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1. Context of the Debate.

1.1. Exodus 21:10. Jewish divorce law was based on Deuteronomy 24:1; Exodus 21:10-11. There was very little debate concerning the Exodus passage, which was understood as marriage obligations to provide “food, clothing and love.” It is cited in early marriage certificates (e.g., “I owe you . . . the due amount of your food and your clothes and your bed” [5/6Hev 10 (A.D. 126)]). First-century A.D. rabbis agreed that neglect of these constituted grounds for a divorce, but they debated how much food and clothing was enough, and how often conjugal activity had to occur before divorce proceedings started (*m. Ketub.* 5:5-8). Both men and women could get a divorce on these grounds. In theory, women had to ask a court to compel their husbands to divorce them (*m. ‘Arak.* 5:6), but in practice, some women wrote out the divorce certificate (one has survived: XHev/Se 13).

1.2. Deuteronomy 24:1. The divorce law of Deuteronomy 24:1 was debated in great detail, with regard to giving a divorce certificate, the wording of a divorce certificate, and the ground(s) for divorce in this passage. There was general agreement that this passage mandated the giving of a divorce certificate by the man to the woman, and that the ground(s) for divorce in this passage could only be used by men. There was also general agreement that “indecenty” (*‘erwâ* [lit., “nakedness”]) referred to “adultery”; this is never stated, but it is the assumption underlying all rabbinic discussions of the text (e.g., *m. Soṭah* 6:3). However, during the first half of the first