act
of omission implies tacit opposition to Milton’s point of view; there were to be more opponents
in the months to come. Milton’s rhetorical attitude is somewhat contradictory, therefore, though
he had little choice but to maintain such a tone: he is concilatory, though frustrated, yet
understanding, as with a friend who claims he would help were his hands not tied.

It would be facile to believe that Milton saw Parliament as of homogeneous opinion, despite
his general praise of that body; nobody could believe in such a uniformity when the current

287 Tetrachordon: Expositions Upon The four chief places in Scripture which treat of Mariage, or nullities
in Mariage (London, 1645) (Hereafter referred to as “Tetrachordon”). The text of the first edition is
referred to as “CPW II”). The quotation is from CPW II, 578-9.
political intensity demanded that everything be debated vociferously and at length. Further, Milton had an ally, or allies in Parliament itself.

But since against the charity of that solemn place and meeting, it serv'd him furder to inveigh opprobriously against the person, branding him with no lesse then impudence, onely for setting his name to what he had writ't n, I must be excus'd not to be so wanting to the defence of an honest name, or to the reputation of those good men who afford me their society.  

The "him" here is Herbert Palmer. The "good men who afford [Milton] their society" remain anonymous, though they are mentioned again as tacit editors of his work.

The former book, as pleas'd some to think, who were thought judicious, had of reason in it to a sufficiencie; what they requir'd, was that the Scriptures there alleg'd, might be discuss'd more fully. To their desires, thus much furder hath been labour'd in the Scriptures. Another sort also who wanted more authorities, and citations, have not been here unthought of. If all this attain not to satisfie them, as I am confident that none of those our great controversies at this day, hath had a more demonstrative explaining, I must confesse to admire what it is, for doubtlesse it is not reason now adayes that satisfies, or suborns the common credence of men, to yeeld so easily, and grow so vehement in matters much more disputable, and farre lesse conducing to the daily good and peace of life.  

Milton has been advised as to what will best serve his audience by "some...thought judicious", who must be other than the "good men" of the previous quotation; "thought judicious" implies the favour of Parliament itself, though it is less favourable than the "good men" of Milton's own friends. The best reading of these hints is that there are many opinions in Parliament, some in favour of and some in opposition to divorce. Those unconvinced by The Doctrine and Discipline or the other two tracts have voiced their criticisms of Milton's work in private parliamentary discussions, and these opinions have been passed on by a friend privy to that meeting. Yet Milton does not divulge this connection explicitly, nor does he mention any names in Tetrachordon which would fill this bill. Elsewhere he mentions John Selden, Member of Parliament for Oxford, but more of him later.

288 CPW II, 581.
289 Ibid, 582-3.
The main thrust of the preface is a rebuttal to the sermon preached to Parliament. As noted in the chapter on Colasterion, Palmer, the Presbyterian minister and member of the Parliament-appointed Westminster Assembly of Divines, had preached his sermon on August 6, 1644. According to Palmer, Milton’s argument in The Doctrine and Discipline was “wicked,” “uncensured,” and “deserving to be burnt,” this last remark invoking the posthumous burning of Martin Bucer’s disinterred body, with a gathering of his writing, at the direction of Vice-Chancellor Andrew Perne of Cambridge. Milton turns Palmer’s attack into an assault on Parliament and on Martin Bucer himself, whose opinions on divorce Milton had translated and published prior to Palmer’s sermon, thereby indicting the preacher “who hath now onely left him which of the twain he will choose, whether this shall be his palpable ignorance, or the same wickednesse of his own book, which he so lavishly imputes to the writings of other men.”

Throughout the rebuttal, Milton aims to show himself the reasonable party, both to Parliament and to his larger audience.

Yet that the Author may be known to ground himself upon his own innocence, and the merit of his cause, not upon the favour of a diversion, or a delay to any just censure, but wishes rather he might see those his detracters at any fair meeting, as learned debatements are privileg’d with a due freedome under equall Moderators, I shall here briefly single one of them (because he hath oblig’d me to it) who I perswade me having scarce read the book, nor knowing him who writ it, or at least faining the latter, hath not forborn to scandalize him, unconferr’d with, unadmonisht, undealt with by any Pastorly or brotherly convincement, in the most open and invective manner, and at the most bitter opportunity that drift or set designe could have invented.

Milton is the “Author,” wronged and injured without warrant by ignorant and dishonest opponents. Had Milton a defender, a champion, he would not need to point these things out, but nobody has come forward publicly to second his cause.

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290 CPW II, 581.
291 Ibid, 579.
That Milton is a lone voice, publicly opposed by Palmer (despite Parliament’s historical approbation for his earlier anti-prelatical work), does not deter him from admonishing Parliament, and of reminding them of their legal responsibility to sanction his cause. Parliament is directly responsible for the law of the land, and neglect of the good of the people through just amendment of the law can only be to Parliament’s censure.

That these things both in the right constitution, and in the right reformation of a Common-wealth call for speediest redresse, and ought to be the first consider’d, anough was urg’d in what was prefac’d to that monument of Bucer which I brought to your remembrance, and the other time before. Hence forth, except new cause be giv’n, I shall say lesse and lesse. For if the Law make not timely provision, let the Law, as reason is, bear the censure of those consequences, which her own default now more evidently produces.292

The admonitory tone is unmistakable. If Parliament does not heed the warnings of his work, the consequences shall be on their heads. More importantly, if the abstract concept of contemporary civil law does not, in real matters, provide sustenance for her civilian charges, the populace will be justified in looking elsewhere for a competent protector, a new law. This is rank rebellion, but it has a very immediate precedent in Parliament’s own opposition to the King.

Milton is not averse to helping Parliament with further explanation, where it may be necessary, and so offers this last tract, Tetrachordon, as a final installment. Persons whom he respects have explained that, while the argument itself has been thus far sufficiently presented, the explication of Scripture and the support of historical precedent might be more fully exhibited. These persons are not, however, the authorities to whom Milton has alluded previously, such as Bucer, Erasmus, Fagius, etc., all of whom have published in defence of divorce, yet all of whom are deceased; these “judicious” and “good” contemporaries have been private in their support,
leaving Milton alone in the public forum. Milton's analogy is that of a lone ship returning to Parliament laden with treasure, having sailed alone on seas of inquiry.

On that persuasion [I] am return'd, as to a famous and free Port, my self also bound by more then a maritime Law, to expose as freely what fraughtage I conceave to bring of no trifles.293

Milton's maritime solitude may be deconstructed by the very wording of this analogy, for one of the "judicious" and "good" men was most likely John Selden, sitting in the very midst of Parliament. Selden, who would soon publish his monumental study of divorce, Uxor Ebraica, a year later in 1646 (the only other serious offering made to the matter in Milton's lifetime), had published his famous Mare Clausum: The Right and Dominion of the Sea, the English answer to Grotius's Mare Liberum on matters concerning international maritime law, which Milton's metaphor echoes. Coincidentally, John Selden is one of only two living authorities to whom Milton refers in any of the divorce tracts.294

That all this is true, who so desires to know at large with least pains, and expects not heer overlong rehearsals of that which is by others already so judiciously gather'd, let him hast'n to be acquainted with that noble volume written by our learned Selden, Of the law of nature & of Nations, a work more useful and more worthy to be perus'd, by whosoever studies to be a great man in wisdom, equity, and justice, then all those decretals, and sumles sums, which the Pontifical Clerks have doted on.295

Peter Heylyn, in his Cyprianus Anglicus of 1668, mentions another work by Selden, the anti-episcopal Eutychius, in which Selden argues that bishops do not differ from presbyters any more

293 Ibid, 578.
294 As an "authority", that is. Rivetus, who died in 1651 is the other; Milton never met him. Other living writers referred to are those whom he answers, attacks, refutes, id ext, Joseph Caryl, Herbert Palmer, the "servingman" of Colasterion, William Pryyne, Daniel Featley, etc.
295 CPW II, 350-1. De jure naturali et gentium, juxta disciplinam ebraorum was published in 1640, and is also referred to by Milton in Areopagitica, (CPW II, 513): "Wherof what better witness can ye expect I should produce, than one of your own now sitting in Parliament, the chief of learned Men reputed in this Land, Mr. Selden, whose Volume of natural and national Laws proves, not only by great authorities brought together, but by exquisite reasons and theorems almost mathematically demonstrative, that all opinions, yea errors, known, read and collated, are of main service and assistance toward the speedy attainment of what is truest."
than a Master of a college does from the rest of the Fellows, by degree only and not by order.\textsuperscript{296} The first series of Milton's tracts had been anti-episcopal. Indeed, the congruence of opinions between Milton and Selden is startling and under-documented. If Milton's History of Britain were fully annotated, it would no doubt contain numerous references to Selden's own works on ancient Britain.\textsuperscript{297}

The extent of this series of coincidences is made even more curious in that Milton never admitted to anything more than an admiration for the "learned" man. Yet Masson believes it "not improbable" that Milton must have met Selden sometime in 1643-4.\textsuperscript{298} The possibility that the two men had shared company and conversation is likely, as Eivion Owen argues,\textsuperscript{299} though no documentary proof survives from the men themselves, or from their contemporaries. Nevertheless, Selden's influence on Milton is, as we shall see, clear and irrefutable.

How could Selden have possibly "honed" Milton's divorce arguments before Uxor Ebraica was published? Selden himself, in De jure naturali states that the manuscript of Uxor Ebraica was already complete, so Milton had simply to lay hands on it. Owen, among others, has done comparative work illustrating specific points of influence of the Uxor Ebraica on Tetrachordon to the end of proving that because Tetrachordon appeared in March of 1645, long before the publication of Uxor Ebraica, Milton must have managed to gain access to the manuscript itself.

\textsuperscript{296} Cyprianus Anglicus (1668) pp. 322-3. Heylyn refers to Eutychii Aegyptii patriarchae orthodoxorum, Ecclesiae sue origines (Richardus Bishopus, 1642) (Wing 3440) which Selden edited and translated.

\textsuperscript{297} Graham Parry, who has written a critical introduction for Milton's History of Britain: A Facsimile Edition (Stamford: Paul Watkins, 1991) and a chapter on John Selden for his Trophies of Time: English Antiquarians of the Seventeenth Century (Oxford: Oxford UP, 1995) does not make this connection. He does mention Selden once in his introduction to Milton's History, but only for his annotation of Drayton's Poly-Olbion (p. 13). In Trophies of Time, Parry notes the debt of Milton's "Nativity Ode", Paradise Lost, and Samson Agonistes to Selden's De Diis Syriis, a study of the deities of the Middle East in biblical times (p. 116), but he also notes the discrepancy between the two men's views of women in power. (See p. 22 of Parry's introduction to Milton's History, and note 12 on p. 103 of his Trophies.)

\textsuperscript{298} Masson, III, 68.

\textsuperscript{299} Eivion Owen, "Selden and Milton on Divorce," Studies in Philology 43 (1946): 233-57 (Hereafter referred to as "Owen").
Given the degree of public opposition to Milton's arguments, including that of the Westminster Assembly of Divines, with whom Selden was affiliated, the political sensitivity of an open collaboration must have been obvious to both men. These circumstances suggest a relationship of considerable trust between the two men.

The Preface clarifies Milton's ambiguous attitude toward Parliament, but how could he have felt differently? Parliament appeared to be supporting his adversaries, yet it also neglected to openly condemn his opinions or to prosecute him for overt breaches of the law. With regard to approval by civil authorities, Milton's hopes had to be pinned on Parliament, despite their erratic, even unstable direction. Milton had, however, a mentor with whose help he piloted his own ship of learning to the freeport of Parliament. As Milton himself says, though, the Preface was written last, the beginning composed at the end, so let us now examine the freight which this ambiguous, yet "stern" prow directed.

**ii. Genesis 1: 27-8 and 2: 18, 23-4**

Milton's examination of the Genesis texts establishes once and for all two critical points: firstly, the pre-eminence of the principles which underlie God's written law, and how these principles confirm the pre-eminent position of the original Edenic "institution" of marriage in the divorce controversy; and secondly, Milton emphasizes the potential for every Christian man to regain the privileged natural state in which humankind was first created. In order to discuss

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300 Selden would have been careful of sharing his position on divorce, though, for even an unpublished manuscript advocating a position contrary to the law could be viewed, according to the precedent set in the Peacham case of 1615, as an overt act. As a Member of Parliament, Selden had to tread carefully. (See David Berkowitz, *John Selden's Formative Years* (London: Associated UP, 1988) 80.)
either the law, divorce, or human nature, one must clarify the state of matters at the foundation or origin.

God made man, and God loved and has always loved his Creation. The fundamental principle guiding God’s relationship to mankind is Charity. All things done to or for man by God are based on this principle. Marriage was established because of an inherent lack in the created individual: Adam was lonely. God created from Adam’s rib the cure for that loneliness, Eve. Perhaps God was projecting his own loneliness into a created form, and then curing that loneliness, but whatever God’s motivation was for Creation (and Milton does not speculate here) the principle behind marriage is God’s love for man. Marriage is, therefore, the first embodiment, the first expression of God’s love for mankind.

A clearer understanding of Milton’s vision of the relationships among the law, mankind, Charity, and God may be gained from the following systematized ordering:

1. God’s law exists from the beginning, from Creation, separate from man.
2. This law is engraven in the heart of man at Creation.
3. Man was created in the image of God, wise, just, and pure, with rule over all other creatures.
4. The integrity of God’s image in man was tainted at the fall, but recovered with Christ’s salvific justification of mankind.
5. The law of God remains “written” in the heart of man, as it was at his creation, despite the fall.

301 Milton does talk of God’s “aloneness” in Book 8 of Paradise Lost, 403-433, when Adam declares that God does not need company, or seek company, but is pleased by it in his Creation. These are Adam’s words, though, and God does seem less happy in his solitude when he asks, “How have I then with whom to hold converse / Save with the Creatures which I made?” (408-9)
6. In the interim between the fall and the coming of Christ, the law was written down as a guide to man, to assist the written-in-the-heart law against the effects of the fall.

7. The law is therefore in two forms, that written in the heart, which is pre-eminent, and that which is recorded in the sacred texts.

8. A spiritual, religious, “guided” life most closely follows the edifying aid of the Spirit; the written law, civil and subordinate, may lead away.

9. Charity supersedes and informs all other edicts, whether from man or from heaven. When heaven seems to speak in an uncharitable manner, man is mistaken.

Charity, then, is the first and abiding principle underpinning all these matters — origins, human nature, marriage and divorce, and the law. Marriage, to be true to its original purpose of Charity, must not suffer the taint of disinterest or hatred. The first marriage was the joining of two persons, the second of whom was created as a worthy help-meet for the “true dignity” and “native pre-eminence” of the first. Adam was made in God’s image — man was made in God’s image — but fell away from that image. An individual man may recoup the “just and natural privileges” of his created nature, however, provided he has “inward goodnesse, and stedfast knowledge.” In other words, man must strive, not so much to recover his original state, as to nurture it, for it is inherent and fundamental within him.

The principle of originalism is therefore reciprocal. Not only must we return to the first forms of things for their most authoritative state, but that state pertains to, and continues to exist in, the present. Man may have fallen, and the effects of that fall may be irrevocable, but the original state of man still exists, though hidden, in each of us. Milton holds that we must look to
the original state to understand things, but then that understanding must be applied to the present.

The very first sentence of the Genesis section of Tetrachordon makes this point.

To be inform’d aright in the whole History of Mariage ... what Mariage is, and what is not Mariage; it will undoubtedly be safest, [and] fairest, ... to enquire, as our Saviours direction is, how it was in the beginning.\(^{302}\)

Man has therefore not only a tremendous example to emulate but a tremendous potential to do so.

The image of God in which man was created “meant Wisdom, Purity, Justice, and rule over all creatures.” Yet there was a law which preceded man, God’s law, to which man may aspire for guidance.

There was a law without him, as a guard set over him. But Christ having cancell’d the hand writing of ordinances which was against us, Coloss. 2. 14, and interpreted the fulfilling of all through charity, hath in that respect set us over law, in the free custody of his love, and left us victorious under the guidance of his living Spirit, not under the dead letter; to follow that which most edifies, most aides and furders a religious life, makes us holiest and likest to his immortall Image, not that which makes us most conformable and captive to civill and subordinat precepts.\(^{303}\)

The ordinances which Christ cancelled, in the context of the Epistle to the Colossians, are the ceremonial and ritual aspects of Mosaic law, “Touch not; taste not; handle not.”\(^{304}\) In setting us “over” law, Christ has not abolished the law, as some have mistakenly conceived, but he has awarded us the right to judge according to the principles fundamental to the law, according to that law “in the heart”, using the written law as a template. We may judge “under the guidance of his living Spirit, not under the dead letter,” i.e., in slavish scriptural literalism. The written law is only so good as its conformity to the principle which established it, Charity.

No ordinance human or from heav’n can binde against the good of man; so that to keep them strictly against that end, is all one with to breake them. Men of most

\(^{302}\) CPW II, 586.

\(^{303}\) Ibid, 587-8.

\(^{304}\) Colossians 2.21.
renowned vertu have sometimes by transgressing, most truly kept the law; and wisest Magistrates have permitted and dispenc’t it; while they lookt not peevishly at the letter, but with a greater spirit at the good of mankinde, if alwayes not writ’n in the characters of law, yet engrav’n in the heart of man by a divine impression.305

The law which men “of most renowned vertu” transgressed was the written, recorded law. How could the written law, given by God to mankind, be contrary to the original, charitable law of God? It is not: when men wisely transgress the recorded law in favour of the good of mankind, they are transgressing a misreading of the recorded law. Error does not arise in heaven, but with man’s misinterpretations. Read aright, the recorded law is in exact accordance with God’s law, with the good of mankind. Nevertheless, given the potential for error, interpreters of the recorded law must not cling to their own wisdom but must, in difficult matters, be willing to set aside the letter, out of respect for that law engraven in their own hearts.

The Genesis section of Tetrachordon reiterates some of the hermeneutic principles which Milton had espoused in The Doctrine and Discipline. He wrote there that students must look to the beginning, the first occurrence of things, for their purest form. He wrote that the principle which underpins a law must be adhered to above or before the literal form of the law; in the case of apparent conflict between the principle and the letter, the principle always wins out. Further, Charity is the first principle in effect between God and man, and the first principle to be applied in the interpretation of all difficult Scripture. All of these principles find reiteration in Tetrachordon. For example, when deciphering the apparent conflict between the good union of Adam and Eve, and Paul’s advocacy of celibacy, Milton explains:

Now whereas the Apostle speaking in the Spirit, I Cor. 7. pronounces quite contrary to this word of God, It is good for a man not to touch a woman, and God cannot contradict himself, it instructs us that his commands and words, especially such as bear the manifest title of som good to man, are not to be so strictly wrung,
as to command without regard to the most naturall and miserable necessities of mankind. Therfore the Apostle adds a limitation in the 26 v. of that chap. for the present necessity it is good; which he gives us doubtlesse as a pattern how to reconcile other places by the generall rule of charity.\textsuperscript{306}

In Tetrachordon, Milton places great emphasis on the absolute necessity of Hebrew in scriptural interpretation. In the Genesis section itself, this necessity is taken for granted; in the later sections, when a return to origins is requisite for accuracy, he states it more frequently. As well, and for the first time in these divorce writings, he speaks of the importance of the original Greek texts when reading Paul,\textsuperscript{307} even though Christ’s recorded words were not originally in Greek.

The New Testament, though it be said originally writt in Greeke, yet hath nothing neer so many Atticisms as Hebraisms, & Syriacisms which was the Majesty of God, not fitting the tongue of Scripture to a Gentilish Idiom, but in a princely manner offering to them as to Gentiles and Foreiners grace and mercy, though not in forein words, yet in a forein stile that might induce them to the fountaines; and though their calling were high and happy, yet still to acknowledge Gods ancient people their betters, and that language the Metropolitan language.\textsuperscript{308}

No basic principles of Milton’s divorce argument have changed for Tetrachordon, though some are added and some expanded. The discussion of law now includes portions on the natural law arising from those principles engraven in the heart of man -- from man’s own nature -- principles which must, by definition, supersede the recorded or civil law.\textsuperscript{309} While discussion of natural law occurs later in the tract, the following from the Genesis section is critical:

That there was a neerer alliance between Adam and Eve, then could be ever after between man and wife, is visible to any. For no other woman was ever moulded out of her husbands rib, but of meer strangers for the most part they com to have that consanguinity which they have by wedlock. And if we look neerly upon the

\textsuperscript{306} CPW II, 596.
\textsuperscript{307} Ibid, 645 and 647.
\textsuperscript{308} Ibid, 671.
\textsuperscript{309} Thinkers of the sixteenth and seventeenth centuries sought in natural law theory an historical answer to an atmosphere of increasingly belligerence in Europe. While Selden’s and Milton’s specific applications of natural law are pertinent to this dissertation, a larger discussion is available in the recent work of, among others, Richard Tuck, Reid Barbour, and R. S. White.
matter, though marriage be most agreeable to holiness, to purity and justice, yet is it not a natural, but a civil and ordained relation. For if it were in nature, no law or crime could disannul it, to make a wife, or husband, otherwise then still a wife or husband, but only death; as nothing but that can make a father no father, or a son no son. But divorce for adultery or desertion, as all our Churches agree but England, not only separates, but nullifies, and extinguishes the relation itself of matrimony, so that they are no more man and wife; otherwise the innocent party could not marry elsewhere, without the guilt of adultery; next[,] were it merely natural[,] why was it here ordained more then the rest of moral law to man in his original rectitude, in whose breast all that was natural or moral was engraven without external constitutions and edicts.310

Milton does not say that Adam and Eve's marriage was a "natural" marriage, though it was a "neerer alliance ... then could be ever after between man and wife," as she was created from Adam's own body. Indeed, it would appear that the only truly natural marriage, in Milton's use of the word, would be between a person and himself (if such a thing were possible), as the natural urges are purely instinctual, self-generated and self-serving. If a "natural" marriage could have existed, however, this must surely have been that one, for God created Eve to answer precisely those urges in Adam which Milton refers to as arising naturally, faultless and irresistible. Later, in Paradise Lost, Milton would write:

Under his forming hands a Creature grew,
Manlike, but different sex, so lovely faire,
That what seemed fair in all the World, seemed now
Mean, or in her summ'd up, in her contain'd
And in her looks, which from that time infus'd
Sweetness into my heart, unfelt before,
And into all things from her Aire inspir'd
The spirit of love and amorous delight.
Shee disappeard, and left me dark, I wak'd
To find her, or for ever to deplore
Her loss, and other pleasures all abjure:
When out of hope, behold her, not farr off,
Such as I saw her in my dream, adornd
With what all Earth or Heaven could bestow
To make her amiable: On she came,
Led by her Heav'ny Maker, though unseen,

310 CPW. II, 601-2.
And guided by his voice, nor uninformed
Of nuptialSanctitie and marriage Rites:
Grace was in all her steps, Heav'n in her Eye,
In every gesture dignitie and love.311

This creature is as “naturally” suited to her mate as any could be, appealing to Adam’s senses in every way and prepared for the sanctity and rites of marriage. Yet, Milton’s word is “seemed”, for she was created by God from Adam’s self, to appeal specifically to Adam’s “natural” tastes, and may not have “seemed” as irresistible to any other man.

That which was natural and original, in the purest sense of Milton’s usage, was Adam’s yearning for company. All marriages since the first are civil unions, subject to the dictates of law and lawlessness. Proof of this for Milton is that Eve was not created contemporaneous to Adam, that they were not naturally paired, but she was added afterward, an adjunct to the moral law of Adam’s “originall rectitude”, in whose breast all that was moral and natural was already engraven. Natural law began with Adam, with his right to obey the dictates of that law engraven in his breast (and part of this law was a desire for human company); civil law began with the marriage between Adam and Eve. All who followed from Adam, including Eve, have received the natural law from Adam, though in some sort of second generation, because of the fall; it is this once-removed aspect of natural law which necessitates the recorded law.

The Genesis section reiterates the basic hermeneutic principles which have obtained throughout Milton’s writings on divorce. This first section also begins a discussion on the relationship between natural and civil law which will continue throughout Tetrachordon and will justify the right of individual men to claim for divorce, as well as other liberties, against the dictates of civil law.

311 Paradise Lost, VIII. 470-489.

Milton’s intentions for the Deuteronomy section are to correct two misunderstandings regarding the Mosaic ordinance:

Two things are here doubted: First, and that but of late, whether this be a Law or no, next what this reason of uncleanness might mean for which the Law is granted.\(^{312}\)

The first involves discussion of the nature of the written Mosaic law and its pertinence to the divorce question. The second involves the original Hebrew terminology and how that alters the received English meanings of these verses.

Starting with the second, for it is simpler and more easily dealt with, Milton reiterates what he had discussed at length in The Doctrine and Discipline, that the original language is critical to understanding the Mosaic ordinance, and that ignorance of the Hebrew is one of the prime reasons for the Roman, and thence the English Church’s error in the matter of divorce. Despite the fact that the English Bible reads, “because he hath found some uncleanness in her,”\(^{313}\)

Erasmus, ... shews learnedly out of the Fathers ... that uncleanness is not here so understood. Afterward, when Expositors began to understand the Hebrew Text, which they had not done of many ages before, they translated word for word not uncleanness, but the nakedness of any thing; and considering that nakedness is usually referred in Scripture to the mind as well as to the body, they constantly expound it any defect, annoyance, or ill quality in nature, which to bee joynd with, makes life tedious, and such company worse than solitude. So that here will be no cause to vary from the general consent of exposition, which gives us freely that God permitted divorce, for whatever was unalterably distasteful, whether in body or mind.\(^{314}\)

Erasmus, without Hebrew, could show from the Church Fathers that divorce should be permitted; and yet, despite Erasmus’s perspicacity, the Mosaic text itself, once properly

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\(^{312}\) CPW II, 614.
\(^{313}\) Deuteronomy 24.1
\(^{314}\) CPW II, 620.
interpreted, teaches that divorce must be permitted for reasons far beyond the traditional stricture of adultery.

What if the Mosaic ordinance is not, however, a law significant to Milton’s time? This question is the meat of the first matter listed above. Milton explains that there was never a question about this until Vatablus, a professor of Hebrew at Paris, made the claim. Milton applies the crux of the question to Malachi 2:16 and analyzes it again as he did in The Doctrine and Discipline. At the end of the discussion, which differs little from that in The Doctrine and Discipline, he concludes once again,

So that what the story of those times, ... can give us to conjecture of the obscure and curt Ebraisms that follow, this Profet does not forbid putting away, but forbids keeping, and commands putting away according to Gods Law, which is the plainest interpreter both of what God will, and what he can best suffer. Thus much evinces that God there commanded divorce by Malachi, and this confirmes that he commands it also heer by Moses.

"Thus beeing every way a Law of God, who can without blasphemy doubt it to be a just and pure Law[?]" So, Milton concludes, there can be no question but that Moses’s permission of divorce is a law. Given all the proscriptions which God placed on the Hebrews concerning clothing, food, and personal cleanliness, how could He have allowed them to live in continuous adultery? For if the Roman and English Churches are correct, and divorce for all but adultery is prohibited by Christ, then the Hebrews, God’s chosen people, were permitted by God to live in sin.

315 It would seem, however, that Vatablus did not make any such claim, for it is not in the notes for Etienne’s 1545 Old Testament. Milton’s accusation of Vatablus is based only on Beza, and simply mistaken. See CPW II, 614. n. 2 and the article on François Vatable in Contemporaries of Erasmus: A Bibliographical Register of the Renaissance and Reformation (Toronto: U of Toronto P, 1987). Milton notes that Beza accused Vatablus of delinquency toward his studies, and CPW II, 615, n.3 quotes Beza’s claim that Vatablus’s Hebrew interpretations astonished even the Jews themselves.
316 CPW II, 257.
318 Ibid, 618.
Thus whether wee look at the purity and justice of God himself, the jealousy of his honour among other Nations, the holiness and moral perfection which hee intended by his Law to teach this people, wee cannot possibly think how he could indure to let them slugg & grow inveteratly wicked, under base allowances, & whole adulterous lives by dispensation. ... What more unlike to God, what more like that God should hate, then that his Law should bee so curious to wash vessels, and vestures, and so careles to leav unwasht, unregarded, so foul a scab of Egypt in thir Soules? what would wee more? the Statutes of the Lord are all pure and just: and if all, then this of Divorce. 319

From this point on, Milton no longer considers the matter to be in dispute. The Mosaic permission of divorce is a law of God and therefore a law applicable to all and for all time. This law is simply not a civil injunction in England, but it should be.

Milton will not let the matter go and simply wait upon Parliament to decide in favour of divorce. What follows next derogates from his stated admiration in the Preface for, as he says, he lives in an age of dullards who must be bludgeoned into recognition of the truth.

Now although Moses needed not to adde other reason of this law then that one there exprest, yet to these ages wherein Canons, and Scotisms, and Lumbard Laws, have dull’d, and almost obliterated the lively Sculpture of ancient reason, and humanity, it will be requisit to heap reason upon reason, and all little enough to vindicat the whitenes and the innocence of this divine Law, from the calumny it findes at this day, of beeing a dore to licence and confusion. When as indeed there is not a judicial point in all Moses, consisting of more true equity, high wisdom, and God-like pitty then this Law; not derogating, but preserving the honour and peace of Mariage, and exactly agreeing with the sense and mind of that institution of Genesis. 320

The remainder of the Deuteronomic examination is ten pages long and lists twelve points why the divorce law is a good one, all of which points have been seen in the three earlier divorce tracts, except the fifth and sixth, which emphasize the benefits of divorce for women as well.

Women are not recognized as the equals of men ("she whom God made for mariage, and not him

319 CPW II, 619-20.
320 Ibid, 621.
at all for whom marriage was made”; but confinement in a bad marriage is tantamount to slavery, and women, who are no slaves, should not be confined in such bonds.

In the first of the twelve points listed, Milton gives clear indication of how completely natural rights and originalism permeate his philosophy.

If marriage be but an ordain’d relation, as it seems not more, it cannot take place above the prime dictats of nature; and if it bee of natural right, yet it must yeeld to that which is more natural, and before it by eldership and precedence in nature. Now it is not natural that Hugh marries Beatrice, or Thomas Rebecca, beeing only a civill contract, and full of many chances, but that these men seek them meet helps, that only is natural; and that they espouse them such, that only is mariage. But if they find them neither fit helps, nor tolerable society, what thing more natural, more original and first in nature then to depart from that which is irksom, greevous, actively hateful, and injurious eeven to hostility.

As Milton explained earlier, there are two aspects to marriage, the desire to marry in the first place, which is a response to loneliness inherited from Adam, and then the actual union. The first of these two is natural while the second is only civil. The first is indelible, while the second is reparable. Beyond these points, however, it appears from this passage that there is a hierarchy of natural rights or powers. Something can be more natural than another natural thing. In this case, the drive to distance oneself from what is hateful is more natural than the need to rectify loneliness. The degree of naturalness is determined, it seems, by primacy or precedence. The authority of precedence is an aspect of originalism. The rank and authority of natural rights themselves are, therefore, determined by their chronological proximity to the original state of creation. Natural rights precede civil rights, and therefore outweigh them. Natural law therefore outranks civil law.

321 CPW II, 627.
iv. Matthew 5:31-2 and 19:3-11

The scriptural texts to be examined for the Matthew section are, in sum, longer by far than the texts for the other sections. Milton’s technique is therefore more obvious here because he dissects the texts phrase by phrase, discussing each subsequent point. In this manner, he is able to introduce structure to his argument, an aspect of his rhetoric which is weak, while he is able covertly to affirm yet again that all discussion of divorce must ultimately revert to Scripture.

The majority of the argument for the Matthew section is the same as that in The Doctrine and Discipline, and will not be recounted here. There are a few points outside the strict argument, however, which must be covered.

The first is the nature of Christ’s pedagogy and hermeneutics. Milton interprets Christ’s words in a manner which makes Christ as intolerant of his opponents, the Pharisees, as Milton himself was of Herbert Palmer and Joseph Caryl, or any of the others. Christ’s intolerance of Pharisaic hypocrisy demanded his vehement words against the abuse of divorce; his audience being the Pharisees, however, means that they are the only object of this judgement. Only their hardness of heart need hear his anger; divorce is, in this instance, a topic of convenience for Christ, and would not have warranted discussion otherwise.

Christ’s argument works in the same manner as some medicines, or Plato’s “pharmakon”, described in the Phaedrus. A somewhat milder form of a poison is distilled from the poisonous source itself and administered to the patient. Hence, the Greek word φάρμακον signifies a drug either beneficial or obnoxious. Milton describes Christ using the nature of his opponents’ wrongs against them, but in an altered form and, to bring the opponent back to a middle ground, applying a pharmakon not of a middling nature, but of the extreme opposite.

Christ does not explain the beneficial aspects of Moses’s divorce law (a provision for the possibility of guiltless error) but, to suit his pharisaic accusers, he refers instead to the most negative situation for which Moses’s law provides – protection of the sinless from the hard-hearted. People like the Pharisees have been around since Moses’s time (“Moses because of the hardness of your hearts suffered you to put away your wives”) and it is the inevitability of such persons’ sin which dictates that laws must provide for their own abuse. Christ rebukes the Pharisees with their own sin reflected in the ancient law of Moses:

No other end therefore can bee left imaginable of this excessive restraint, but to bridle those erroneous and licentious postillers the Pharises; not by telling them what may bee done in necessity, but what censure they deserve who divorce abusively, which their Tetrarch had done. And as the offence was in one extreme, so the rebuke, to bring more efficaciously to a rectitude and mediocrity, stands not in the middle way of duty, but in the other extreme. Which art of powerfull reclaiming, wisest men have also taught in their ethical precepts and gnomologies; resembling it, as when wee bend a crooked wand the contrary way; not that it should stand so bent, but that the overbending might reduce it to a straitnesse by its own reluctance. And as the Physician cures him who hath tak’n down poyson, not by the middling temper of nourishment, but by the other extreme of antidote, so Christ administers heer a sharp & corrosive sentence against a foul and putrid licence; not to eate into the flesh, but into the sore.\footnote{324 CPW II, 668.}

Other than the basic argument about hard-heartedness and divorce, Milton is arguing here that Christ worked subtly and that understanding Gospel teachings requires equal subtlety. As he notes, “wisest men” teach this way. These “wisest men”, who include Christ in their number, when faced with opponents of subtlety, will speak defensively:

No man though never so willing or so well enabl’d to instruct, but if he discerne his willingnesse and candor made use of to intrapp him, will suddainly draw in himselfe, and laying aside the facil vein of perspicuity, will know his time to utter clouds and riddles; ... Our Saviour at no time exprest any great desire to teach the obstinate and unteachable Pharises; but when they came to tempt him, then least of all.\footnote{325 Ibid, 642.}
No wonder then that the words of Christ on divorce have been misinterpreted. They are aimed at a specific audience and are intended to teach as much about divorce as about hypocrisy.

Other commentators\textsuperscript{326} assert that Christ was commenting on Herod, "their Tetrarch", then ruler of Palestine and ally of the Pharisees. Herod had, as Josephus writes, married his second wife illegally, without divorcing his first wife for proper cause or in proper form. The volatility of the political situation required that Christ temper his words, but his intention and method are as clear to "subtle" students as they were to the Pharisees.

This difficult passage must be interpreted by those capable of its intricacies. There are levels involved and prior knowledge of various sorts, without which mistakes are inevitable, such as those taught by "crabbed masorites of the Letter."\textsuperscript{327} Christ's teaching with "clouds and riddles" justifies Milton's own interpretative techniques. Where his opponents claim that Milton is over-interpreting and complicating what is simple and clear, he may now answer that his situation is similar to Christ's own, opposed by powerful ill-wishers, and the complexity of his discourse is no more than a reflection of Christ's "clouded" subtlety.

Justified by Christ's own pedagogy, Milton may continue teaching from underlying principles rather than from the superficial letter of the text.

\textit{For this is a confest oracle in law, that he who lookes not at the intention of a precept, the more superstitious he is of the letter, the more he misinterprets.}\textsuperscript{328}

The law itself teaches that a student must examine principles, "the intention of a precept," in order to understand the law itself. Such examination seeks not only how a law came into being but why, and this last requires an understanding of the history of the law, both specific and general.

\textsuperscript{326} As Milton notes, Tertullian's \textit{Adversus Marcionem} IV, 34 describes the passage in Josephus. (See Migne, \textit{Patrologia Latina}, II, 474)

\textsuperscript{327} \textit{CPW} II, 668.

\textsuperscript{328} Ibid, 667.
Milton's explanation of law in the Matthew section of Tetrachordon is new to his divorce argument. Law arrived with Creation, as we saw in the Genesis section.

Our first parent had lordship over sea, and land, and aire, yet there was a law without him, as a guard set over him.\(^{329}\)

This "law without him" was the eternal law of God which, when applied to man, was inspired by Charity but demanded obedience. It was written in the heart of Adam and is the source of natural law; it is the primary guide in understanding all subsequent law, including recorded law, and continues written within.\(^{330}\)

The fall of man necessitated, however, another sort of law than that simply written in the heart, for men could not always be trusted to follow their inner voice, more because of their weakness than of their iniquity. "Abuse by accident comes in with every good Law."\(^{331}\) This weakness, which Christ attributes to the Apostles themselves, is in all men one form of hardheartedness. For this cause, then, a secondary law of nature and of nations was instituted.

This secondary law permits self-defense, social inequities, and property.\(^{332}\)

Partly for this hardnesse of heart, the imperfection and decay of man from original righteousness, it was that God suffer'd not divorce onely, but all that which by Civilians is term'd the secondary law of nature and of nations. He suffer'd his owne people to wast and spoyl and slay by warre, to lead captives, to be som maisters, som servants, som to be princes, others to be subjects, hee suffer'd propriety to divide all things by severall possession, trade and commerce, not without usury; in his common wealth some to bee undeservedly rich, others to bee undeservingly poore. All which till hardnesse of heart came in, was most unjust; whenas prime Nature made us all equall, made us equall coheirs by common right and dominion over all creatures. In the same manner, and for the same cause hee suffer'd divorce as well as mariage, our imperfet and degenerat condition of necessity requiring this law among the rest, as a remedy against intolerable wrong.

\(^{329}\) CPW II, 587.
\(^{330}\) Ibid, 588.
\(^{331}\) Ibid, 634.
\(^{332}\) "It was the Law, that for mans good and quiet, reduc't things to propriety, which were at first in common." CPW II, 625. That is, all things which were not already considered property, for as Milton was later to imply in Paradise Lost, one's spouse is a peculiar form of one's own property, and this has been so from the beginning. "Hail wedded Love, mysterious Law, true source / Of human offspring, sole propriety / In Paradise of all things common else." (IV, 750-2).
and servitude above the patience of man to beare. Nor was it giv’n only because our infirmity, or if it must be so call’d, hardnesse of heart could not endure all things, but because the hardnes of anothers heart might not inflict all things upon an innocent person, whom far other ends brought into a league of love and not of bondage and indignity.\textsuperscript{333}

This law, or much worse, would have still been in effect for all mankind, in one form or another, until the coming of Christ, had God not wished to separate out from the whole of humanity a people for his own.\textsuperscript{334} The Hebrew law, given by God to Moses on Mt. Sinai, the earliest form of surviving recorded law, has been handed down to Milton and all Christians in the Old Testament. Mosaic law has three aspects, the ceremonial, the judicial, and the moral. The ceremonial law applies to Jews only and deals primarily with peculiarities of dress, food, and cleanliness. Judicial law deals with social issues of equity and while useful to all is applicable to all only by extension. Moral law, however, teaches of good and evil and is timeless, applying not just to the Jews but to all mankind.

Since the recording of the Mosaic law, the only further adjustment to the revelation of God’s law has been Christ’s negation of all the Judaic ceremonial law. The moral law, a pure expression of the principles which underpin all recorded law, remains in effect, as do the judicial laws of equity which reflect the moral principles.\textsuperscript{335} The coming of Christ made some laws obsolete but clarified the applicability of God’s moral law to all mankind.

\textsuperscript{333} CPW II, 661-2.
\textsuperscript{334} Indeed, much of what Milton terms the “secondary law of nations” is still in effect. As Reid Barbour explains, these are “‘intervenient’ compacts or customs shared between or among divers nations in matters of war, peace, embassy, or commerce” (Barbour, 203).
\textsuperscript{335} “It is the generall grant of Divines, that what in the Judicial law is not meerely judaicall, but reaches to human equity in common, was never in the thought of being abrogated” (CPW II, 642).
Moral law comprises timeless and unwavering principles, the pre-eminent of which is Charity, and Christ left this element as the center piece of his re-formulation of Christian obedience.336

It is not the stubborn letter must govern us, but the divine and softning breath of charity which turns and windes the dictat of every positive command, and shapes it to the good of mankind.337

What is the purpose of the recorded law, then, if Christ has dispatched its authority?

Recorded law offers examples, precedents by which to judge specific cases, and that of divorce is the prime example.

Not a rule yet that we have met with, so universall in this whole institution, but hath admitted limitations and conditions according to human necessity.338

This casuistic nature of recorded law is best exemplified in the matter at hand, of matrimony and of divorce.

If our Saviour tooke away ought of law, it was the burthensome of it, ... the bondage, not the liberty of any divine law .... But what if the law of divorce be a morall law.... For though the giving of a bill may be judiciall, yet the act of divorce is altogether conversant in good or evill, and so absolutely moral. So farr as it is good it never can be abolisht being morall; so farr as it is simply evil it never could be judiciall, as hath been shewn at large in the Doctrine of divorce.339

Milton’s history of the law has come full circle, then, with God’s first expression toward mankind being derived of goodwill, or Charity. Hardheartedness, the effect of the fall, necessitated a full and detailed explication of God’s law, at least for the sake of his chosen

336 “Christ having cancell’d the hand writing of ordinances which was against us, Coloss. 2. 14. and interpreted the fulfilling of all through charity, hath in that respect set us over law, in the free custody of his love, and left us victorious under the guidance of his living Spirit, not under the dead letter” (CPW II, 587-8).
337 CPW II, 604-5.
338 Ibid, 605.
339 Ibid, 647.
people. The argument of Christians is that their Saviour’s sacrifice made all believers in Christ equal in status to the Hebrews, chosen by God to be the special object of his Charity.

The law continues in its recorded form, scripturally and civilly, and with it all its unfortunate potential for misinterpretation. Mankind needs the law as a guide despite this flaw.

And what if human law givers have confest they could not frame their lawes to that perfection which they desir’d. ... Although mans nature cannot beare exactest lawes, yet still within the confines of good it may and must; so long as lesse good is far anough from altogether evil.340

In fact, one limitation of recorded law is that while its ostensible purpose is the good of mankind, in certain cases, its final effect may work contrary to that good if the initial reason for its formulation is not first observed. Thus the words of Christ to the Pharisees regarding divorce, never intended as a command to all mankind, have been adopted as a divine law and enforced by the Church with no regard to the fundamental principle which was initially intended to motivate all recorded law, Charity.

What then is the responsibility of the individual Christian who would obey God in all things, but knows that the applicability of the recorded law is flawed? And what is the responsibility of the magistrate in light of this knowledge? How can the law limit or control sin?

Never greater confusion, then when law and sin move their land markes, mixe their territories, and correspond, have intercourse and traffick together. When law contracts a kindred and hospitality with transgression, becomes the godfather of sinne and names it Lawfull; when sin revels and gossips within the arcenal of law, plaies, and dandles the artillery of justice that should be bent against her, this is a faire limitation indeede. Besides it is an absurdity to say that law can measure sin, or moderate sin; sin is not in a predicament to be measur’d and modify’d, but is alwaies an excesse. The least sinne that is, exceeds the measure of the largest law that can bee good; and is as boundlesse as that vacuity beyond the world.341

This statement is perhaps the clearest of all in Tetrachordon that the individual Christian must not depend on the opinions of his fellow men, nor of their laws, in determining the prescriptions

340 CPW II, 646.
341 Ibid, 657.
of his own behaviour, or the proscriptions of the behaviour of others. Law is, indeed, capable of the same transgressions as sin itself, and may not be used as a limiter of sin. The similes of this passage, which so clearly reflect the social and military unrest daily outside Milton’s own front door, also reflect the absolute uncertainty of a Law drawn up and enforced by men. England’s law of divorce, as Milton sees it, is one such law, contrary to God’s law of divorce delivered by Moses. Enforcement of England’s divorce law on unhappy couples is a sin, and a deadly sin which, while it “plaies and dandles the artillery of justice,” threatens the spiritual welfare of innocents. Determination of which of man’s laws, cavorting in the guise of justice while shifting the boundaries of sin and, thereby, abusing God’s law, is the task of scholar-prophets such as Milton. These scholar-prophets have their enemies as well, entrenched in the law courts and Churches:

Some whose necessary shifts have long enur’d them to cloak the defects of their unstudied years, and hatred now to learn, under the appearance of a grave solidity, which estimation they have gain’d among weak perceivers, find the ease of slighting what they cannot refute, and are determin’d, as I hear, to hold it not worth the answering.342

Despite the coming of Christ, the abolition of a large portion of Mosaic law, and the clarification of how to live under the dictates of Charity, mankind remains subject to a critically flawed system of legalities. The following section, the last of Tetrachordon based on I Corinthians, purposes to answer this dilemma.

342 CPW II, 583. Milton is here speaking of Daniel Heatley, author of Καταβάπτεται κατάπτυσται. The Dippers Dipt, but the language is identical to that which he uses throughout the tracts when referring to his political and ecclesiastical opponents.
v. I Corinthians 7: 10-16

Milton’s section on I Corinthians is much shorter than the earlier sections, being only eight octavo pages long. Milton seems to have less sympathy with or less need of Paul than the authors of the other passages; this relationship will continue to diminish over the length of his career. Milton did not generally sympathize with Paul’s theology but this epistle on love was to be useful for one last critical point.

I Corinthians 7 deals with, among many things, Paul’s directions regarding marriage to a non-believer. In the first two verses of Milton’s passage, 10 and 11, Paul reiterates a command of Christ’s that a wife not leave her husband, though these words of Christ do not survive in any of the Gospel accounts. Despite this admonition, however, some wives find it necessary to leave their husbands, and Paul requests that husbands not divorce these wives. Milton’s conclusion is that these verses intimate no more than what Christ had taught elsewhere, that “divorce is not rashly to be made, but reconcilement to be persuaded and endeavor’d, as oft as the cause can have to doe with reconcilement, & is not under the dominion of blameles nature.”

Nature rarely turns from charitable love, yet may; more frequently, nature turns from conjugal love when spouses cease to find their partners acceptable for intimacy. The act of conjugal intimacy requires not only that one approve morally of one’s sexual partner, but also that one’s partner remain attractive. Should one’s partner grow to be repugnant, one’s repulsion is natural, “faultless”, and warrants appropriate action. Nature is consistent with herself and never in error, but reading nature is more difficult.

For Nature hath her Zodiac also, keepes her great annual circuit over human things as truly as the Sun and Planets in the firmament; hath her anomalies, hath her obliquities in ascensions and declinations, accesses and recesses, as

343 CPW II, 680.

344 "[Nature] may be warrantably excus’d to retire from the deception of what it justly seeks, and the ill requitals which unjustly it finds" (CPW II, 680).
blamelesly as they in heaven. And sitting in her planetary Orb with two rains in each hand, one strait, the other loos, tempers the cours of minds as well as bodies to several conjunctions and oppositions, friendly, or unfreindy aspects, consenting oftest with reason, but never contrary. This in the effect no man of meanest reach but daily sees; and though to every one it appeare not in the cause, yet to a cleare capacity, well nurtur'd with good reading and observation, it cannot but be plaine and visible.345

While hindsight is perfect in all, those who read and observe well will be more able to discern, if not to predict, the workings of nature. Yet people make mistakes in their choice of spouse, mistakes for which there can be but one solution. As the work of marriage is so intimate, such errors must abrade one’s sensitivities daily, rendering the union a constant source of irritation and sorrow. Milton is at pains to show that these errors are not the fault of the mistaken, but attributable to the rather quixotic, “zodiacal”, character of Nature herself. She has her “anomalies” and “obliquities”, her “ascensions and declinations, accesses and recesses, as blamelesly as they in heaven,” and these curious and inexact characteristics of natural choice are responsible for the errors which occasionally necessitate divorce.

The remainder of the passage from I Corinthians deals with difficulties arising from marriages to infidels. God had commanded that the Hebrews not marry among the tribes delivered into their hands, yet in these later days Paul was advising that in marriages between new Christians and their non-Christian spouses the unions might be retained in hopes of converting the non-believers, and for the sake of the children. Cases arose, however, where the non-believing spouse violently opposed the faith of the convert, and in these cases, Paul advises separation. Preservation of one’s faith is a moral issue and “the moral reason of divorcing stands to eternity, which neither Apostle nor Angel from heaven can countermand.”346

345 CPW II, 680.
346 Ibid, 681.
The decision to divorce from a violently or irreconcilably opposed non-believer must ultimately devolve to the individual at risk, and Milton uses this right to his purpose. The Doctrine and Discipline had already discussed the right of individual self-determination in the case of divorce, but, while moral justification was granted, the legality of this right had not yet been determined. Tetrachordon deals with the law, its nature, its history, and its viability, and in order to clarify where individual rights supersede civil law, Milton had to justify a boundary beyond which civil law could not extend.

Milton’s analysis of the I Corinthians passage establishes his theory of individual freedom before the civil or recorded law. This law binds only so far as it does not offend the law of nature engraven in the breast of each man, or the moral law of Scripture. If civil law is deemed by a man to run counter to the dictates of either natural or moral law, the individual is free, indeed is required by God, to resist that civil law. Given the fact that nature on its most critical individual level is legible to that individual only, and given that nature is in accord with moral law, when an individual determines that civil law is in discord with moral law as dictated to him by the natural law engraven in his heart, the individual has complete discretionary power to disobey civil law. Divorce is a civil law, not a moral or natural law. So an individual, according to this reasoning, has the right before God to declare his own divorce.

Milton elaborates further on the discretion of the individual determining such things. As the law must, by its nature, occasionally accommodate evil-doers, so must the liberty of self-determination occasionally accommodate poor judgement. That is the way of things. But most men, being faithful and obedient Christians, will exercise their liberty accordingly. Christ himself allows that an individual must make decisions regarding the well-being of his faith, even
at the expense of family. Indeed, individual faith depends on the efficacy of such discretionary powers.

And he who hates not father or mother, wife, or children hindering his christian cours, much more, if they despise or assault it, cannot be a Disciple, Luke 14.347

In the case of marriage to an infidel, therefore, where a Christian must decide whether or not to remain married to a non-believer who poses a spiritual threat, Christ sets discretionary boundaries based on the safety of one’s faith.

For Christ himselfe sends not our hope on pilgrimage to the worlds end; but sets it bounds beyond which we need not wait on a brother, much lesse on an infidell.348

This precept also applies to individual determinations of compatibility, given that, as we see in the above quotation about the zodiacal aspect of nature, one’s reading of nature’s leanings may be less reliable than nature herself. Ultimately, while the direction of one’s motives might be fallible, nature will win out.

Purpos is not able to constitute the essence of a thing. Nature her self the universal Mother intends nothing but her own perfection arid preservation; yet is not the more indissoluble for that.349

The principles of separation from an infidel extend therefore to separation from an unsatisfying, unwanted union. Milton expands the applicability of the argument in order to bring it home to his own situation, though without overtly stating so. At the time of Tetrachordon’s printing, he was still separated from Mary; she remained in Oxford with her father the whole time her husband was writing the divorce tracts. She had deserted Milton, returning to her father’s home ostensibly on a short visit, and then refusing to return to her husband. She was a desertrice, and Milton expands his interpretation of Paul to includes deserters.

347 CPW II, 682.
348 Ibid, 689.
349 Ibid, 611.
Thus much the Apostle in this question between Christian and Pagan, to us now of little use; yet supposing it written for our instruction as it may be rightly apply'd, I doubt not but that the difference between a true beleever and a heretic, or any one truely religious either deserted or seeking divorce from any one grosly erroneous or profane may be referr'd hither. For St. Paul leaves us heer the solution not of this case only, which little concerns us, but of such like cases, which may occurr to us. For where the reasons directly square, who can forbid why the verdit should not be the same?350

Common expositors on divorce, following Paul, permitted divorce from infidels whose spiritual opposition is tantamount to desertion, yet not from actual deserters themselves. Desertion is desertion nevertheless, and the liberties granted to one form of desertion ought to be granted to all forms.351 If the liberty could be shown as granted by law, as Milton had done for natural and moral law, if not for civil, "so much the safer". If the viability of civil law ends where natural and moral take over, then to all intents and purposes, Milton had proven his right to grant himself a legally binding divorce. He did not, however, go so far as to commit this thought to paper.

I complain of nothing, but that it is indeed too copious to be the matter of a dispute, or a defence, rather to be yeelded, as in the best ages, a thing of common reason, not of controversie. What have I left to say? I fear to be more elaborat in such perspicuity as this; lest I should seem not to teach, but to upbraid the dulnes of an age; not to commun with reason in men, but to deplore the loss of reason from among men: this only, and not the want of more to say, is the limit of my discours.352

vi. Milton’s Authorities and His Concluding Remarks

The last seventeen pages of Tetrachordon comprise notes from a series of authorities ranged chronologically, from the Church Fathers, classical Roman writers, and figures of the Reformation. From Justin Martyr and Tertullian through to Erasmus, Aretius, and the scholarly

350 CPW II, 690.
351 "Neverthelesse those reasons which they bring of establishing by this place the like liberty from any desertion, are faire and solid: and if the thing be lawfull, and can be prov’d so, more waies then one, so much the safer" (CPW II, 690-1).
352 Ibid, 692.
conclusions of Thomas Cranmer’s *Reformatio Legum Ecclesiasticarum*, Milton finds writers who agree not only with the viability of divorce but with the need for divorce legislation as well. A recounting of the various reasons given over the ages is not necessary here: many of the authorities simply repeat what their predecessors had already stated; and some are peculiarly focussed, as when they argue for divorce for four years separation but not three, or for divorce by reason of insanity; and nearly all the logic, if not the particulars, has been covered already in the preceding three divorce tracts. The lasting impression of this list is that Milton is in a crowd of scholars, as he indeed argues.

Once again, Milton asserts the intellectual independence of his work, and that “but for the sad hindrances in the sudden change of religion,” the appropriate laws would already have been “fram’d and publisht.” What Milton does not mention once more is his knowledge of, or reliance on, the work of John Selden, the most recent, perhaps the most influential, and certainly the least recognized of Milton’s sources. The omission is notable, given the discoveries of Eivion Owen and the timing of Selden’s publications. Discussion of Selden would be premature, however, until after a summation of Milton’s arguments in *Tetrachordon*.353

3. The Hermeneutics

The fundamentals of Milton’s hermeneutics, as expressed in *The Doctrine and Discipline* and examined in Chapter I, do not change for *Tetrachordon*. Three core principles are repeatedly cited, though, and are critical to the central thesis of *Tetrachordon*’s own implicit focus, the law.

353 Some scholars place *Colasterion* last in the sequence of Milton’s divorce tracts, perhaps in the hope that readers will leave it, having read the much longer and less caustic *Tetrachordon*. Reversing this order is better, though, for *Colasterion* has its own useful contribution to the divorce argument, despite the tone of the polemic, and it is best not to close the sequence on such a mordant, bitter note.
The first of these principles is the admonition against literalism. After all, misunderstandings of Christ’s intentions in Matthew and an almost desperate adherence to the letter of the text had initiated and perpetuated the divorce injunction from the beginning. If Christ had never confronted the Pharisees about not putting away one’s wife save for the cause of adultery, the Roman Church would not have established the canonical divorce law. Milton’s first task, therefore, has been to dissolve the rigid obsession with the letter of the law, to create in the mind of his readers, a more liquid and malleable attitude, in order that the principles fundamental to the law might float visibly to the surface of the conflict. Christ’s own hermeneutic technique, discussed above in the section on Matthew, permits leeway and manoeuvre with the text, examining cultural and historical particularities which have an interpretive bearing on the text. When talking about divorce, Christ hearkens back to the first institution of marriage in Genesis, picking specific texts and editing out irrelevant sections for the sake of brevity, Christ has his own purpose in teaching as he does, and his words reflect that underlying intention, so why should students not attend to this subtlety? In difficult or confusing passages, then, the words of the text become additional signposts, or hints, on a path toward meaning, rather than obvious building blocks or the final repository itself. “He who lookes not at the intention of a precept, the more superstitious he is of the letter, the more he misinterprets.”

Milton provides a psychological analysis of his opponents’ obsession with the letter of the text.

Many waies it may orthodoxally be understood how God or Moses suffer’d such as the demanders were, to divorce for hardnes of heart. Whereas the vulgar expositer beset with contradictions and absurdities round, and resolving at any peril to make an exposition of it, as there is nothing more violent and boistrous

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356 CPW II, 667.
then a reverend ignorance in fear to be convicted, rushes brutally and impetuously against all the principles both of nature, piety, and moral goodnes; and in the fury of his literal expounding overturns them all.  

In confusion and fear, the less capable rush to conclusions based on the simple words of the text, pronouncing judgements contrary to fundamental principles not only of scriptural analysis but of the Christian faith. “Fear to be convicted” denotes an unhealthy concern with what others may think. Milton does not often suffer such a malady.

The second of the hermeneutic principles central to the thesis of Tetrachordon is originalism, for by returning to the beginnings, to the Creation, we may glimpse the first and truest nature of man in the image of God, before the fall. This is the source of that natural law which is engraven in the heart of man, and to which each Christian is expected to resort when the clearest path of obedience to God’s will appears clouded. Originalism also dictates that hermeneutics seek out the earliest instance of a law or precept when interpreting Scripture, and in the language in which the passage first appears. Hebrew is the language of the Old Testament, and for this reason alone is critical to the Christian student, but Milton urges that Paul’s teachings as well be read in the original Greek. Yet this is not enough, for the Scriptures are virtually indecipherable without a competence in Hebrew.

The third principle in Tetrachordon critical to Milton’s hermeneutics is the same one critical to The Doctrine and Discipline, Charity. Reliance on this principle pervades the whole of Tetrachordon, as it has been discussed before, in the Genesis section. Milton says nothing new about this central driving motive in God’s actions, but does note that, given the effects of the fall, and the difficulty in emulating ideals which were “in the beginning”, Charity must become the fundamental authority in all cases of confusion or conflict:

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357 CPW II, 664-5.
358 Refer to the quotation on page 18 above, “The New Testament, though it be said originally writt in Grecke, ……”
The rule of perfection is not so much that which was done in the beginning, as that which now is nearest to the rule of charity. This is the greatest, the perfectest, the highest commandment.  

4. The Necessity to Treat of Law

The ultimate goal of Milton’s divorce tracts was to have Parliament change the laws of England, to permit divorce for a range of reasons other than the restrictive and rarely recognized instance of proven physical infidelity. After all, no legitimate positive law should ever condone something harmful to its subject, as Milton himself writes in The Doctrine and Discipline:

a thing unlawful can for no good whatsoever be done, much less allow’d by a positive law.

And, a few pages later in a virtual echo of himself:

a thing unlawfull can for no good whatsoever be done, much lesse allow’d by a positive law.

Yet these positive laws prohibiting divorce, laws which reflected the historical influence of Roman Canon law, supposedly obsolete in England after the Reformation, were not only countenanced but enforced by Parliament.

Milton was not arguing for the sake of arguing; every scholar analyzing the divorce tracts notes the fact of his separation from Mary and of his desire for legal freedom from this union. Yet, as much as Milton pleads the independence of his thought from the influence of other authorities, he fails to mention the circumstances of his own personal situation. Not once does

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359 CPW II, 667.
360 Positive law is that series of regulations, commonly embodied in the civil laws of each nation, which govern contractual obligation, as well as the powers of coercion necessary to enforce contracts. In contrast, natural law is not recorded, but resides in the series of principles which purportedly underpin positive law.
his audience hear of Mary; the closest we ever come is in that passage cited above, in the I Corinthians section, on desertion.

Without a revision of the laws, anything Milton might have done in the way of progression beyond his separated state, other than reconciliation with Mary, would have been illegal. Yet, Milton's whole thesis has become that the ultimate law is that of God, discovered finally in the "engrav'n" heart of the individual who is at liberty to interpret this law as his faithful conscience dictates. The civil law no longer has the final say. That, at least, is the thesis.

The State, however, has always had more power than the individual. Before God, Milton may have believed himself in the right, but in his social situation he remained subject to the enforcing power of the ruling civic body, Parliament. How likely then was Parliament to chastise him for disobedience of their law? In such a tumultuous political climate, Parliament would probably not have bothered, at least not soon. Biographers relate that Milton seems to have considered this a risk worth taking:

But to return to his privat Affairs, lest he might seem by his several Treatises of Divorce not to act from an intire Conviction, but out of sudden Resentment, or to shew his Parts in maintaining a Paradox, he was seriously treating a Marriage with a young Lady of great Wit and Beauty, when one day as he was at a Relations house whom he often visited, he was extremely surpriz'd to find his Wife (whom he thought never to have seen more) acknowledgig her fault at his feet, and begging Forgiveness with tears. At first he seem'd inexorable, but his own Generosity, and the intercession of Friends, soon procur'd a perfect Reconciliation, with an act of Oblivion for all that was past. The first fruit of her return was a Girl, born within a year after: And so far was he from remembiring former Provocations, that the King's Interest in every place visibly declining, he receiv'd his Wives Father and Mother, several of her Sisters and Brothers into his own House, where they had Protection and free Entertainment till their Affairs were in a better conditon.361

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This “young Lady of great Wit and Beauty” was the daughter of a London doctor named Davis, and Milton’s own nephew, Edward Phillips, also notes that this episode took place “not very long after the setting forth of these [divorce] treatises,” so Milton’s attitudes toward divorce and the law were known by all. According to Phillips, however, Miss Davis was “averse… to this motion.”

This reticence in the object of his attentions may have encouraged Milton’s “generosity.”

It would appear from this, at least, that Milton’s morale was on the repair. As suggested earlier, Milton was suffering from a number of very personal pressures and worries. His wife had left him, his religious affiliates had abandoned him, he was being attacked in public, and his eyesight had begun to fail. None of these conditions changed until he had begun to write Tetrachordon, and probably not until the acrimonious Colasterion had been completed. From that point on, though these social enmities would not alter, nor his eyesight clear, other affairs in his life became more positive.

The influence and friendship of one man, John Selden, seems to have been the harbinger of a change in Milton’s fortunes. As noted earlier, there is no documentary evidence of anything more than Milton’s admiration of Selden, no letters by either man to the other, no remarks on Selden by Milton’s contemporary biographers, but the circumstantial evidence is over-whelming.

5. John Selden

Milton mentions John Selden’s name only seven times in the thousands of pages of his published work, thrice in English and four times in Latin. He speaks of Selden once in The

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362 Darbishire, 66. Unfortunately, as the specific identity of Dr. Davis has not yet been discovered (there were a few in London at the time), we do not know the first name of this particular daughter, and must continue to refer to her as “Miss Davis”.
Doctrine and Discipline (not counting his name in the chapter heading to II.xxii), once in Areopagitica, and then once much later in The Likeliest Means to Remove Hirelings (1659). He also cites Selden twice in his Commonplace Book once in De doctrina christiana and once in his Defensio Secunda. He mentions many other authors more frequently, yet Selden had a more profound influence on Milton’s thought, especially concerning the matters of divorce and liberty, than almost anyone else. Milton is not hesitant to express his deep respect for Selden’s work, but he does not mention specific areas where the work influenced him. Such reluctance of attribution seems inexplicable by modern standards, yet may be due to the simple fact that John Selden, Member of Parliament for Oxford, did not wish to be associated with the divorce, or any controversy, at least not publicly.

It would appear that Milton had not begun to read anything of Selden until the time he was composing his divorce tracts, or perhaps a little earlier. Milton’s first reference to Selden is in the second edition of The Doctrine and Discipline, to De jure naturali et gentium, a work on natural and civil law available from 1640. As Eivion Owen notes, “Since Milton claims in the second edition of The Doctrine and Discipline that his view of divorce receives support from De

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363 “Let him hast’n to be acquainted with that noble volume written by our learned Selden, Of the law of nature & of Nations, a work more useful and more worthy to be perus’d, by whosoever studies to be a great man in wisdom, equity, and justice” (CPW II, 350). “Wherof what better witness can ye expect I should produce, than one of your own now sitting in Parliament, the chief of learned Men reputed in this Land, Mr. Selden, whose Volume of natural and national Laws proves...” (CPW II, 513). “Likeliest it is (which our Selden hath well observ’d, I. 2. c. 28. Ux. Eb.) that in imitation of Heathen Priests...” (Likeliest Means 73; CPW VII, 298).

364 “That the ministers of the Church had no right, among the earliest Christians, to share in the celebration of either contracts or nuptials, Selden shows in his Uxor Heb. 2. c[Chapter] 28, all of it, and [chapter] 29” (CPW I, 402). “That one concubine was allowed in the early Christian Church Selden proves by many statements from the Fathers, in his de jure nat et gent. Book 5. c[chapter] 7. p[age] 573” (CPW I, 403).

365 “Furthermore, as Selden demonstrated particularly well in his Uxor Hebrea, with the help of numerous Rabbinical texts, the word fornication, if it is considered in the light of the idiom of oriental languages, does not mean only adultery” (De doctrina christiana, 159. CPW VI, 378). “Concerning the view which should be held on the single exception, that of fornication, I also expressed both my own opinion and that of others. Our distinguished countryman Selden still more fully explained this point in his Hebrew Wife, published about two years later” (A Second Defense of the English People, 90. CPW IV.i., 625).

366 De Jure Naturali et Gentium juxta Disciplinam Ebraeorum Libri Septem. London, 1640 (Hereafter referred to as “De jure naturali”).
Jure Naturali, the passage I have quoted clearly implies that the first edition was completed without any knowledge of what Selden had written. Nor is there anything in the contents of the first edition to suggest the existence of any indebtedness to Selden.  

Martin Bucer was published six months after the second edition of The Doctrine and Discipline, so if Milton is to be believed, he began to take note of Selden’s work sometime between August 1643 and February 1644. He read De iure naturali, but did not incorporate into his work any of Selden’s thoughts on divorce. Book V, chapter vii of De iure naturali deals specifically with the customs of marriage in Hebrew culture, but Milton does not use this material in either edition of The Doctrine and Discipline. He would have known of relevant material, though, whether or not he had read through De iure naturali completely, for its preface lists the contents of each book in turn, among which divorce is listed in the contents for Book V. De iure naturali in general treats, in Selden’s own words, “what through pact or usage was common to the Hebrews and other nations, near or remote, but not to all nations at all times, e.g. in relation to contracts, marriage, treaties, etc.” These prescripts, “common to the Hebrews and other nations”, are not, therefore, those of the Mosaic law, for that was not given to nations other than the Hebrew. The law of nature (according to the teaching of the Hebrews), as Owen explains,

means the universal primary law enjoined by God and revealed to the human race as soon as it was created. This law of nature was known by the Hebrews as the law of the sons of Noah, by which they meant the law of the whole human race. Selden points out that though much has been written about the law of nature, the

367 “For that I ow no light, or leading receav’d from any man in the discovery of this truth, what time I first undertook it in the doctrine and discipline of divorce, and had only the infallible grounds of Scripture to be my guide, he who tries the inmost heart, and saw with what severe industry and examination of my self, I set down every period, will be my witness.” From Martin Bucer in CPW II, 433.

368 Owen, 233.

369 “LIBRI QUINTI Materies est Incestus ac Illicitus juxta Ebraeos Concubitus, sive ex Iure Naturali sive ex Mosaico, interdictus; ... Ritus Nuptiales; Polygamia ac Divortium; Concubinæ; Primorum parentum liberi... [etc.]” (De iure naturali, Preface, h.)

370 John Selden, Opera Omnia (London, 1726) 169.
teaching of the Hebrews on that subject is here set forth for the first time. In Book I he shows the importance of the comparative study of morals with special reference to the Mosaic code. He attempts to estimate — and like all his contemporaries greatly exaggerates — the debt of classical philosophy to Hebrew ideas. ... He considers the various ways in which universal consent and reason have been regarded as sources of natural law. And finally he explains the Hebrew view of moral obligation, which also appears to be his own.\(^{371}\)

Much of this theorizing on the law is in common with what Milton explains in *Tetrachordon*, as we saw in the sections above on Genesis and on Matthew. Milton does not refer to the laws of the sons of Noah specifically, or to the Noachide law, but he does refer to Eusebius regarding the moral similarity of virtuous men before and after the flood but before the Mosaic law.\(^{372}\)

Eusebius claims that these people were similar to Christians in that they followed the law of nature engraven in their hearts without recourse to, or (in the case of Christians) exemption from, the Mosaic ceremonial and ritual directives.

Though there is a chapter on marriage in Selden’s *De iure naturali*, most of what Milton derives from *De iure naturali* for his divorce work, and specifically for *Tetrachordon*, deals with the natural law, but not with the nature of the marriage contract. While natural law and Mosaic law are two different things for Selden, Milton would emphasize that the same morality, God’s law, is the common source for both; Selden was working historiographically, though, so his emphasis was different. Selden, following Talmudic teaching, explains that the law which Adam

\(^{371}\) Owen, 234.

\(^{372}\) CPW II, 637. Eusebius's words: “The nation of the Hebrewes, is no new nation, but famous among all people for their antiquity, and knowne of all. They have booke and monuments in writing containing auncient men. Though their nation were rare, and in number few, yet they excelled in piety, and righteousnesse, and all kind of vertues, some notable and excellent before the flood, and after the flood others, as the sonnes and Nephewes of Noe, as Atar and Abraham, in whom the children of the Hebrewes doe glory as their chiefc guide and Fore-father. If any affirme these famous men set forth by the testimony of righteousnesse, though not in name, yet indeed to have beeene Christians, he shall not erre therein: for he that will expresse the name of a Christian, must be such a man as excelleth through the knowledge of Christ and his doctrine, in modesty and righteousnesse of mind, in continencie of life, in vertuous fortitude, and in confession of sincere piety towards the one and the onely universall God. They of old had no lesse care of this then we.” Eusebius Pamphilius, *The Ancient Ecclesiastical Histories of the First Six Hunded Yeares After Christ* (London: George Milner, 1636) I.v.6-7.
received in Eden and took out into the world exists today as the natural law. That same natural law was quantified to some extent during the time of Noah, when the patriarch established new, more specific guidelines for a race of men who replaced those who had been wiped from the face of the Earth; Mosaic law is more delineated than that of the Noachides, taxonomizing the practical application of natural law in a vast series of strictures designed to control and protect God's chosen, the Hebrews. The Noachide and Mosaic laws share the same principles as natural law, though they provide increasingly specific strictures for practical application. These legal systems, arising as they do from the common parent of natural law, are accessible to Selden and his readers not only through right reason, but through the indelible mark of natural law engraven in each as God's creations.

This is not to say that while the principles of natural law are held in common, that the specific application of these laws does not differ from one society to another, and from one individual to another. Selden's description of marriage for De iure naturali is too bleak for Milton's purposes:

Marriage, therefore, in accordance with natural law as taught by the Hebrews was a union comprising community of life between a man and one or more women, following both coition and previous agreement. We do not add that this union was inseparable, which we include in the definition of Christian marriage. For it was possible for husband and wife to be separated or divided and for the marriage to be dissolved without any extraordinary legal permission or cause of divorce. Nor was common consent (by which we know a marriage could be ended according to Roman law) necessary for divorce.

373 While this tendency to vary in the practical application of the principles of natural law has ultimately led to discord between not only individuals, but societies as well, each writer implies that in such situations, an irenic principle must dominate: Milton names this principle with Paul's word, Charity. As Grotius put it, "The decision in such matters must be left to a prudent judgement, but in such a way that when in doubt we should favour that course, as the more safe, which has regard for the interest of another rather than our own." (Barbour, 212)

374 De iure naturali, I.v.567. As quoted in Owen, 236. "Matrimonium igitur, ex Jure, quod docent Ebraei, Naturali, erat viri & feminae, sive unius sive plurium feminarum, tam ex concubitu quàm consensu preeunte, conjunctio, vitae consuetudinem continens. Non adjicimus individuam, quod Christiani habemus in Matrimonii definitione. Neque enim separari aut dividii nequibant conjuges, seu Matrimonium dirimi,
Milton’s definition of marriage was much more idealistic. “Thus then I suppose that Mariage by the natural and plain order of Gods institution in the Text may be more demonstratively and essentially defin’d. Mariage is a divine institution joyning man and woman in a love fitly dispos’d to the helps and comforts of domestic life.”

Milton did not rely on De iure naturali for his work on marriage and divorce; for that work, he used Selden’s Uxor Ebraica. Uxor Ebraica had not yet been published, and herein lies the great contribution of Eivion Owen, for he proves Milton’s indebtedness to what must have been a manuscript version of Uxor Ebraica, which itself in turn attests to Selden’s friendship with, and trust in, the younger controversialist.

Milton would have learned of the existence of the manuscript simply by having read De iure naturali. The paragraph from the Preface listing the contents of Book V ends with:

Quæ verò, præterea ad rem Matrimonialem inter Originarios seu ex Iure simplicitè Ebræorum civili seu Mosaico, relique spectant, toto ea demensa horreo damus in Uxore nostra Ebraica quæ typos præstolatur.

Who specifically might have introduced the two men is not known, but when they met may be conjectured from Milton’s own words. In the preface to Martin Bucer, as Owen notes, Milton states his first acquaintance with Bucer’s extensive divorce work did not occur until “that book [The Doctrine and Discipline] had bin now the second time set forth well-nigh three months.” Uxor Ebraica recommends Bucer as a proponent of the Protestant view of divorce, so Milton must not have had access to the manuscript until some time after April 1644.

nisi ex singulari aliqua legis permissione, seu repudii causâ; neque communis consensus (quo ex veteri Jure Caesareo distrahi Matrimonia scimus) necessarius erat, ut ditimiretur.”

375 CPW II, 612.
376 De iure naturali, Preface, h-i.
The central focus of Owen’s essay is to clarify Milton’s dependence upon Uxor Ebraica for certain points in Tetrachordon. The five points of “possible relation” which he raises may be summarized as follows:  

1. The first, though one of the weakest of Owen’s points of correlation between Tetrachordon and Uxor Ebraica, is that Milton’s definition of marriage changed over a period of years from that of the divorce tracts (“Marriage is a divine institution joyning man and woman in a love fitly dispos’d to the helps and comforts of domestic life”) to that of De doctrina christiana (“Marriage ... is a most intimate connection of man and woman, ordained by God, for the purpose either of the procreation of children, or of the relief and solace of life.”) Selden quite clearly holds in Uxor Ebraica and De iure naturali that the primary purpose of marriage for the Hebrews was the procreation of children. Perhaps Selden’s opinion finally influenced Milton.

2. Uxor Ebraica explains the favourable attitude of the Hebrews toward polygamy. “The law of God is perfect not liable to additions or diminutions.” This law permits not only divorce, but the possession of more than one wife (for an ordinary man, four, but for a king, as many as eighteen.) Owen believes that polygamy would be unacceptable to the Milton of the divorce tracts, whom he calls “romantic”, though later in Chapter X of the De doctrina christiana Milton

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377 Owen actually cites six points, but he splits the concluding list of authorities according to Selden’s division of the Fathers and Reformation writers. I combine these two as Milton does.
would write that there is nothing unlawful about polygamy for Christians. Perhaps, Owen holds, Selden’s scholarship influenced Milton in this area as well.


(a) The phrase “for every cause” (Matthew 19.3) is not discussed in The Doctrine and Discipline, but its explanation in Tetrachordon follows Selden’s, and cites the Syraic translation and the parallels from Josephus and Philo which are quoted in the Uxor Ebraica.

(b) The Doctrine and Discipline discusses Christ’s words “In the beginning it was not so” and contends that Christ is simply “entertain[ing] a little [the] overweening arrogance” of the Pharisees by pointing out the perfect state of things before the Mosaic law. For Tetrachordon, Milton supplements this position:

Undoubtedly as to point of judiciall law, divorce was more permissive from the beginning before Moses then under Moses. But from the beginning, that is to say, by the institution in Paradice it was not intended that matrimony should dissolve for every trivial cause as you Pharises accustome.

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378 Interestingly, were Milton to have succeeded in marrying Miss Davis while he was still, at least in the eyes of the civil law, married to Mary, he would have been polygamous. This must have occurred to him, though Owen does not consider it.

379 Paul Stanwood notes this passage from Paradise Lost, in which Milton praises wedded Love, not only in his own time, but also in the time of the polygamous “Saints and Patriarchs”.

Farr be it, that I should write thee sin or blame,
Or think thee unbefitting holiest place,
Perpetual Fountain of Domestic sweets,
Whose bed is undefil’d and chaste pronounc’t,
Present, or past, as Saints and Patriarchs us’d. (IV. 758-62)

380 CPW II, 665.
Milton has adjusted Christ's words to include a condemnation of the laxity of contemporary Pharisaic teaching on divorce. Owen believes this is due to the influence of Selden's interpretation of this passage in *Uxor Ebraica*. Owen includes a long quotation of Selden's:

Christ therefore was consulted regarding this by those who so interpreted the Mosaic law that they thought that among the Jews perfectly unrestricted divorce for any cause whatsoever was allowable for husbands, though they pretended, in order to test him, that they had some lurking doubt because of the controversy that had arisen between the two well-known schools that I have mentioned. He answered that from the beginning it had not been so. He told them that by the first institution of marriage husband and wife had become one flesh and that those whom God had joined ought not to be sundered at pleasure. Yet because of the hardness of their hearts indulgence to divorce had been granted them in the Mosaic law at the bidding of God (who is always at liberty to prescribe the terms of marriage and all other human actions) and that too, according to the view of the school of Hillel, which they preferred, for every cause. For they understood the words of the law in a disjunctive sense, as though they ran, 'if she find no favour in his eyes or if he hath found some unseemly thing in her.' But Christ says from the beginning this was not so; as is plain from the words that follow he does not say that there was not divorce at all, nor does he say that their law absolutely had not been from the beginning.... In these words, unless I am quite mistaken, Christ openly denounces the utterly unrestricted practice of divorce among the gentiles (e.g. among the Romans) and the Jewish belief that natural law or the law of the children of Noah allowed complete liberty of divorce, which was the teaching of the sect of Hillel and of Rabbi Aquiba, on this matter. And so, tracing the law of marriage and divorce (as elsewhere other laws) to its first principles, founded mainly on charity, he decrees that henceforth among his followers, who were to include all the Jews and all other races, divorce must by no means be allowed as it was by the teaching of Hillel (to say nothing of Aquiba) for any sort of cause or at the mere caprice of the husband or, in fact, saving for the cause of fornication or except for fornication. But when there was fornication, then divorce could duly be and had universally been allowed from the beginning of things.

(c) Selden's long and learned discussion of the meaning of Christ's word "fornication" permitted Milton to expand his own claims from that of *The Doctrine and Discipline*, where he agrees with Grotius that the word implies not only adultery but "such a continual headstrong behaviour, as tends to plain contempt of the husband: and proves out of *Judges* 19. 2. where the

381 "I have translated this passage at length not only because it fairly obviously helped to modify Milton's interpretation of *from the beginning*, but because it provides a typical illustration of Selden's exegetical acumen and gives some indication of his own opinion on the subject." (Owen, 249.)

382 Owen, 248-9.
Levites wife is said to have playd the whoor against him; which Josephus and the Septuagint, with the Chaldaean, interpret only of stubbornnes and rebellion against her husband." In Tetrachordon, this becomes "a constant alienation and disaffection of mind or the continual practise of disobedience and crossness from the duties of love and peace." Not only is there greater latitude in the definition for Tetrachordon, in line with Selden's expansive definitions, but both of Milton's two later references to Selden, in De doctrina christiana and his Defensio Secunda, refer to this particular point of correctly interpreting the word "fornication", which itself belies the great stock which Milton put in Selden's opinion.

(d) Owen considers it "perhaps not altogether fanciful to link up" Milton's passage "For Nature hath her Zodiac also......" (quoted above on pages 30-31) with the following from Uxor Ebraica.

It is with reference to the unrestricted practice and right of divorce current also among the most ancient oriental pagans that a well known passage in Ptolemy based upon astrological remains of the Chaldeans and Egyptians must be understood. Speaking of divorce he says, 'Marriage for the most part remains permanent when the constellations of both nativities happen to stand harmoniously in mutual opposition, i.e. when they form a triangular or hexagonal figure, especially when this happens crosswise, and still more so when the husband's moon faces the wife's sun. But they are easily dissolved and utterly estranged when the above mentioned positions of the constellations happen to be in unconnected signs of the Zodiac or are diametrically opposed or form a square. It is plain that reference is here made to the customary right and practice of the dissolution of what they call the marriage-bond (i.e. divorce) among the ancients especially among those oriental nations who invented the primeval if questionable art of astrology."

Given that the passage from Tetrachordon stands out so markedly, with nothing at all like it elsewhere in the tract, and as the passage on astrology from Selden is the only thing of its sort in the whole of Uxor Ebraica, the coincidence of such a passage in Milton should not be ignored.

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383 CPW II, 335.
384 Owen, 249.
385 Ibid, 252. (Uxor Ebraica, 342.)
Further, as Owen notes, the passage from Ptolemy occurs in an astrological treatise entitled the *Tetrabiblos*. Had Milton not yet decided on the curious name for his tract, this is the likely source.

4. The final section of *Tetrachordon* comprises a long list of authorities, beginning with the early Fathers. Not one of the patristic authorities mentioned by Milton is missing from *Uxor Ebraica*, though specific works cited occasionally differ. Generally speaking, Selden is less generous with the opinions of the authorities than is Milton, acknowledging a permissive interpretation less frequently. Nevertheless, while it is entirely possible that Milton could have accumulated such a wide range of not only patristic and secular authorities but of citations from their works without the help of Selden, Owen believes that Milton could not have managed such extensive anthologism without help of some sort. "That this accumulation of patristic documents was the product of entirely independent research on Milton's part is not for a moment to be supposed." Owen holds, then, that given the compressed time-frame of his compositions, Milton could not have written without Selden or someone like Selden, and there were none other available.

5. Selden does not deal much with legal theory in *Uxor Ebraica*, and certainly not to the extent of *De iure naturali*. With regard to *Tetrachordon*’s relation of civil and canon law to divorce, however, Milton has followed Selden, except in a few points. Where Selden notes that both Constantine and Theodoric endeavoured to restrain divorce, Milton interprets their edicts as permissive. In the best interests of his argument for divorce, Milton exaggerates the amount of freedom permitted wherever possible. Selden very rarely provides an overt expression of his

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386 Owen, 254.
personal opinion: he learned such caution, no doubt, from the debacle of his *History of Tithes* when, in 1618, he published a work conclusively disproving the Church of England’s claim that the collection of tithes was a right *iure divino*, and he was imprisoned for his efforts. The meaning of the concluding paragraphs from *Uxor Ebraica* is quite unclear.

As I see it, what is not permitted in any way by human law becomes, seemingly, a divine law, and so on this basis, the westerners, both Roman and Reformist, decided what the substance of marriage was just as at one time those in the East did with great prolificness on divorce. But beyond doubt the wisest limitation on the freedom of divorce is avoiding the opportunities for lustfulness and the maintenance of righteousness which is different from public peace. ... Enough on these matters. Let me only add this much: if what has been pointed out is correctly reflected upon, it is not hard to ascertain what had to be decided with respect to the several important questions that were wont to be controverted and discussed regarding the law of marriage and divorce, both human and divine. But those questions are usually settled as others are, by a variety of determinations of understanding in any disposition of mind and persuasion as well as (as usual) the admission or rejection of a wide variety of principle and premises.\(^{387}\)

It would seem that Selden disagrees with Milton when he states that the limitation of divorce maintains righteousness. Yet, conversely, he agrees with Milton that public peace is not served by limiting divorce.

Owen summarizes his conclusions with three points, each of which seem incontrovertible. Firstly, Milton probably finished the first edition of *The Doctrine and Discipline* with no knowledge of Selden’s investigations. Secondly, Milton had read *De iure naturali* before publishing the second edition of *The Doctrine and Discipline*, and while finding little reason for revising his own work, he could not omit at least a complimentary reference to Selden. Thirdly, Milton had access to the manuscript of *Uxor Ebraica* before writing *Tetrachordon*, and while he

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\(^{387}\) John Selden, *Uxor Ebraica*, trans. Jonathan R. Ziskind (Leiden: Brill, 1991) 507-8. Ziskind has provided a full translation of Selden’s work, with notes. The accessibility of this edition of Selden makes even more clear the great number of correlations between the research of Milton and of Selden, which further reinforces Owen’s point.
incorporated some materials into his work, and closely followed Selden while writing on the Matthew passages, he did not agree with all of Selden's conclusions and subsequently altered or entirely omitted other portions.

Owen does not allow for the possibility that Milton did not finish reading *Uxor Ebraica*, that either he ran out of time or, more likely, that his eyes were bothering him. Indeed, he may simply have asked Selden for summations of various sections. *Uxor Ebraica* is, in the 1673 edition, 456 octavo pages, and incorporates long passages of Greek, Arabic, and Talmudic Hebrew, whose more difficult script (given the standards of seventeenth century printing) may have proven a strain on Milton's eyesight. Nor does Owen's essay, given its tight focus, treat of Milton's likely indebtedness to Selden for a revolutionary new attitude toward natural rights and law, yet, as we shall see, the vast array of Selden's materials undoubtedly provided the fertile soil from which such opinions derived.

6. Grotius, Selden, and Natural Law Theory

Milton openly admits his admiration for John Selden, and Eivion Owen demonstrates conclusively where Selden influenced Milton's argument for divorce. What remains is to discuss the development of Milton's attitude toward that other area of Selden's considerable influence -- natural rights. The story begins earlier than Selden, though, with his contemporary and sometime opponent in international politics, the Dutchman Hugo Grotius.

Milton met Grotius in person in 1638 when he toured the Continent after leaving Cambridge, and continued to read him after returning to England. He cites Grotius's *Annotationes in Libros*
Evangeliorum (1641) four times in The Doctrine and Discipline,\footnote{CPW II, 238; CPW II, 329-30; CPW II, 335; CPW II, 344.} once in the Preface to Martin Bucer,\footnote{Ibid, 433.} and includes him in the list of authorities at the end of Tetrachordon.\footnote{Ibid, 715.} Well might Milton turn to Grotius, for his Annotationes interpret the New Testament in terms of its original meaning in the early Church, discarding dogmatically-based scriptural commentary in favour of philological criticism, a theory very much in concert with Milton’s originalism.

For our purposes, however, Grotius’s De iure belli ac pacis is even more useful for its discussion of natural law. De iure belli fixed the principle of justice in Grotius’s conception of the unalterable Law of Nature, which has its source in man as a social being:\footnote{For much of the discussion of Grotius and Selden in this section I am indebted to Richard Tuck, Natural Rights Theories: Their Origin and Development (Cambridge: Cambridge UP, 1979) (Hereafter referred to as “Tuck”). I have also used Quentin Skinner, The Foundations of Modern Political Thought (Cambridge: Cambridge UP, 1978). English quotations from De iure belli ac pacis are from the edition of J. Barbeyrac, The Rights of War and Peace, trans. anon. (London, 1738) (Hereafter referred to as “Rights”).}

The Moment [God] is determined to create Man, that is, a Nature endowed with Reason, and formed for a Society of an excellent Kind, he necessarily approves of such Actions as are suitable to that Nature, and as necessarily disapproves of those which are contrary to it.\footnote{Rights, p. 16 n. 1.}

Man is, therefore, subject to both rational social behaviour and the laws of his created nature. In order to configure a larger social order, a State, individuals must group together and agree to submit, at least in part, to the dictates of the state which they establish. Grotius asserts, then, that the first discussions of law and of contract arise from questions regarding the structure of this State, and from questions of equity and property.

An individual enters into a contract of obedience and compliance with the laws and interests of the State of which he is a part, yet this contract may suffer when a man deems his own personal interests are not being best served by the State. Such a conflict between two aspects of an individual’s personal interests necessitate discussion of a fundamental question: in the case of
conflict between his own interests and those of the State, which shall prevail? Might, or should, even the natural rights of an individual be sacrificed for the sake of social peace and order?

Milton could never have agreed with Grotius's answer to this question, for Grotius concluded that he must

reject their opinion, who will have the Supreme Power to be always, and without Exception, in the People; so that they may restrain or punish their kings, as often as they abuse their Power. What Mischiefs this Opinion has occasioned, and may yet occasion, if once the Minds of People are fully possessed with it, every wise Man sees. I shall refute it with these Arguments. It is lawful for any Man to engage himself as a Slave to whom he pleases; as appears both by the Hebrew and Roman Laws. Why should it not therefore be as lawful for a People that are at their own Disposal, to deliver up themselves to any one or more Persons, and transfer the Right of governing them upon him or them, without recovering any Share of that Right to themselves?393

This theory abolished the right of self-defence when an individual placed himself under contract to his state, set up a sovereign, or submitted to a conqueror. Ultimately, Grotius says, the final good of society must lie not in the rights of the individual but in the peaceful preservation of the social order; to insure this, individuals must relinquish their right of self-defence:

All Men have naturally a Right to secure themselves from Injuries by Resistance... But civil Society being instituted for the Preservation of Peace, there immediately arises a superior Right in the State over us and ours, so far as is necessary for that End. Therefore the State has a Power to prohibit the unlimited Use of the Right [of resistance] towards every other Person, for maintaining publick peace and good Order, which doubtless it does, since otherwise it cannot obtain the End proposed; for if that promiscuous Right of Resistance should be allowed, there would be no longer a State, but a Multitude without Union....394

So an individual might not defend himself against the will of the Sovereign, or of the State.

Might he defend himself against another individual? Grotius holds that he may, provided it is evident that the continued life of the man against whom he struggles is not more useful, "because

393 Rights, 64.
394 Ibid, 102-3.
the Aggressor's life may be serviceable to many, it would be criminal to take it from him. Yet, as Tuck points out, Grotius contradicts himself, for he also maintains that while all our rights could be renounced, they need not all be renounced in fact:

This Law [of Non-Resistance] (of which we treat) seems to depend upon the Intention of those who first entered into civil Society, from whom the Power of Soveraigns is originally derived. Suppose then they had been asked, Whether they pretended to impose on all Citizens the hard Necessity of dying, rather than to take up Arms in any Case, to defend themselves against the higher Powers; I do not know, whether they would have answered in the affirmative: It may be presumed, on the contrary, they would have declared that one ought not to bear with every Thing, unless the Resistance would infallibly occasion great Disturbance in the State, or prove the Destruction of many Innocents, For what Charity recommends in such a Case to be done, may, I doubt not, be prescribed by a human Law.

Grotius postulated a society which absolutely dominated the rights of the individual, and for protection from state tyranny, an individual could only hope that aspects of Charity had been written into the law, and that the State or Sovereign might exercise Charity while enforcing the law.

Later writers would ask why an individual would submit to such a state, for Grotius’s theory “destroys civil society, which is a community of free men, and makes it an aggregation of slaves.” Groitus, whose De iure belli constitutes the first major statement of rights theory in Protestant Europe, left questions rather than answers, but he at least raised those questions, of which Milton was certainly aware. Although Milton does not refer to De iure belli in any of the divorce tracts, it was Grotius’s most important work, referred to repeatedly by Selden in De iure naturali, to which Milton does refer.

An English discussion of natural law predates Grotius, however, and by far the most important sixteenth-century text of this discussion is Richard Hookers’s Of the Laws of

395 Rights, 134.
396 Ibid, 112.
397 J. Felden, Annotata in Hugo Grotium, De Iure Belli et Pacis (Amsterdam, 1653) 35.
Ecclesiastical Polity (1593). Milton refers to Hooker only once in his prose, and Selden does not draw on Hooker at all, so they are not deriving their opinions from this prominent apologist for church discipline, but The Laws affirms the presence of natural law in English justice. Reason, or natural reason, is the means by which men may discern what is right in nature:

But the nature of goodnesse being thus ample, a law is properly that which reason in such sort defineth to be good that it must be done. And the lawe of reason or humaine nature is that which men by discourse of naturall reason have rightly found out themselves to be all for ever bound unto in their actions. ... The workes of nature are all behovefull, beautifull, without superfluitie or defect; even so theirs, if they be framed according to that which the law of reason teacheth.  

Hooker distinguishes natural from positive law: “In laws, that which is natural bindeth universally, that which is positive not so”. This universal natural law, discernable by all men through reason, attests to the goodness of God’s creation, and is the means by which, regardless of positive law, to distinguish that goodness from evil.

Law rational therefore, which men commonly use to call the law of nature, meaning thereby the law which human nature knoweth it self in reason universally bound unto, which also for that cause may be termed, most fitly, the law of reason; this law, I say comprehended all those things which men by the light of their natural understanding evidently know, or at leastwise may know, to be beseeming or unbeseeming, virtuous or vicious, good or evil for them to do.

John Selden was of the next generation from Richard Hooker, almost exactly contemporary with Grotius, and born into the same Protestant, humanist, Aristotelian intellectual environment. Selden also expanded on the natural law theories of Grotius, partly because this was his area of interest (not only in his own studies, but because he was answering Grotius), and partly because

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398 The first four books of Of the Laws of Ecclesiastical Polity were published in 1593, the remainder posthumously in 1648 and 1661-2. Quotations from Hooker are from The Works of Richard Hooker. 6 vols. Ed. W. Speed Hill, et al. (Cambridge, MA.: Harvard UP; Binghamton: MRTS, 1977-93) (Hereafter referred to as "Hooker").
399 The Reason of Church Government (1642), CPW I 759.
400 Hooker, I 190.
402 Ibid, I 90.
both King Charles and Archbishop Laud asked him to reply to *Mare Liberum*, Grotius’s work
defending the Dutch in their fishing dispute with the English. Selden’s *Mare Clausum* postulated
that initially the world had been given in common to Adam and his descendants to be divided
among them. After the Flood, the world was a second *tabula rasa*. Eventually, though, this
“natural” state wherein all is in common was replaced, for the sake of social peace, by obligatory
and permissive laws which defined all things moral and equitable. Obligatory law defined things
which were commanded or forbidden, such as are explicated by the fundamental rules of social
behaviour. Permissive laws set forth what was permitted, such as commerce and contracts. The
first are laws of “one must”, while the second are laws of “one may”.

*lus* (as it is the rule, measure, and pointing out of things lawful or unlawful) falls
under a twofold consideration ... *As Obligatorie*, it is known by such things as
are commended or forbidden, as *to give every man his due, not to foreswear*, and
the like. *As Permissive*, it is set forth by things whose use is neither commanded
nor forbidden, but permitted; as in the very Act of buying, selling,
infranchisement, framing conditions of contract according to the will of the
contractors, and many more of the same nature.\(^{403}\)

Permissive law, which came to comprise a large part of civil law, supervened the natural law
and imposed property relationships. Obedience to the various contracts which enforce these
property relationships is mandatory and fundamental to social structure:

From this Original sprang every Dominion or Proprietie of things, which either by
Alienation, or any other kinds of Cession, is transferr’d upon others, or held by a
continued possession; respect beeing alwaies had to those particular Forms and Qualifications, which usually relate unto Dominion, either by Law, Custom, or
compact, according to the various institutions of several people: For by these, the
free and absolute power of the Proprietor, in what hee enjoies, is lesned and
restrained; but when this Reason wholy ceaseth, then what the Proprietor
possesseth is so his own, that it cannot lawfully in any wise, without his consent,
becom another man’s. And all these things are derived from the alteration of that
*Universal or Natural Law of nations* which is *Permissive*: For thence came in
private Dominion or Possession, to wit from the *Positive Law*. But in the mean

(Hereafter referred to as “Mare Clausem”).
while it is established by the *Universal Obligatorie Law*, which provides for the
due observation of Compacts and Covenants.\(^{404}\)

Natural law was, of necessity, superseded by civil law, lest all property and contracts become
void, and these civil laws protected not only the possessions of a proprietor, but also against the
tendencies of a proprietor to abuse the rights of his possessions. Further, the strict observance of
contracts was absolutely critical to Selden’s theories; should men no longer be required to obey
their contracts, even for reasons of conscience, the result would be an anarchic dissolution of
property laws, and thus a dissolution of society.

Opposed to the strictures of these laws of property and contract, however, is the notion of
liberty. For his *De iure naturali et gentium* (1640), Selden hypothesized the idea of absolute
liberty in order to contextualize and make necessary civil law. The restricted liberty of life
within a state governed by civil laws was a logical advance from man’s natural condition of
absolute liberty, itself akin to that state in which animals exist:

The idea of liberty is either absolute and simple, or restricted and complex. It is
absolute in the first part of the definition of liberty, ... 'the natural *facultas* of
doing what one wants' ... With such a conception, liberty can be thought of
equally well among both animals and men, if there is no relevant law which in
any way restrains either a man’s will or an animal’s appetite (which can be taken
to be the same kind of thing as a will). But I want to stress that it can be *thought of* in this way: we hypothesise such a state of boundless liberty for the purpose of
our argument, just as a line is often extended infinitely to demonstrate something
in geometry. The idea of restricted liberty comes about when there is added to the
absolute liberty which we have postulated the modification ... 'as long as it is not
prevented by force or law'.\(^{405}\)

Enforcement of law becomes, then, the next priority for Selden, for the natural faculty of
absolute liberty must wrestle at times with restriction. In such a case, the state must impose
punishments specific to violation of civil laws. Yet there remains a natural law in the heart of

\(^{404}\) Ibid, 24.
\(^{405}\) Selden, *Opera Omnia*, 3 vols., ed. D. Wilkins (London, 1726) I, col. 105 (Hereafter referred to as “*Opera
Omnia*”").
man, such as (and this is Selden's example) to honour the obligations of a ward who runs up debts without his guardian's authority. There is no legal obligation to pay such a debt; any obligation which the guardian might feel to exist rests in his own conscience, and must be termed "natural". Obviously, disobedience of natural obligations is not punishable by the power of the State, though these natural obligations contribute to harmony among men. Selden provided for this dilemma, however, by reminding us of divine retribution, quoting Virgil:

\[
\text{Hae Iovis ad solium saevique in limine regis}
\]
\[
adparent acuuntque metum mortalibus aegris,
\]
\[
siquando letum horrificum morbosque deum rex
\]
\[
molitur meritas aut bello territat urbes.\textsuperscript{406}
\]

Indeed, Selden proposes that men obey laws, both natural and civil, obligatory and permissive for no other reason than to avoid punishment. The law of nature, by definition, requires enforcement by God, and God alone. Selden summarizes this position in his posthumous Table Talk:

\[
\text{I cannot fancy to myself what the law of nature means, but the law of God. How should I know I ought not to steal, I ought not to commit adultery, unless somebody had told me so? Surely 'tis because I have been told so. 'Tis not because I think I ought not to do them, nor because you think I ought not; if so, our minds might change; whence then comes the restraint? From a higher power; nothing else can bind: I cannot bind myself, for I may untie myself again; nor an equal cannot bind me, for we may untie one another: it must be a superior power, even God Almighty.\textsuperscript{407}
\]

The law of nature, while from God, is taught to us by our parents, by our peers, and by the workings of society in general. The operative word here is taught: it does not arrive engraven in the breast of every man, as Milton holds, as the ultimate gift of Adam.


\textsuperscript{407} The Table Talk of John Selden (Edinburgh: Thomas Constable, 1854) 103-4.
Selden had laid out in earlier works the basic origins of natural law and its subversion by civil law. His *De iure naturali* completed his theories by infusing the elements of correlative obligation and punishment. Natural law is that which permits an individual to desire, possess, and defend those things which secure his existence, such as food and shelter, and protection from harm. As men seem to naturally over-estimate the degree to which they need each of these things, there exists the law of God, (such as "I ought not to steal" and "I ought not to commit adultery"); according to Selden, this law of God is identifiable with the law of nature, and works as a check and balance to the natural desire for self-preservation and security; both are incorporated in the civil law. Therefore, society requires the laws of property and of equity for the sake of social peace, and one must obey these laws to avoid punishment by the state:

> The idea of a law carrying obligation irrespective of any punishment annexed to the violation of it ... is no more comprehensible to the human mind that the idea of a father without a child.\(^{408}\)

The state recognizes an individual's need for security and preservation while it also protects against any violent or unjust excesses which any individual may attempt against another.

As obedience of civil laws obviates punishment by the State, laws deemed natural must be obeyed to avoid God's punishment. Within these two bodies of law there remains an area of restricted liberty wherein an individual may pick and choose any further contracts to which he may oblige himself, above and beyond his fundamental obligation to obey the laws of the State already established.

A final note regarding Selden's work: the conclusion of the *Uxor Ebraica* is that divorce was permitted legally by the vast majority of societies from ancient times. But what might be the significance of this when the current law of England prohibited divorce except in cases of

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\(^{408}\) Opera Omnia I, col. 106.
adultery? The relevance of such discoveries is that law is cumulative but alterable, reparable when deemed flawed. If, as in the case of divorce, error has crept into the body of the law, for whatever reason, those whose faculty is to oversee the well-being of the law may rectify any such errors. The civil law would not exist except by the will of God; yet to speak of ius divinum, given the variety and scope of human laws, is useless. If human laws permit a certain practice on a widespread scale, the presumption was that neither natural nor divine law forbade it. 409 Uxor Ebraica, with its extensive and detailed lists of peoples and practices, clearly demonstrates that divorce has been a commonplace of humanity, and one whose liberal applications far exceed the restrictions of Roman Canon law, and its heir, English Canon law.

Milton was to benefit incalculably from exposure to such theorizing. Grotius and Selden not only expounded at length on the concepts of natural law, civil law, and liberty, but their differences taught Milton that the various relationships between such concepts are manipulable. Selden had come to the conclusion that divorce should be legal in England, but for reasons different from Milton. Indeed, what Milton would make of virtually all which Grotius and Selden had concluded was original to himself: where Selden saw natural law as largely replaced by the greater practicability of civil law, Milton saw civil law as a flawed attempt to approximate natural law; where Selden saw man's fear of punishment as the glue of society, Milton saw the suffering of a bad marriage as punishment sufficient to demand liberty from bad laws; and where Selden saw liberty as a primitive drive akin to animal appetite, Milton saw liberty as the gift of God earned through faithful and charitable obedience.

409 Tuck, 85.
One further difference between Selden’s and Milton’s theorizing on the natural state bears mention. Selden is not optimistic about man in a natural state. He is not as harsh as Hobbes was to be in the *Leviathan*, even though Hobbes derived his ideas largely from Selden. To Selden, man naturally wants possessions and security, but liberty as well, and this last is comparable to animal appetite. These are natural urges, giving rise to natural rights, and are deemed acceptable by the natural law, though this natural law also incorporates the *taught* self-restrictions which warn “I ought not.” The self-restrictions which are in a state of constant tension with the natural drives needed to be preserved in the form of the civil laws. The socially preserving, the “good,” came second, while self-preserving came first. Milton’s theories on the nature of man differ radically. Milton thinks of man as created in the image of God, to wisdom, purity, justice, and rule over all other creatures. Civil law arrived to restrict the bad effects of man’s fall in Adam. In these things, Milton is reminiscent of Aquinas, who writes:

Now among all others the rational creature is subject to divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the eternal reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law ... thus implying that the light of natural reason, where by we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the divine light.  

It may seem ironic that Milton would agree with the pre-eminent Scholastics. Yet, this point joins other paradoxes in Milton, such as his vigorous opposition to what he terms “literalism”, a

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410 Hobbes’s natural state was the state of war, in which “the life of man [is] solitary, poore, nasty, brutish, and short.” *Leviathan, or the Matter, Form, and Power of a Commonwealth, Ecclesiastical and Civil* (London: Andrew Crooke, 1651) 62.
412 As, for instance, this from Tetrachordon itself: “Now although Moses needed not to adde other reason of this law then that one there exprest, yet to these ages wherein Canons, and Scotisms, and Lumbard Laws, have dull’d, and almost obliterated the lively Sculpture of ancient reason, and humanity, it will be requisit to heap reason upon reason, and all little enough to vindicat the whitenes and the innocence of this divine
prime tenet of Protestant orthodoxy, developed to battle the anagogic hermeneutics of the Fathers and the Scholastics. Despite his rhetorical posturing, Milton could not help but be deeply indebted, as are all exegetes, to the early hermeneutic work of the Fathers and Scholastics.

Milton’s theory of man’s natural state is opposed to Selden’s. Milton holds that the “good” came first in man, and the “bad” came second with the Fall, though he then agrees with Selden that the restrictions of civil law were instituted to moderate battles between the two. The difference may seem innocuous, but it is critical, for Milton’s view holds with his originalism. The purest and “best” state is found at the beginning, in this case, of man in Eden.

7. Milton’s Mental State.

Milton’s theorizing about the law and the natural state of man grew out of the incorporation of the various principles of hermeneutics into a philosophy of originalism, which itself began as the hermeneutic principle that God’s first statements on a matter are the most authoritative, and that the first form of anything in Scripture is its purest state. Milton adopted no one set of ideas completely, but selected what he needed from the sources he read. The only authority which remained sacrosanct and unalterable was Scripture, but as we have seen, the principles of interpretation which a student brings with himself ultimately provide great flexibility in the reading of Scripture.

Prior to the composition of Tetrachordon, Milton had completed the argument for the legitimacy of divorce, but he himself was unable to enjoy any personal advantage of his theory. Despite his argument for divorce, he was unable to divorce Mary Powell until Parliament

Law, from the calumny it findes at this day, of beeing a dore to licence and confusion.” (CPW II, 621).
Again, in Areopagitica, Milton favours: “our sage and serious Poet Spenser, whom I dare be known to think a better teacher than Scotus or Aquinas.” (CPW II, 516).
changed the laws. The discovery of two principles of law during the research and writing of *Tetrachordon* seem to have convinced Milton that he could now act on his theories, for he was pursuing Miss Davis with the intention to wed her, while still legally bound to Mary Powell. The first of these principles comes from Selden’s work, and teaches that civil law has the potential for revision and improvement, whether or not the current legal authorities recognize or sanction it; law is under constant revision, presumably evolving toward an ideal legal state. The civil laws of divorce could and should be changed to better embody, as *Uxor Ebraica* shows, the opinions of those cultures from which England drew her heritage.

Far more importantly, though, Milton had developed a theory of natural law which superseded the authority of civil law. If a man in full obedience to God behaved in accordance with an internal drive, such as shunning that which he “hated”, he was obeying a natural law which arose from his natural and purest created state in the image of God. If obedience to such a law necessitated disobedience to a civil law, then the civil law was unjust and required revision, and the offender was innocent of wrongdoing.

The extrinsic purpose of *Tetrachordon* was to further clarify Scriptural texts. The intrinsic purpose, however, was to construct grounds for a more permissive attitude to divorce, not only for Milton but also for those like him who were hampered by the restrictive and flawed laws of England. The proof of any theory lies in its application and Milton’s pursuit of Miss Davis while still legally married to Mary attests to the sincerity of Milton’s convictions. Whether he had privately declared himself divorced from Mary or whether he had decided that polygamy was acceptable, not only in theory but in his own life (the former is far more likely), we cannot know. Milton never wrote about Miss Davis, nor about his decision to forgive Mary.
The conclusions which Milton had just reached regarding his relationship to the laws of his land, and to historical law and social conventions in general, were cataclysmic, and would have given any lesser man pause. It should be no surprise, then, that the end of the divorce tracts forms a period, and that, following them, there is a void of four years during which Milton wrote little or nothing.
CONCLUSIONS
Descartes cites Archimedes at the opening of the second of his Meditations on First Philosophy, while searching for one sure thing amidst what seems a universe of shifting uncertainties.

So serious are the doubts into which I have been thrown ... that I can neither put them out of my mind, nor see any way of resolving them. ... Archimedes used to demand just one firm and immovable point in order to shift the entire earth; so I too can hope for great things if I manage to find just one thing, however slight, that is certain and unshakeable. 413

The same uncertainty plagues the reader of Milton’s divorce tracts, not because Milton does not state his case clearly and repeatedly, but because both his audience and Milton himself seem unconvinced of some basic principle, some fundamental grounding which might anchor the whole venture. All of these words have been written in defense of divorce, of the happy marriage, and of liberty itself, yet without some concrete application, the words seem for nought. Parliament would not re-write England’s divorce laws in response to Milton’s pleas, and as a consequence, nobody would benefit from this long, complex, intelligent, and eloquent argument – not even Milton himself. Given what we know of his separation from Mary Powell, and given the unhappiness with which Milton has described a bad union, the reconciliation with Mary would seem anticlimactic and the tracts faintly unconvincing were there not one more biographical incident, rarely noted, to prove Milton’s convictions. 414 There is, as it happens, one fact which supports my conclusions about the development of Milton’s personal philosophy during the course of the divorce tracts. This, unlikely though it may seem, is his willingness to court Dr. Davis’s daughter in 1645 while still legally married to Mary.

414 John Toland writes in 1698, “Lest he might seem by his Several Treatises of Divorce not to act from an intire Conviction, but out of sudden Resentment, or to shew his Parts in maintaining a Paradox, he was seriously treating a Marriage with a young Lady of great Wit and Beauty” (Darbishire, 133).
Every argument of the divorce tracts had sought to establish the legitimacy of divorce by embedding it in one form of authority or another, be it scriptural, historical, or cultural. Yet when we read that Milton was pursuing a woman while he was still married, it seems to jar violently against what we have come to know of him. Milton was pious, committed to his studies, to the pursuit of truth, and to the general improvement of mankind’s grasp of God’s will. These are clear impressions we glean from his writings. His daily life is distinct from these impressions, however, and while we know very little of this part of his biography, close reading of the divorce tracts gives some idea. Milton’s startling pursuit of a second wife came after the last of the tracts had been published, and without Parliament repealing or changing any laws regarding divorce. Milton could not, therefore, have married Miss Davis without violating the law. It can certainly be argued that Milton had been convinced by the arguments of John Selden in the *Uxor Ebraica* that polygamy was legal among the Jews and therefore should be legal among all nations for all time. This would have permitted him to court a second wife while still married to the estranged Mary. Yet polygamy was itself illegal at the time, and this step also requires a philosophical resolution to disobey the law. Either way, John Milton, in the spring of 1645, was exhibiting behaviour in open rebellion to the laws of the land. Milton had striven hard for two years to create a rational environment within which to debate so emotionally explosive an issue as divorce. He had justified each of his points from Scripture and had brought numerous respected historical precedents to bear on the question. What steps must he have passed through, then, in order to reach this point, to exchange the scholar’s midnight watchings for the pursuit of a forbidden prize?
This thesis began as an examination of the nature and development of the hermeneutic principles with which Milton structures his divorce argument. While Milton’s prose is difficult and, by modern standards, relatively unstructured, there are strands of thought which can be traced, lifted from the apparent disarray of the weave, and sorted into a more logical order. The first chapter isolated eleven exegetical principles which Milton employs in the first edition of *The Doctrine and Discipline* to justify his argument through Scripture. Another five principles were isolated from the second edition of *The Doctrine and Discipline*. Together, these sixteen principles form the rational backbone of the scriptural argument.

As noted in the introduction to Chapter I, Milton was paralleling his rhetoric with his hermeneutics. Milton’s hermeneutic principles place individual scriptural texts within a larger, interdependent structure. The complexity of the divorce matter requires that each individual text be read in concert with those other texts which also comment on divorce: interpretation of Matthew 5. 31-32 depends upon Genesis 1. 27-28, Genesis 2. 18, 23-24, Deuteronomy 24. 1-2, and I Corinthians 7. 10-16. Later texts must be read against earlier texts, the earlier being the more authoritative. The purpose of later texts lies in their elaboration of the unfolding history of God’s plan for mankind. The historical misunderstanding of Matthew 5.31-32 results from an ignorance of these simple principles, and of the circumstances surrounding Christ’s statement in the first place. The interdependence of the various facets of Milton’s argument mirror the final protreptic interdependence of scriptural texts, according to the principle of *analogia fidei*.  

Despite attempts to argue along these lines, Milton’s divorce tracts are not inherently structured and logical. This may be due to a considerable charge of emotion which constantly betrays itself in the intensity of the prose, and often threatens to overshadow the rationale of the

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415 Research into hermeneutics finds a rather confused history, but this principle has, for Christian purposes at least, been around from the time of Paul’s words κατὰ τὴν ἀναλογίαν τὴν πίστεως (Rom. 12.6), and has been commented on by many, from Irenaeus and Augustine to the present. See Farrar, 332-3.
argument. There is no mistaking that the author of The Doctrine and Discipline is angry, though he appears determined to control this anger. The second edition of The Doctrine and Discipline differs from the first far more by its introduction of structure than by any significant changes to the argument. Combined with the coincidence of Milton's separation from Mary Powell, this charge of emotion has historically, and reasonably, led scholars to note the damage which Milton's personal investment may have had on the simple logic of his argument.

The second tract in the sequence, The Judgement of Martin Bucer, is a blend of three sections. The main section is a listing of quotations, which Milton has translated from Bucer's Latin, all of which support the basic points of The Doctrine and Discipline. Martin Bucer also opens with a preface which reiterates the points of the preface to The Doctrine and Discipline. The third and closing section of the tract is intriguing, though, for Milton employs a more literary convention of analogy between his own efforts in the cause of divorce, and the fate suffered by Bucer and Fagius at the hands of the Marian Catholics in Cambridge, the two men having been disinterred and publicly burned, in company with a gathering of their writings. Milton implies that the senseless violence of this act, fuelled by religious fervour and ignorance, is similar to the uneducated and thoughtless opposition to his own writings, and liable to visit similar and further shame on England. There is no development of the hermeneutic principles in Martin Bucer; the significance of the tract, for our purposes, is its display of Milton's commitment to the emotional aspect of his argument.

The third tract examined, Colasterion, is the least admirable, the least productive of the tracts, contributing no more than a scathing attack on Milton's adversaries who are, either personally or literarily, unworthy. The excoriating prose displays an author virtually out of emotional control, and this is the true value of the tract, for here we have, in the whole of his work, the most lurid
display of Milton’s temper. The emotional torment which the prose betrays cannot be due simply to opposition, for even Milton admits that his opponents’ arguments hardly warrant answer. The intensity signals further facets, the first of which is addressed immediately prior to Colasterion, in the magnificent argument for liberty of the press presented in the Areopagitica.

The second facet of conflict is Milton’s progressive, growing sense of betrayal: firstly, not only by his young bride but by his hopes in the very institution of marriage; secondly, by his colleagues in both the religious and political arenas of his life; and thirdly, by the unfortunate though natural deterioration of his eyesight. Milton’s reaction to these events is a cry for liberty in general, and specifically for liberty to make and implement his own decisions in the religious, political, and domestic arenas of his life. As he himself was to write in 1656 in his Defensio Secunda.

Since, then, I observed that there are, in all, three varieties of liberty without which civilized life is scarcely possible, namely ecclesiastical liberty, domestic or personal liberty, and civil liberty, and since I had already written about the first, while I saw that the magistrates were vigorously attending to the third, I took as my province the remaining one, the second or domestic kind.\textsuperscript{416}

It is doubtful that Milton was as composed as he implies here, but some twelve years later he was certainly looking back with considerable clarity, which itself indicates that he had taken time to reflect on the nature of his emotional distress.

Reflection may have come with the assistance of John Selden, who figures large in the composition of the final divorce tract, Tetrachordon. As I have explained in chapter four, Milton was deeply influenced by Selden’s work. Milton may also have been influenced by Selden in other areas as well. Selden was some twenty years older than Milton and had encountered much strife in his lifetime. His wisdom and experience might have advised Milton to manage better

\textsuperscript{416 CPW IV.i.624.}
the ferocity of his emotional outbursts, and to reconsider the wisdom of publishing such diatribes as *Colasterion*. Selden would also have advised Milton on how to envision, realistically, his place and his rights, civil and intellectual, in society.

My introduction discussed Milton’s desire to contribute to his society, to a better comprehension of man’s relationship with God. Milton clearly had envisioned himself as a teacher of sorts, and as a prophet, serving as a conduit for certain of God’s truths which appeared either to be new or to have been forgotten. An individual’s rights and freedoms, awarded to each of us by God and reinforced by obedient faith in God, were a part of that prophetic message. Milton would not have considered himself another sectarian calling for a new and corrected faith to replace the old; he had continually addressed his divorce tracts to Parliament, from first to last, a pattern that indicates willingness to work within the dominant political system. Yet *Tetrachordon* proposes a tacit separation, when necessary, from the law of the land, and courting Miss Davis illustrates how wide he seems willing to have made this gap. Milton’s justification of legal autonomy, partial or whole, is not entirely attributable to the influence of John Selden, however, for Milton’s hermeneutics had been developing a structure of authority which permitted such thought; Selden simply provided the final steps.

The initial argument for divorce, as it appears in the *Doctrine and Discipline of Divorce*, was based on two very different arguments, one justified by application of certain hermeneutic principles to Scripture, and the other based on what Milton called “natural laws,” natural prejudices and urges which nobody could ignore. The hermeneutic argument never changed, as the principles never changed, though some principles are dominant, such as that of Charity, and others were brought to the fore, namely that which I have called originalism. None of these
principles are new to Milton (most are mentioned as early as Augustine’s *De doctrina christiana*); the search for theological and scriptural meaning had been refined over many centuries. Scripture is, however, malleable and the application of various combinations of principles to particular texts can give rise to a variety of interpretations. This variability ensures that no argument based on Scripture is definitive, a fact which itself ensured that Milton would always have opponents.

Milton would not, could not, abandon the logic of his divorce argument, despite the intractability of his opposition, for another “natural” law dictated the necessity of divorce. It was simple, “natural” logic that a person should not be bound to somebody he could not abide. Civil law demanded that such persons remain bound, and so the civil law must be wrong. The matter became very quickly one of authority; how might Milton argue against the authority of standing civil law in order that Parliament might recognize the need for change? The first attempt was that of *The Judgement of Martin Bucer*, which argued the authority of history, citing the respected theologian, educator, and reformer’s writings in favour of divorce, as well as Edward VI’s *Reformatio Legum Ecclesiasticarum*. Despite this plea, opposition to the divorce argument continued, and heightened with Herbert Palmer’s sermon to Parliament itself, and the publication of *An Answer to a Booke Entitled the Doctrine and Discipline of Divorce*. Despite respectful prefatorial addresses, Parliament’s only clear response to Milton was to call him before a panel specially convened to examine his disregard of licensing laws. While *Martin Bucer* and *Of Education* had both been licensed, Milton had not bothered to license either the first or the second editions of *The Doctrine and Discipline* and on August 24, 1644, the Company of Stationers complained to Parliament against unlicensed and unregistered publications in general.

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Masson conjectures that “there can be little doubt that the Assembly of divines and the London clergy generally were at the back of the affair; but it was convenient for them to put forward others as the nominal accusers.”

Parliament answered by setting up a “Committee for Printing,” which was instructed to hear all parties and “diligently to inquire out the authors, printers, and publishers of the pamphlets against the immortality of the soul and concerning divorce.” Milton was inexplicably released, without penalty, which may constitute the first personal involvement between himself and Selden. The examination may have been instigated by the Westminster Assembly, to which Selden belonged, and it was conducted under the auspices of Parliament, of which Selden was a member, and though Selden was not on the licensing panel itself, a few quiet words to the right people might have helped secure Milton’s freedom.

Parker asserts that

[These words suggest] that some persons in high places had an eye on him from the start of his career, regarding him perhaps as an eloquent **enfant terrible**, impractical but learned and stimulating, one certainly not to be treated like an ordinary ink-stained fanatic.

Colasterion is Milton’s reply to *An Answer* and argues from a position of moral and intellectual superiority, pointing up the errors of *An Answer* as well as pouring copious disdain on its authors for their shoddy work. The hermeneutics of Milton’s argument are not challenged,

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418 Masson, III. 273.
419 Parker, I. 264. Ironically, though Milton had published nothing to this effect, he agrees in his *De doctrina christiana* with the materialism heresy. As well, Milton would continue to ignore the strictures on publications when his 1645 reprinting of *The Doctrine and Discipline* appeared, once again, unlicensed and unregistered.
420 Very little documentation exists from these proceedings, but Parker writes: “The surviving records are so fragmentary that they suggest a parliamentary effort to evade, not only the stationers in their grievances against Milton’s disregard for regulations, but also the Westminster Assembly in its crusade against toleration. For example, there is no record of any report to the Commons, speedy or otherwise, from the Committee for Printing; yet, on 18 September, the Lords were asked by the Commons to concur in a new printing ordinance, the nature of which is not specified. There is no record, moreover, of the Lords concurring in any such ordinance. .... The Lords ordered ... Woodward and Milton [be examined]. The stationers were ordered to be present at this examination and to give evidence against the accused parties. Three days later, 31 December, Woodward’s case was reported to the Lords, and his release was ordered. There is no surviving report on Milton.”
421 Parker, I. 265.
nor do they change. Indeed, not once does any opponent to divorce, in either *An Answer* or elsewhere, present an argument based on hermeneutics, which lends Milton's argument the appearance of unassailability. Opposition to the divorce argument stems from the prejudices of a moral and cultural tradition based on what Milton terms a "literal" reading of the Matthew passages; in essence, then, there has been no answer to Milton's arguments, either the moral or the hermeneutic.

*Tetrachordon* presents the divorce argument in its clearest and most formulaic manner, with the fundamental hermeneutic principles remaining unchanged. The scriptural texts are the same, the historical examples are expanded, though with no new significant points. The argument has reached its fullest form but remains impotent against the intransigence of Parliament. Other arguments are woven into *Tetrachordon*, however, which circumvent the authority of Parliament, so that, despite the intransigence of his audience, despite the irresistible force of Milton's argument meeting the immovable object of Parliament's authority, Milton avoids Parliament by re-situating final authority, through originalism, from the civil law to God's word and individual faith. Milton's application of Selden's *De iure naturali et gentium* produces an argument which goes as follows: God's law supersedes any other, including civil law, and God's authority is more potent than Parliament's. Moreover, because God approved divorce long before Parliament or any other secular authority forbade it, Parliament's law forbidding (virtually all) divorce is invalid. Milton does not state this overtly in *Tetrachordon*, however, though references are made to the works and authors which support such an argument. It would seem that Milton had learned a lesson, that the inviolability of hermeneutic principles, or even the force of reason, is not always sufficient to the cause of real-world politics.
Milton's opponents provide no answer which differs from traditional views regarding divorce. No reciprocal effort is made to examine the texts either linguistically or hermeneutically, as Milton had wished. Milton's reasoning views scriptural analysis as extratemporal: if the Scriptures are God's law, delivered once, inviolable, infallible, and irrevocable, then just and correct analysis must stand forever. Originalism demands that analysis revert back to first occurrences, and that all subsequent development of law be consistent with those first utterances, as God is Himself eternal, original, and self-consistent. Yet these points appear to have been ignored by Milton's contemporaries: nobody stepped forward to address the issues raised by The Doctrine and Discipline; Parliament did not change laws in response to the reasonableness of The Doctrine and Discipline's arguments; critics of Milton attacked him on what he considered shallow grounds, political and uninformed bases. Given that Parliament held power to enforce the law and showed no sign of changing a law which itself opposed Milton, he had either to relinquish his cause with a sigh, or to get around Parliament's authority, for no argument has any ultimate meaning if it cannot, finally, be effected.

This thesis has tracked other matters in Milton's life, evidence of which permeates the prose of this divorce controversy. Critics who examine the divorce tracts relate the argument to Milton's own difficulties with Mary Powell, yet while the separation may have weighed heavily, it was just one in a series of disappointments and problems which plagued Milton at this time. While the woes of separation may be a pressing concern to his biographers, Milton, in fact, never speaks of it. Rather, he complains of a lack of fit audience for his work. He complains bitterly of the licensing laws, and of the various religious factions which influence the political course of his country. He complains of an element not only in Parliament but in the public in general who
cling blindly to traditions and who seem unable to imagine change. From later writings, we find that he was also suffering from deteriorating eyesight, as well as digestive ailments. While Milton was beset on a number of fronts with discouragement and misfortune, he does not speak of his personal matters. He frequently vents his frustrations with those about him, but this period of his life must be recognized as one of intense personal upheaval. Friends betrayed him by offering no public support in his cause; his wife betrayed him, deserting him for her father's home; his religious affiliates betrayed him by rejecting his views on divorce. His wife's family, according to his nephew biographer Edward Phillips, had insulted him for his political affiliations, yet despite his continual support of the Parliamentary cause, that body would not consider his arguments; and his eyes betrayed him. He must have felt deserted on all fronts.

There were, however, a few positive influences in his life which go largely unheeded. The most important of these was John Selden, the only contemporary influence cited affirmatively in the divorce tracts. Yet, while Selden is cited as an important author for all to read, evidence shows that Milton was far more involved with Selden's work than he admits. Each of the four divorce tracts is filled with references to materials on which Selden and few (if any) others had published. For example, if a reference were made to ancient etiquette in the bearing of the

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422 Ephraim Pagitt, in his Heresiography, or a Description of the Heretics and Sectaries of These Latter Times (London, 1645), treats Milton as the spokesman of a new sect, the "Divorcers", those "that would be quit of their wives for slight occasions" and would "let loose to inordinate lust" the bonds of marriage (Parker, 287).

423 Phillips writes that the reply to Milton's last letter desiring Mary's return from Oxford "came back not only without an answer ... but ... dismissed [Milton] with some sort of Contempt. This proceeding, in all probability, was grounded upon no other Cause but this, namely, that the Family being generally addicted to the Cavalier Party, as they called it, and some of them possibly ingaged in the King's Service, who by this time had his Head Quarters at Oxford, and was in some Prospect of Success, they began to repent them of having Matched the Eldest Daughter of the Family to a Person so contrary to them in Opinion; and thought it would be a blot in their Escutcheon, whenever that Court should come to flourish again; however, it so incensed our Author, that he thought it would be dishonourable ever to receive her again, after such a repulse" (Darbishire, 65).

424 In the case of Tetrachordon, for example, consider these passages next to the work of Selden to which they may refer: CPW II, 593.12 (Uxor Ebraica). While Milton mentions Philo here, detailed discussion of Philo occurs frequently in the Uxor which I believe Milton had read prior to composition of the
noble ranks, the source of authority was Selden's *Titles of Honour*. If a question arose on the Church's right to collect tithes, Selden's *The History of Tithes* came instantly to mind (for which Selden was temporarily imprisoned until he recanted of its publication, though not of its conclusions). While virtually none of Milton's references are to Selden, the fact that Milton displays respect for Selden's work from his first tract, that all of Selden's publications were well known and readily available, and that, as Eivion Owen shows, Milton's argument for *Tetrachordon* reflects Selden's direct influence at a manuscript level -- all of these together strongly suggest that Milton is much more indebted to Selden's scholarship than Milton critics have generally realized or acknowledged.

Evidence of Milton's consideration of future projects is also indicative of internal fortitude. It appears that he intended to follow his divorce work with something on the study of logic. The *Artis Logicae* was not published until much later in his life (1672), but scholars (including Walter Ong) have not, to date, identified a period of composition.\textsuperscript{425} Yet *Tetrachordon* makes a number of references to the discipline of logic, which had not appeared in any of his earlier work:\textsuperscript{426} *Colasterion*, published simultaneously with *Tetrachordon* (though probably completed earlier) does not make such references, nor do *The Doctrine and Discipline* or *Martin Bucer*. It would

\textsuperscript{425} Walter Ong notes in his introduction to the Yale edition: "When it was written we do not know for sure, but we can be virtually certain that it was a much earlier composition" (CPW VIII, 144).

\textsuperscript{426} Consider, for example, the simple, but obvious syllogistic structure of the sentences at CPW II, 618.2. and CPW II, 654.3. This structure is atypical of Milton, appears suddenly here in *Tetrachordon*, and stands out quite markedly. Even more obvious, though, are the following direct references to the study of logic and its terminology, Aristotelian or otherwise: CPW II, 608.9; CPW II, 636.5; CPW II, 670.21; CPW II, 676.13; CPW II, 686.1; CPW II, 692.27.
appear from these stylistic peculiarities and references that Milton’s prose was influenced by a re-reading of Aristotle and Ramus.427

Milton did not wallow in self-pity, nor was he paralyzed by his various disappointments. His pursuit of Miss Davis dates from the early months of 1645, following the publications of Colasterion and Tetrachordon. Once the pursuit of Miss Davis had been set aside, once he had reconciled with Mary Powell, he purchased a house in the Barbican, and he and Mary moved in, with their first child being born July 29, 1646. His Poems in English & Latyn, a gathering of many earlier pieces and a few from the period of the divorce tracts, would appear in January of 1646. There was a period of relative inactivity before his next prose work, The Tenure of Kings and Magistrates, which did not appear until February of 1649.

Despite what seems a growing stability from the second half of 1645 through 1646, the pursuit of Miss Davis displayed an open defiance of both his opponents and Parliament, and must be considered Milton’s genuine and considered intention, rather than a random act of quixotic eccentricity. While it may be tempting and convenient to imagine a sense of the smooth flow of events, from the separation, to the writings on divorce, to a reconciliation with Mary and subsequent setting aside of the divorce argument, the imposition of such smoothness is tendentious. If anything, Milton’s reconciliation with Mary is more unexpected than is the foray toward polygamy. Socially unconventional, even illegal behaviour, could only evolve from philosophical self-justification, for Milton was a pious man, and though even his most reasoned writings prove him a temperamental man, he was not apt to continue in a line of thought or a mode of behaviour which he saw as irrational or ethically unjustifiable. Further, Milton was

427 The full title of Milton’s Artis Logice would translate to A Fuller Course in the Art of Logic Conformed to the Method of Peter Ramus.
always aware of his place in social hierarchies, and would not have considered disobedience to proper authority as an option. With Paradise Lost, for example, justification comes with reference not only to morality but to authority as well: justification of the ways of God to men hinges not only on proof of God’s goodness, but on man’s recognition of God’s supremacy and his omnipotent will. God’s ways are right, regardless of human considerations of right or wrong, good or bad. Likewise, justification for arguing for a second wife hinged not only on Milton’s commitment to the rightness of the act, but also on independence from Parliament’s authority.

Why do we not hear more of such a declaration of legal independence, even if only in the area of marriage and divorce? The answer must blend the apodictic and the speculative for while Milton’s biographers provide various details, none gives “the whole story”. An explanation which satisfies without stretching too far is the influence of John Selden. Most obviously, Selden’s wide and undisputed reputation for learning would have deeply impressed Milton, for there is little that Milton respected more than erudition. Selden also had a reputation for independence of thought, another aspect of character which would attract Milton, especially after the general opposition to his divorce argument. Selden had suffered at the hands of civic power after publication of his History of Tithes in 1618, and though he often disagreed with the course of government during the remainder of his life, rather than assume a stance of isolated and vocal opposition, he became a part of the process as Member of Parliament for Oxford. Indeed, Selden was sitting while Milton was publishing on divorce, and might well have had a role in Milton’s dismissal by the Parliament-appointed panel examining the charges of Selden was not imprisoned for The History of Tithes, though he was called before a commission to answer to charges. He was imprisoned three times later in life, in 1621, 1629, and 1630, for various statements of opposition to the King and Lords.
publishing without a license.\textsuperscript{429} Selden would have counselled forebearance, and a resigned acceptance that “Good and evill we know in the field of this World grow up together almost inseparably.”\textsuperscript{430} As it turns out, Milton, ignoring what may have been Selden’s advice, pursued Miss Davis, and was only turned from his folly by the timely intercession of his friends and family who, as the biographers tell us, must have heard of Miss Davis and have persuaded Mary to return and make plea for her wifely position.\textsuperscript{431} Edward Phillips, Milton’s nephew, tells the story first:

Not very long after the setting forth of these Treatises... he laid out for a larger House, and soon found it out; but in the interim before he removed, there fell out a passage, which though it altered not the whole Course he was going to Steer, yet it put a stop or rather an end to a grand Affair, which was more than probably thought to be then in agitation: It was indeed a design of Marrying one of Dr. Davis’s Daughters, a very Handsome and Witty Gentlewoman, but averse, as it is said, to this Motion; however,... Justice Powell’s family,... set all Engines on Work, to restore the late Married Woman to the Station wherein they a little before had planted her; at last this device was pitch’d upon. [Milton, making his usual visit to his friend Blackborough’s home,] the Wife was ready in another Room, and on a sudden he was surprised to see one whom he thought to have never seen more, making Submission and begging Pardon on her Knees before him; he might probably at first make some shew of aversion and rejection; but partly his own generous nature, more inclinable to Reconciliation than to perseverance in Anger and Revenge; and partly the strong intercession of Friends on both sides, soon brought him to an Act of Oblivion, and a firm League of Peace for the future.\textsuperscript{432}

The reconciliation with Mary seems to have removed any further chance of polygamy, and Milton gave up on the divorce argument, perhaps because he knew that Selden’s monumental \textit{Uxor Ebraica} was to appear shortly. There is no overt political statement in the \textit{Uxor}; historical

\textsuperscript{429} The version of John Phillips, Milton’s nephew: “The Assembly of Divines then sitting at Westminster, though formerly obliged by his learned Pen in the defense of Smectymnyus, and other their controversies with the Bishops, now impatient of having the Clergies Jurisdiction, as they reckon’d it, invaded, instead of answering, or disproving what those books had asserted, caused him to be summon’d for them before the Lords: But that house, whether approving the Doctrin, or not favoring his Accusers, soon dismiss’d him” (Darbishire, 24).

\textsuperscript{430} \textit{CPW} II, 514. By the same token, Selden could have pointed out that polygamy is biblically justifiable, as Milton would have read in the manuscript of \textit{Uxor Ebraica}.

\textsuperscript{431} Masson, III 436-442. Parker, I 297-299.

\textsuperscript{432} Darbishire, 66-67.
evidence regarding divorce, exhaustively researched, is presented for the reader to draw his own conclusions. The Uxor explains that divorce, and polygamy, were part of ancient Hebrew culture, sanctioned by God, and therefore logically permissible to John Milton and every other Englishman, if the laws of England were not to contradict the laws of God. An obvious discrepancy, cultural and historical, interrupts: English law, on these matters at least, did not agree with the biblical law. This discrepancy must be reconciled by those who had the secular power, namely, Parliament. For Milton, the conclusions of the divorce tracts and of the Uxor justify not only divorce and polygamy, but also a serious re-consideration of an individual’s faith in the validity of English law and Parliament’s legal right to enforce these laws. As noted, Selden already knew of these things, and, given the chance, would have advised Milton, for the sake of himself and his family, to keep his beliefs to himself until such time as he would, if he ever could, work for change “from the inside.”

Whether or not Milton took Selden’s advice, followed common sense, and stayed out of trouble, there remain hints in the Tetrachordon that Milton is justifying civil disobedience. As I noted toward the close of chapter four, Milton refers to points raised in Selden’s De iure naturali et gentium which suggest that he has adopted Selden’s theories regarding the origins of, and relationship between, civil and divine law. While men must be governed in this world, they are, as individuals, ultimately responsible to God and divine law for their behaviour; therefore, when the civil laws governing the daily workings of society are found to disagree with divine law, civil law must give way to the workings of the individual conscience until such time as the offending civil law can be reformed. Individual conscience may, therefore, be justified in civil disobedience. Milton never wrote his tract on civil disobedience, though The Tenure of Kings and Magistrates of 1649 comes close:
If men within themselves would be govern’d by reason, and not generally give up thir understanding to a double tyrannie, of Custom from without, and blind affections within, they would discern better, what it is to favour and uphold the Tyrant of a Nation. But being slaves within doors, no wonder that they strive so much to have the public State conformably govern’d to the inward vitious rule, by which they govern themselves. For indeed none can love freedom heartilie, but good men; the rest love not freedom, but licence; which never hath more scope or more indulgence then under Tyrants.  

The initial stages of such a work are to be found, however, in Areopagitica, though not so much in the arguments for freedom of the press as in the expostulations on the origins of truth and the sanctity of individual liberty. Areopagitica appears in the very midst of the divorce tracts, and consists of two arguments: the freedom of the press argument addresses Milton’s summons before a panel on licensing; the liberty arguments address all facets of the divorce issue, from the shackles of an obnoxious marriage, to the obnubilation of individual thought by oppressive traditions and pusillanimous authorities. His anti-episcopal tracts had given him great hope that his opinions could and would influence his audience. Opposition to his work on divorce, however, had convinced Milton that men would never agree on controversial matters, regardless of how thoroughly he or anybody else justified it. Yet a man must think for himself, and conduct his life in accordance with his beliefs. Life’s journey presents situations of both good and evil and, taken alone, we are each individually responsible to God for our decisions and actions on this journey. From Areopagitica:

It was from out the rinde of one apple tasted, that the knowledge of good and evill as two twins cleaving together leapt forth into the World. And perhaps this is that doom which Adam fell into of knowing good and evill, that is to say of knowing good by evill. ... He that can apprehend and consider vice with all her baits and seeming pleasures, and yet abstain, and yet distinguish, and yet prefer that which is truly better, he is the true wayfaring Christian. I cannot praise a fugitive and cloister’d vertue, unexercis’d & unbreath’d, that never sallies out and sees her adversary, but slinks out of the race, where that immortall garland is to be run for, not without dust and heat.  

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433 The Tenure of Kings and Magistrates, CPW III, 190.  
434 CPW II, 514-5.
Man arrives in this world impure, but preceded by Truth. It is the duty of the Christian to seek out that Truth, and it is the duty of secular authority not to obstruct this search:

Truth indeed came once into the world with her divine Master, and was a perfect shape most glorious to look on: but when he ascended, ... then strait arose a wicked race of deceivers, who ... took the virgin Truth, hewd her lovely form into a thousand peeces, and scatter'd them to the four winds. From that time ever since, the sad friends of Truth, ... went up and down gathering up limb by limb still as they could find them. We have not yet found them all, Lords and Commons, nor ever shall doe, till her Masters second coming. ... Suffer not these licencing prohibitions to stand at every place of opportunity forbidding and disturbing them that continue seeking, that continue to do our obsequies to the torn body of our martyr'd Saint.

If Truth came into the world with Christ, it came much earlier into the world with Adam, though it was lost through the Fall. Echoes of this truth remain in man, as God’s creature, and in the law, as God’s guide for man. The ancient law, given to the Hebrews, cannot conflict with the teachings of Christ; otherwise, God must be seen to disagree with himself, which is not possible. The truth may be scattered, therefore, but it must be gathered up, from the teachings of Christ as well as from all other sources, including the rest of Scripture.

With his theorizing on the origins of truth, Milton envisions a grand scheme of all things for all time, governed by a hierarchy of authority which culminates in God, and structured by God’s truths which have been revealed from the beginning. The present is, therefore, one small point in the vast sweep of eternity, and present matters must be judged according to God’s truth -- not according to the accumulated traditions of mankind, but according to that which can be justified scripturally through eternal hermeneutic principles. The secular powers of civil law and

435 "Assuredly we bring not innocence into the world, we bring impurity much rather.” (CPW II, 515)
Ernest Sirluck, editor of Areopagitica for the CPW, notes of De doctrina christianæ, I, 11: “The sin which is common to all men is that which our first parents, and in them all their posterity committed.”

499 CPW II, 549-50.
Parliament, while necessary to basic social order, must ultimately conform to other, greater authorities.

Such theorizing needed application, and Milton had been preparing himself to act. His mission in explaining the divorce materials was to bring to light lost truths, and to restore to mankind that which was originally part of God's truth. This was his role as a prophet. Unfortunately, his voice was to fall on deaf ears, for Parliament did not even begin to consider his words.

The second stage in the application of his theories, however, lay one step further, in his own individual actions. According to his own theories, Milton was justified – he himself had the individual authority – in proceeding on a course of action contrary to civil law because this course was in concert with divine law. Milton's original divorce argument also provides a locus for assertion of this right. Milton terms "natural" the internal voice, arising from instinct or intuition, and obedience to this voice is what Milton terms "natural law." In the original argument, for example, this natural law states that no two persons who fall out of love should be forced to remain married, for it is "natural" that a man should not wish to cohabit, let alone perform the duties of matrimony, with a woman whom he has come to find repugnant. Mistakes can be made in the early stages of attraction, which only come to light later in the marriage. The dictates of individual preference must be sacrosanct, however, and if after reasonable time and effort a man (or woman) can no longer abide his (or her) spouse, the union must be nullified. Any law which says otherwise is not only wrong but must eventually be disobeyed.

Milton's argument is not only the nominal one for divorce; he is also arguing that Parliament may be advised in exceptional circumstances by lay individuals. The authority of such
individual voices must be judged according to their adherence to Scripture and to fundamental and infallible hermeneutic principles. Given these conditions, such individuals, though rare, carry all the admonitory authority of the biblical prophets. In this claim, Milton could have made his intentions clearer and more central to the direction of his argument. As he states in each of his prefaces, though only in those prefaces, Milton is asking Parliament to change the laws of England. Divorce already existed in England, though its applications were extremely limited and subject to privilege and the vagaries of Church and Court politics. Milton is asking Parliament to write divorce into the laws of England, and providing it with the scriptural authority to do so, for, though he never says so (it is an unspoken assumption) the authority of Scripture trumps the authority of civil law.

The crux of the conflict, as Milton was to learn, was this very matter of authority. The painfully wrought reasoning of all of the various aspects of Milton's argument, the justifications for each pointed interpretation of scriptural texts, the pleading for what he believed was patently obvious, all seemed ineffective. His opponents were simply not willing to entertain any argument for divorce, regardless of merit, which came from such quarters. It was not the nature or the merit of the argument which mattered, but the person from whom it arose. Henry VIII had discovered the same thing when Rome opposed him more than a century earlier, not because his arguments did not have merit, but because to grant his argument would have been to undermine the extended structure of Vatican authority. Divorce was not simply a scriptural or moral issue but a political issue as well, or more accurately, the right to permit divorce was a political issue. The rights of authority, exercised through the imposition or alteration of the law, were jealously guarded by the powers then in place, both Church and State, and John Milton had rather naively stumbled upon this jealousy. The episcopal tracts which immediately precede the divorce tracts
had spoken to a controversy which had had a more satisfactory outcome (from Milton’s point of view); belief that his work had contributed to the weakening of episcopacy in England misled Milton to a vain hope that Parliament would likewise listen to his pleas for divorce.

Milton’s naivete was quickly burned away, leaving a passion for the liberty of self-determination. There is an intensity to The Doctrine and Discipline of Divorce, but the two tracts between it and Tetrachordon, The Judgement of Martin Bucer and Colasterion, are far more emotional, with the latter exhibiting some of, if not the most excoriating prose in all of Milton’s work. The period during which these two tracts were composed, from February of 1644 to March of 1645, the time of Areopagitica, seems to have been a period of transformation for Milton. His opponents preached from the pulpit and abused him in the press; he was called before the Parliament-appointed panel for printing his materials on divorce without a license. Milton was not punished by Parliament but it was made clear to him who held the reins of temporal power. He could have relinquished his argument and moved on to other matters (he was working at, or near, this time on what would become his Artis Logicae), but abandoning his argument would signal surrender, and betrayal of the cause of God’s truth.

The courting of Miss Davis is, then, an act of civil disobedience. Indeed, such a union would constitute obedience to Milton’s understanding of Scripture, which sanctions both divorce and polygamy. The impact of Milton’s courtship of the woman is greatly underestimated for it is one thing to state one’s beliefs, even to cry down temporal authority and the law, and quite another to act upon these beliefs, particularly if such actions are in direct and public violation of civil law. Further, the coincidence of this act of civil disobedience following on the heels of his unsuccessful (in practical terms) divorce tracts implies a resolved defiance on Milton’s part. Milton must have reconfigured his view of the relationship between God’s final authority and
civil obedience before he could court a woman while married to another. Final authority came to rest not with society’s, or the Church’s, or tradition’s version of right and wrong, but with his own version, developed through long periods of study and reflection.

The great poems of Milton’s later years would be the stages on which he portrayed convictions developed during the divorce controversy. Paradise Lost is a study of God the Father’s original and final authority, of the place of human obedience and the impact of disobedience, and in Michael’s long recitation of mankind’s history, the role of law; this largest of the final poems embodies much of the theorizing which Milton had completed by the end of Tetrachordon. Two other late poems may be seen as a paired set, portraying two possible outcomes of obedience to God in strained circumstances. Paradise Regained is a study of obedience to the fundamental principles which comprise the relationship between an obedient, faithful individual and God. The individual in this poem is under attack while completely isolated, in a manner similar to Milton’s own isolation during the darkest days of the divorce controversy. Though the individual in Paradise Regained is the Son of God, every faithful reader will find corollaries in Christ’s temptations and should find a mirror in the triumph of Christ’s obedience. Samson Agonistes, as a study of self-sacrifice, parallels that of Milton’s own trials from 1643-5, when the attacks of the current regime must be resisted, and when the pressures of social conformity must be denied, all in favour of obedience to God’s will.

By the end of the divorce tracts, Milton had formulated, with the help of John Selden, a new way of looking at himself in relation to God and to civil authority. His courtship of Miss Davis implies that he now deemed himself free, in extreme circumstances, to act independently of the
law, should such actions be required by obedience to God. Milton was not born rebellious, nor did he possess the psychological quirks which demanded that he argue with any and all forms of authority. Milton thought for himself, and in terms of the “big picture”; while these terms may seem trite in a time which valorizes incessant innovation and over-estimates individualism, they can be applied to few others as justly as they can to John Milton. We must be thankful, however, for two things: firstly, that Milton came to these conclusions, for they are the seeds from which would grow his three late poems; secondly, that Milton relinquished his pursuit of Miss Davis when Mary sued for reconciliation.

We must also be thankful for the theoretical flexibility which developed from this period of work. Milton re-thought the whole of the Christian theological framework in compiling his *De doctrina christiana*, and settled on a number of heretical positions, the most famous of which are his anti-trinitarianism, materialism, and mortalism. Beyond these, though, Milton taught that despite his own indebtedness to a myriad of theological sources, patristic, contemporary, and rabbinical, a scholar is ultimately responsible to himself for scriptural analysis. The application of hermeneutic principles must be painstakingly precise, and it is this ability to apply principles to the matter at hand which distinguishes the true scholar.

The furious pace at which the divorce tracts were composed ends suddenly with the simultaneous publication of *Colasterion* and *Tetrachordon* on March 4, 1645. Nothing follows on the heels of the divorce tracts, no more prose, no more theorizing. The *Tenure of Kings and Magistrates* was not published until February of 1649, and almost all of *Poems in English & Latyn* dates from well before the divorce tracts. The initial impression is that the momentum of Milton’s writing, the rapid formulation of theories on civil and social relations, the furious pace of the last three years and more, is suddenly derailed by the resumption of marital relations and
the responsibilities of his position as teacher. The convictions developed in this period are, however, the most serious of Milton’s life, and would lead to a vision of himself as standing, chosen by God, amongst the prophets.

Milton continued to work; such a fertile mind cannot be suddenly shut down, nor can the habits of intense scholarship be easily set aside. Artis Logicae, the first research for which appears to have coincided with the writing of Tetrachordon, while not printed until shortly before his death, must date from these years after the divorce tracts. Work on the massive De doctrina christiana probably dates from this period between Tetrachordon and The Tenure of Kings and Magistrates, for Milton’s mind was never more focussed on Scripture, hermeneutics, and theoretical flexibility, and he had the time. Indeed, the anthology-like, encyclopaedic nature of De doctrina christiana is reminiscent of Selden’s Uxor Ebraica, which Milton had read so recently.

Scholars are often tempted, with authors of a certain historical distance, and especially with those whose writings have attained a certain gravitas, to speculate on the relationship between the author and the subject matter of his texts. Such is very much the case with John Milton and his divorce tracts. His hermeneutics, his views on intergender relations and of marriage and divorce, as well as various statements regarding the relationship between man and God, are all essential to a general study of Milton’s work, and of his later great poems in particular. Despite the vast body of Milton scholarship, there is much more work to be done, and these concerns about Selden, Hebraism, natural vs. civil law, and liberty in general, warrant attention.

Ultimately, Milton’s finest utterances would reflect the difficulties and decisions of these years. True to a pattern wherein greatness is refined in the flames of personal trial, his theories would be humanitarian, and his beneficiary mankind. Though the difficulties and isolation of
1642-45 would sorely test John Milton, he would eventually emerge from this period with his theories on hermeneutics, divorce, and polygamy unshaken, with his marriage intact, as a new father and teacher, and as a willing participant in the revolution which would, he hoped, improve his nation. The lessons of this period were never forgotten, however, and the loneliness of faith in the face of betrayal would eventually characterize Adam, symbol of mankind who, at the close of *Paradise Lost*, having reconciled himself to his fate, would venture with Eve into the tumult of history, with hope.

The World was all before them, where to choose Thir place of rest, and Providence thir guide: They hand in hand with wand’ring steps and slow, Through *Eden* took thir solitary way.\textsuperscript{437}

\textsuperscript{437} *Paradise Lost* XII, 646-9.
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