

Milton On Divorce: It All Comes Down to Freedom

Edward R. Raupp, Ph.D.

Professor of Humanities

Gori State University

+995 599 11 66 56

edraupp@gmail.com

<https://orcid.org/0000-0001-5147-7835>

Abstract Ask John Milton just about any question, and the answer will likely be the same: “Freedom!” He was suspended from his studies at Cambridge University for expressing opinions that differed from his supervisor’s. In *Areopagitica*, he argued for the freedom to publish without prior licensing from the government. In *Doctrine and Discipline of Divorce*, Milton made the case for the freedom of both husbands and wives to end an unsuccessful marriage. Whether in the interests of authors to publish without interference from the state or in matters as personal as marriage and divorce, Milton makes the case that individuals have the right to make their own decisions. He cites passages from the Mosaic law, codified in Deuteronomy, and from the Gospel and Pauline letter of the New Testament to support the idea of the freedom to divorce and to counter the entrenched opposition of the church and state to divorce under any conditions. When, as expected, Milton’s divorce tracts meet with open and published hostility, he comes back with four defenses, two in prose, *Tetrachordon* and *Colasterion*, and two in verse, Sonnets XI and XII. He will be vindicated—eventually. Centuries after Milton’s commentaries, the English Parliament changed divorce laws to align with John Milton’s argument for individual freedom.

Keywords: *Areopagitica*, Bucer, *Colasterion*, divorce, freedom, Milton, *Tetrachordon*

Introduction

John Milton was, among other callings, a polemicist, driven by causes and grounded in a passion for freedom for himself and others. As an advocate for the rights of the English Parliament, Milton argued for the freedom of the people to live their own lives without the interference of either the state or the church. This position was made manifest when he wrote on questions of marriage and divorce. Having been deserted by his wife of only a few days, Milton had acquired a personal stake in the matter. Drawing on his knowledge of the Bible, he cast the issue in terms of individual freedom supported by passages from both the Old and New Testaments.

The Research Question

This study aims to discover the forces that drove John Milton to initiate a spirited attack on the legal and religious controls concerning divorce and to evaluate the logic of his argument. We know at

the outset that Milton entered into a calamitous first marriage in which his bride left his home to return to her parents. Traditional thought is that it was the spark that ignited his campaign for marriage reform. We theorize, however, that there must be more to the matter, an even deeper basis that would divert his efforts from his poetry and his role as an apologist for the anti-monarchist cause of the English Parliament.

Methods

This study proceeds in depth from a review of the literature on divorce and a chronological review of Milton’s writings employing a close reading of those writings. We pay special attention to both Biblical and secular laws on marriage and divorce.

Results

To understand Milton’s personal involvement with the issue of divorce, we examine

the decade following his first marriage. To that end, we begin with an annotated listing of the relevant events of that decade (Flannagan, 1993; Hanford, 1921; van den Berg & Howard, 2010):

1642. May. John Milton marries Mary Powell. At 34, he is twice her age. She is 17. He opposes the monarchy of Charles I. She comes from a family of Royalists. He is a scholar. She is uneducated. In his writings, Milton will note that one does not always know the character of the marriage partner and that one should be permitted, even encouraged, to break the bonds of marriage when time reveals the marriage to be a poor match. Laws prevent Milton from divorcing his wife. He begins to formulate an argument, based on biblical sources, to reform the divorce laws of church and state.

June. Mary Powell returns to her family.

1643. August 1. Milton publishes *The Doctrine and Discipline of Divorce*.

1644. February 2. Milton publishes the second, augmented edition of *The Doctrine and Discipline of Divorce*.

June 5. Milton publishes *Of Education*, advocating significant changes in the prevailing English education system.

August 6. Milton publishes *The Judgement of Martin Bucer Concerning Divorce*.

November 23. Milton publishes *Areopagitica* opposing pre-publication licensing, arguing for the freedom of individuals to share their views, however unpopular they may be (Orgel & Goldberg, 2008, pp. 236-273).

An anonymous author publishes *An Answer to a book intituled, The doctrine and discipline of divorce, or, A plea for ladies and gentlewomen, and*

all other married [sic] women against divorce wherein both sexes are vindicated from all bonadge [sic] of canon law, and other mistakes whatsoever.

William Prynne publishes *Twelve Considerable Serious Questions*, denouncing Milton's *Doctrine and Discipline of Divorce*.

1645. March 4. Milton publishes *Tetrachordon* and *Colasterion* (Dartmouth 2023a&b).

Daniel Featley publishes *The Dippers Dipt*.

Herbert Palmer publishes *The Glasse of Gods Providence*. "a wicked book is abroad...deserving to be burnt" (Palmer, 1645).

1646 Milton publishes Sonnets XI and XII.

Milton makes plans to marry the daughter of Dr. Davis. Mary Powell returns.

1652 Mary Powell dies.

In May of 1642, John Milton, age thirty-four, married Mary Powell, half his age. Soon thereafter, Mary left the marriage to return to her parents, giving rise to some of Milton's greatest prose works—and a pair of pointed sonnets. While we cannot know with certainty why Mary left the marriage, we are convinced beyond doubt that her act was the cause that drove Milton to argue for a change in the laws of divorce. An overarching and firmly held conviction is that Milton believes that the church should have no jurisdiction over secular matters such as marriage and that such concerns are solely the province of the individuals involved and, to the extent required, the Parliament. This conviction would, as a consequence, lead to his publication of the "divorce tracts": *The Doctrine and Discipline of Divorce* (1643), *Tetrachordon* (1645), *Colasterion* (1645), and *The Judgment of Martin Bucer Concerning Divorce* (1644). In these works, Milton defends his beliefs on divorce,

advocating for individual autonomy within the institution of marriage.

The Doctrine and Discipline of Divorce (1643)

In the opening volley of his assault on the laws and traditions of the church and state in the matter of divorce, Milton details an all-embracing argument for allowing divorce on the grounds of incompatibility and unhappiness in marriage. He reasons that a forced and unhappy union opposes the true essence of love, mutual consent, and respect. Marriage must be, Milton argues, a voluntary bond between two consenting adults. Here he challenges the prevailing religious and societal norms of his time that demand the permanence of marriage regardless of personal unhappiness (van den Berg & Howard, 2010, pp. 39-193).

Tetrachordon (1645)

In *Tetrachordon* (from the four biblical passages used to defend divorce), Milton analyzes the essence of marriage and divorce using four biblical verses. He applies a broad interpretation to these writings, highlighting the value of individual fulfillment and mutually fulfilling lives in marriage. In circumstances of adultery, incompatibility, or a breakdown of trust and communication, dissolving a marriage should be permitted, if not required. Milton differs from conventional religious authorities in his progressive interpretations of sacred scriptures, demonstrating his dedication to promoting individual freedom and happiness within the bounds of matrimony (van den Berg & Howard, 2010, pp. 239-360).

The four biblical texts he addresses are one in the Old Testament and three in the New Testament:

Deuteronomy 24:1-4: Moses writes that God allows for divorce in specific circumstances, particularly in the case of “uncleanness” or “indecent” found in the wife.

Matthew 5:31-32: Jesus discusses divorce, stating that whoever divorces his wife, except for the cause of adultery, causes her to commit adultery, and whoever marries a divorced woman commits adultery. So adultery is a justified *raison d’agir*.

Matthew 19:3-9: When the Pharisees ask Jesus about divorce, he responds that divorce was permitted in the Old Testament due to the hardness of people’s hearts but reaffirms the principle that divorce should only be allowed in the case of sexual immorality (again, adultery).

1 Corinthians 7:10-16: In this Pauline epistle, the Apostle Paul addresses the issue of divorce and advises that if a Christian is married to an unbeliever who wishes to depart, they are not bound in such circumstances.

Tetrachordon investigates marriage and divorce issues through a devout and biblical lens. It examines societal standards and individual authority, with Milton’s relentless pursuit of individual liberty in the face of authoritarian church and state strictures. As Milton battles with the challenges of individual autonomy within the context of marriage and divorce, the thoughts of adaptability and liberty rise as a central topic. He contends that the capacity to distinguish a marriage’s end is built into the significant human capacity for decision-making and understanding. This reflects his deeper philosophical grounding in free choice, which we will see in excruciating detail in *Paradise Lost* some twenty years later. In substance, *Tetrachordon* reflects Milton’s more nuanced understanding of human adaptability as an unavoidable right deriving from divine creation and explicated in the Bible.

Tetrachordon is fundamentally a religious work that deals with genuine themes such as marriage and divorce, so instances of intended humor are rare. In any case, Milton’s keen rhetoric and instructive ability sometimes show an unpretentious touch of incongruity. For example, he alludes to his critics as “creatures of difficult conclusion,” employing a representation that might evoke a wry grin. This demonstrates his ability to turn a phrase in a way that carries a hint of humor while still conveying his disagreement with his adversaries, a skill he developed in disputes with his Cambridge classmates.

While, as Cook (1992, p. 121) states the obvious, “*Tetrachordon* is about divorce,” it is

more. In the lines of the poem, we find as much about “the perpetual need to reassert cosmos against the threat of chaos” as we find about the divorce *per se*. Perhaps Milton sees in the strictures of church and state on divorce, the threat of a broader and deeper suppression of individual freedom in all of life’s concerns. One might even conclude, as that to which Cook obliquely alludes, that those institutional strictures, in the cosmos, represent a manifestation of evil, and in *Tetrachordon*, “Milton declared his commitment to remain at the center laboring to reverse Satan’s act” (Cook, p. 126).

***Colasterion* (1645)**

Milton wrote *Colasterion* (literally, “the place of punishment”) in response to the negative reviews he received after releasing *The Doctrine and Discipline of Divorce*. Milton offers a forceful refutation to his critics in this essay, which acts as a defense against the assault on his ideas and beliefs. In addition to discussing more general concerns about liberty and free expression, he restates his position on divorce. The poem *Colasterion* exemplifies Milton’s dedication to the idea of human autonomy. It acts as a testament to his abiding faith in the right to free speech and thought (van den Berg & Howard, 2010, pp. 361-389).

In *Colasterion*, Milton continues to defend his ideas about divorce against his critics. He thinks that if one is unhappy in a marriage, one should be able to end it. Consistent with his abiding dedication to individual freedom, he believes people should be able to make their own choices and be free from what we might call a “sham” marriage, one that continues solely to conform to unjust civil and religious laws. Milton believed in personal freedom and wanted people to have the power to make their own decisions about their lives, including their marriages. *Colasterion* shows how strongly he believed in freedom, not just in politics but in personal relationships, as well.

Though *Colasterion*, in a general sense, addresses significant issues of isolated and philosophical conversation, Milton’s intellect and humor can be seen in the conversation. Milton, known for his amusing spirit, introduces clever

commentary into the discussion. He uses jokes and ambiguity to debilitate their disputes. Milton challenges his opponents’ explanations while keeping up the gravity of his argument. This blend of humor in *Colasterion* serves as a sort of leavening of the work, but at the center of a serious dispute, his intellect, and brilliant mind seek a way to persuade an open-minded reader.

***The Judgment of Martin Bucer Concerning Divorce* (1644)**

The ideas of 16th-century Protestant reformer Martin Bucer on divorce are translated and adapted in *The Judgment of Martin Bucer Concerning Divorce*. Milton presents Bucer’s arguments to use the words of a revered religious leader to support and validate his own views on marriage and divorce. This tract also shows Milton’s involvement in theological discussions of the day and his skill at drawing on the past to support his original theories (van den Berg & Howard, 2010, pp. 195-238). “For Bucer, the crux of a good Christian marriage was love and mutual respect between husband and wife” (Allen, 2017, p. 288). While there are other criteria, for Milton, this one is *primus inter pares*.

Milton and Freedom

It all comes back to freedom. Milton’s fervent advocacy may be traced to three origins. First, he lived in a time when the absolutes of the church and the government were being questioned. Second, his expressions of his philosophy were criticized from an early age. Third, he was brilliant, and his intellectual curiosity demanded the kind of inquiry that was often met with hostility.

We find the earliest evidence of Milton’s devotion to the cause of individual freedom in his experience at Christ’s College, Cambridge University, where he entered in 1625 at the age of seventeen. It was here where he encountered his first ideological dispute, one involving his master, the extremely conservative William Chappell (Lewalski, 2003, pp. 15-52). While the institutions of both the church and the government were being challenged, Chappell was having none of it. Milton,

by now embracing the simplicity of the Puritan movement and its freedom from the artificial trappings of the Church of England, was severely chastised by his master, who found Puritanism repugnant, if not heretical, with the clash resulting in the young scholar's suspension in 1626.

Milton's early writings, such as "On the Morning of Christ's Nativity" and "L'Allegro," show signs of his pursuit of religious and political freedom. His intellectual independence and willingness to challenge conventional beliefs and practices set him apart from his contemporaries, who were more conformist. He engaged in spirited discussions with them, challenging established beliefs and arguing for the freedom of all perspectives, including his own.

It is perhaps in Milton's 1644 *Areopagitica* where we first see that advocacy of freedom that is both explicit and persuasive. In it, Milton defended the freedom of the press against pre-publication censorship. If there is an answer to the question of Pontius Pilate, "What is truth?" Milton argues that truth arises from a free and open marketplace of ideas, where individuals can express their thoughts without fear of suppression. Or as Ben Bradlee, long-time Managing Editor of *The Washington Post*, said, "Truth will emerge."

When there is freedom to express one's views, Milton argues, an uninhibited discussion of ideas hones the argument as conformance cannot. When the government or the church requires its permission before any contrary idea is published, the development of truth is stunted. Truth arises in a vigorous exchange of ideas, regardless of who holds those ideas, whether they are familiar or even offending. In *Areopagitica*, Milton wrote,

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 warfaring Christian (Orgel & Goldberg, 2008, p. 247).

What we learn from the evidence is that Milton held freedom to be critical both to his own intellectual development and to the morality of all people everywhere and that freedom is the foundation for our search for truth.

Divorce and the Bible

To the extent that one, a fair-minded and objective truth-seeker, uses the Bible as the ultimate authority on divorce, one will be disappointed. Opponents of divorce typically cite passages from the Bible to suit their predisposition, claiming absolute and unequivocal truth and using fancy exegetic acrobatics to support their own point-of-view, regardless of the evidence. As Milton points out, however, in the Old Testament, divorce is clearly permitted:

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 uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house (Deuteronomy 24:1-4 (KJV)).

The Old Testament presents a nuanced view of divorce, allowing for it in certain cases but with an awareness of its potential negative consequences and moral implications. Additionally, the book of Malachi addresses the issue of divorce, criticizing those who dealt treacherously with their wives and divorced them unjustly (Malachi 2:16).

The New Testament is ambiguous. In the Gospel, according to St. Matthew, this is attributed to Jesus:

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 (Matthew 5:31-32, KJV).

Later, the most common defense of the no-divorce rule, “Jesus told the Pharisees, “What therefore God hath joined together, let not man put asunder” (Matthew 19:6, KJV).

Marriage, Divorce, and the Law

The laws governing marriage and divorce have undergone significant modifications from antiquity to the present, mainly as a result of shifts in social conventions, values, and, perhaps most commonly, prevailing views toward women. Laws and regulations constraining individual freedom in marriage and divorce can be traced back to the Mesopotamian Code of Hammurabi (Urch, 1929) and the Twelve Tables in ancient Rome (Coleman-Norton, 1950). In general, these works codified rules such as monogamous marriage, inheritance rights, protection of property, and divorce. Hammurabi allows a man to divorce his wife with the words, “Thou art not my wife,” and a woman may divorce if she can prove cruelty (Coleman-Norton, 1950, p. 440).

As organized religions pervaded cultures around the world, laws involving marriage and divorce were subsumed by those religions. Priests representing divine commandments of the Torah, Talmud, Bible, Koran, and other sacred texts became teachers and—at times, executioners—in the name of their deities in matters of sexuality. Marriages based on any conditions, whether love, lust, economics, power, privilege, or social status, became the province of religion, with marriage at the center of sacred observance. (Marriage remains one of the seven sacraments of the Roman Catholic Church.) Under such circumstances, divorce would be prohibited in one or more of those communities.

The history of marriage and divorce laws saw major development during the 20th century. No-fault divorce laws started to arise, enabling separation without establishing any specific violation, such as infidelity or cruelty. Simply citing “irreconcilable differences” as the reason for ending a marriage is an option for couples. This changed the way divorce cases were handled, making them less contentious and more approachable for couples looking to leave their marriages amicably.

Additionally, discriminatory clauses in divorce settlements were eliminated, and marital rape was made a crime as a result of the feminist movements of the 20th century.

Milton and Divorce

In *The Doctrine and Discipline of Divorce* in 1643, Milton again goes to his theme of freedom, this time concerning the issue of divorce. Individuals, he maintains, should have the freedom to dissolve unhappy and unfruitful marriages, emphasizing that a forced union against one’s will is a violation of personal freedom. Drawing on his own experience with such a marriage, he believes mutual love, compatibility, and intellectual agreement should be the foundation of a marriage, and when such conditions are not met, divorce should be permissible.

Milton’s advocacy for divorce emphasizes his belief in the right of individuals to pursue happiness and the fulfillment of their lives. He contends that the denial of divorce forces people to remain in unhappy and stifling relationships, depriving them of their God-given freedom to seek love and companionship where it can be genuinely found. Milton meets his opponents head-on in the territory they claim for themselves, in the Bible, and adds depth to his argument with logic and secular philosophy. If God wishes happiness among people, he will not demand that they live in an unhappy state for their entire lives.

The writings of John Milton in poetry and prose reveal a profound and continuing commitment to the principles of freedom, be it in matters of religion, expression, or individual choice, applying his commitment to the question of divorce. Through works like *Areopagitica*, *The Doctrine and Discipline of Divorce*, and his poetry, Milton articulated the significance of freedom in the human experience. He recognized that true freedom comes not from license and rebellion but from the pursuit of truth, moral virtue, and the fulfillment of God-given potential, as he emphasizes in his sonnet “When I consider how my light is spent,” in which he invokes the Parable of the Talents.

A Second Edition

If Milton's argument in defense of divorce was so persuasive, why, then, would he have found it necessary to issue a second edition almost immediately? The second edition of John Milton's *The Doctrine and Discipline of Divorce* appeared in February 1644, six months after the first edition of 1643. Attacks on the first edition shocked Milton into writing a text that is, according to the title page, "revis'd and much augmented." The differences are not merely in length and documentation; they are differences of emotion and intellectual emphasis that transform this controversy on divorce (Kranidas, 2013).

Sonnets XI and XII

Among Milton's diverse body of work, the "Divorce Sonnets" are prominent as a crushing set that addresses the subject of marital separation and social expectations. The profound insights into Milton's perspectives on love, marriage, and individual freedom are especially evident in Sonnets XI and XII. The study must comprehend the historical and cultural context in which the sonnets were composed before analyzing them. England saw tremendous political and ecclesiastical changes during Milton's lifetime, which were symbolized by the English Reformation and the subsequent founding of the Church of England. These modifications affected many facets of society, including marriage, in a significant way.

In the "Divorce Sonnets," John Milton navigates the complex landscape of marriage, desire, and social norms. Through his rich use of language and imagery, he challenges conventional beliefs about unions and explores the complexities of human relationships. The sonnets offer a frame for Milton's thoughts on personal freedom and the balance between natural inclinations and societal expectations. As enduring pieces of literature, these sonnets continue to inspire readers to question established norms and reflect on the intricacies of human nature.

Sonnet XI:

Milton examines the idea of marriage as a bond based on a deeper connection of souls rather than just physical attraction or social duties in Sonnet XI. The speaker bemoans the "sad occasion" that prompts him to compose these words at the beginning of the sonnet. This quickly establishes a melancholy tone and conveys the idea that the issue is deeply personal.

As the speaker muses on the notion that two souls can be more profoundly bonded than merely physical bodies, the sonnet develops. He uses the striking metaphor of "two fair soul-linked bodies" to illustrate the idea of a spiritual connection that goes beyond the limits of the physical world. Milton's writing is full of analogies, with expressions like "two wills" and "two fountains" highlighting connections and shared experiences (Du Rocher, 1983). In Sonnet XI, "arrogant derision is transmuted by a delighted display of virtuosity" (Creaser, 2008, pp. 175-176).

Sonnet XII:

In Sonnet XII, we find in verse more on Milton's argument on marital relationships and societal expectations. The poem's first line, "Why did all-creating Nature make the rose," raises an important issue concerning the reason for all of nature's creations, including the institution of marriage. The sonnet continues by asking why nature made such lovely and alluring objects if people are supposed to be able to resist them (Maresca, 1961).

Milton uses a variety of contrasts and paradoxes to emphasize the complexity of human nature and desires throughout the sonnet. In what might be an echo of a Hobbesian voice, he contrasts the "ripest" with the "unsevered" to highlight the conflict between instinctual urges and societal expectations. Milton's narrator addresses the paradoxical relationship between pleasure and prohibition and asks whether it is preferable to indulge in pleasures or to abstain from them.

Finally, as to the insults hurled at Milton on account of his divorce tracts, especially to

Tetrachordon, Milton replies in devastating verse. In Sonnet XII, he invokes the myth of Latona (Leto in the Greek version), mother of the twins Diana (Artemis) and Apollo by Zeus:

I did but prompt the age to quit their clogs
By the known rules of ancient liberty,
When straight a barbarous noise environs me
Of owls and cuckoos, asses, apes, and dogs:

Milton and Christian Liberty

Our study concludes with a deeper dive into Milton's arguments for divorce as a matter of individual freedom. Barker (1940), drawing heavily on Woodhouse (1935), sees the divorce tracts as an extension of the broader issue of "Christian Liberty." There is no evidence that Milton wrote specifically on the doctrine before 1641 (Barker, p. 153), so one may conjecture that his consideration of the doctrine was precipitated by the disastrous marriage to Mary Powell.

Milton would most certainly have referred to the theological publications of Martin Luther in *Concerning Christian Liberty* and John Calvin in *Institutes* (Barker, 1940, p. 154). These Reformation giants made the case that the laws of government and church must yield to the laws of God. Further, Jesus (as in Matthew) could not abrogate the Mosaic law, whether on divorce or any other topic. In short, "Milton's problem involves the exercise of personal freedom in opposition to ecclesiastical restraint" (Barker, p. 155).

Discussion

John Milton's divorce tracts approach the issue of freedom from a variety of perspectives, including personal, theological, gender-related, and political liberty. He advocates for religious freedom and the ability of individuals to end unsatisfactory marriages. Milton also opposes gender stereotypes and pushes for gender equality within marriage. His implied investigation of political liberty resonates with the volatile historical milieu in which these pamphlets were published. Overall, Milton's consistent devotion to the value of freedom in all its forms is exemplified by the "Divorce Tracts".

John Milton's divorce tracts are still important in today's society because of ongoing discussions about marriage, individual freedom, and happiness. Milton's core ideas—the freedom to end bad marriages, the value of consent in partnerships, and tolerance for opposing viewpoints—resonate with today's concerns about marriage equality and individual liberties. In addition to challenging cultural standards, Milton's support for individual liberty within the framework of marriage promotes a more accepting and compassionate approach to partnerships. After all the arguments have been made for and against the unyielding religious and civil laws regarding marriage and divorce, in the end, to Milton, it's all about freedom.

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