

What Does the Bible Say About Divorce and Remarriage?

Reading Jesus and Paul as Jewish Thinkers

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April 10, 2026

Deuteronomy 24:1-4, Malachi 2:14-16, Matthew 5:31-32, Matthew 19:3-9, Mark 10:2-12, 1 Corinthians
KEY SCRIPTURES *7:10-15, Isaiah 54:5-8*

Introduction

Reading the New Testament without understanding that it is a Jewish document can lead to misunderstandings. With the exception of Luke, the writers were all Jews. The mistake is reading it as if it were a Greek or Western document. It is clearly not. Jesus Himself, was a first-century Jewish teacher: a Rabbi He grew up in a Jewish home, read the Jewish Tanach (The OT), worshipped in a Jewish synagogue, often debated with Jewish scholars, even at the age of twelve (**Luke 2:46**). The people he often talked to in groups or singularly, were Jewish. They, like all Jews were at that time, steeped in the Jewish law and traditions. Paul was equally Jewish and more than that he made it clear (**Phil 3:5**). He studied at the feet of Gamaliel the Elder, one of the most celebrated rabbinic teachers of his generation. Paul's reasoning and arguments throughout his letters reveal a Jewish mind and patterns of thought. When we fail to see the Jewish background and read about divorce and remarriage, through the lens of Greek logic or any Western legal thinking, we will have mis-read them. We will turn Jesus and Paul, two passionate Jewish teachers defending vulnerable women, into lawmakers constructing a new divorce code with strict legalism. We therefore, miss what they were actually saying, alongside to whom they spoke, and why.

This study attempts to restore that Jewish background and in doing so allow the texts to speak with their original force and meaning, bringing the compassionate and merciful God fully into the picture.

The Two Stages of Divorce Under Jewish Law

To fully understand what Jesus was dealing with, we must first need to understand how divorce actually worked in first-century Jewish society. It is important to grasp that this is not a minor technical point: it is the key that will unlock the entire passages under this study. This is what the Jewish Torah stated about divorce If a man wished to divorce his wife

he was required to write her a certificate of divorce: in Hebrew the *get* (????). It was to be given to the woman before sending her away. The text reads:

Deuteronomy 24:1 "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 (siphra?h ker??ythu?th), and give it in her hand, and send her out of his house (min bayith)".

This shows that Jewish divorce had two distinct steps:

The first was the putting away (Hebrew - *shalach* - Greek – *apoluo*). This was the act of expulsion from the household, the physical sending away of the wife.

The second was the certificate of divorce (Hebrew – legal term is the *get* - Greek - *apostasion*). This was the legal document that formally dissolved the marriage. Importantly it freed the woman to remarry.

These were two separate acts. By the first century there developed a truly unjust practice among some Jewish men. A man would *put away* (*shalach*) his wife: expel her from the home, withdraw all financial support, refuse to live with her. However, he would withhold the certificate of divorce. In other words, he would not give her the divorce certificate (*get*). The reasons were almost certainly financial. As long as there was no *formal* divorce, she remained his legal wife. Her property, her dowry, her inheritance rights — all remained tied up with him. By putting her away without the *get* he kept financial control while abandoning all his marital responsibility. In the first century, the consequences for the woman were obviously disastrous. She was what Jewish law (*halakha*) called an *agunah* — a ‘chained woman’. Re-marriage was not possible because she was still legally married. With no modern welfare state as we know it, she was without any financial support. The husband had abandoned her and had denied her justice. She was socially ruined and economically destitute. She was trapped: chained to a marriage that only existed on paper. She could only look to an impoverished future. Unlike modern women, she had no recourse to the law. It is this specific injustice — this deliberate exploitation of vulnerable women — that Jesus was addressing, when He dealt with divorce.

The Shammai and Hillel Debate — The Context of Matthew 19

The Pharisees approached Jesus with the question

Matthew 19:3 "Is it lawful for a man to put away his wife for every cause?"

As usual this was another trap being set for Jesus by the Jewish authorities. Their question was not about asking an abstract theological question, looking for an honest answer. They were inviting Him to take sides in a live and heated debate that had divided the Rabbinic community for a generation. Whose view would Jesus support? Again Jewish background is needed here. There were two major schools of rabbinic thought that had formed around the interpretation of the phrase in ***Deuteronomy 24:1: "some uncleanness."*** Rabbi Shammai was a strict interpreter: the only valid grounds for divorce was sexual immorality, specifically *ervat dabar*, that is a matter of nakedness or sexual indecency. His school held a high and protective view of marriage. Rabbi Hillel on the other hand interpreted the same phrase with an astonishing laxity opposed to Shammai. Hillel's school taught that a man could divorce his wife for virtually any reason — including, burning his dinner: "Even if she spoiled a dish for him" is the Mishnah record of the Hillel's position. One of Hillel's own disciples, Rabbi Akiva, went even further to allow divorce simply if a man found a woman more beautiful than his wife.

Hillel's position had become dominant and was what was widely practiced among Jewish men. They were putting away their wives for trivial reasons. They also, were withholding the *get*. It was widespread. The Pharisees wanted to know where Jesus stood. Which school would He support? His answer was as always one of wisdom. He did not support either Shammai or Hillel positions. He went above both schools entirely. He went back to creation, back to Genesis, back to God's original intent before the Torah and its concessions even existed. Also, before human sinfulness had entered the world.

Matthew 19:4-5 "Have you not read, that he which made them at the beginning made them male and female... For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh?"

He refused to enter their debate on their legalistic terms. He was reframing the entire question and demanding they look at the matter from God's perspective.

What Jesus Was Actually Condemning

Having established the God's creation foundation, Jesus then addressed the specific practice He was condemning:

Matthew 19:9"And I say unto you, whosoever shall put away (apoluo) his wife, except it be for fornication, and shall marry another, commits adultery: and whoso marries her which is put away does commit adultery".

Read this through Greek legal eyes and it might sound like a new divorce law with one exception clause. However, read it through Jewish eyes and it is something far more specific and far more radical. The word translated *put away* is the Greek *apoluo*, which is the first stage, the expulsion from the house, the abandonment. Jesus is condemning the practice of putting away a wife without giving her the divorce *get*. When a man does this and then takes another woman he is committing adultery. Why? Because his first wife is still legally his wife. He has not properly divorced her. He has simply abandoned her while retaining her legal status for his own benefit. And critically it puts the woman in a terrible position. Why? Because when the abandoned woman is eventually driven by destitution or desperation, as many were, they were forced to find another man to survive. In that *she* is said to commit adultery. This was not because of any moral failure on her part but because legally, having never received the *get*, she was still married. The man who abandoned her has made her an adulteress through his own selfishness.

Jesus was not creating a restrictive new divorce law. He was defending abandoned women against the legal exploitation they were suffering. He was being compassionate towards the woman. He was making clear that the men who practiced this were responsible for the situation they have created, and would be called by God to account for their actions. The exception clause — *except it be for fornication* — is Jesus acknowledging that where genuine sexual unfaithfulness has occurred the situation is different. Totally confirming Scripture and yet lifting it to a higher level. The covenant has already been broken by the unfaithful party. The innocent spouse is not in the same position as the guilty man who puts away his wife for burning his dinner or for financial advantage.

Mark 10 — The Same Teaching, Different Audience

Mark's account of this same encounter (***Mark 10:2-12***) contains no exception clause. This has puzzled many Western readers who assume Mark and Matthew are simply recording the same event with an inconsistency. Understanding the Jewish context clears this up. Matthew was writing primarily for a Jewish audience who would have immediately understood the technical distinction between *apoluo* and *apostasion*. He included the exception clause because his readers needed it to understand the nuance. They were after all

Jewish. However. Mark was writing primarily for a Gentile audience who were more specifically Roman readers. They had no knowledge of Jewish divorce laws. He gave a much simpler summary statement suited to his audience. Furthermore, Jesus in Mark 10 goes beyond Matthew by adding:

Mark 10:12 "And if a woman shall put away (apoluo?) her husband, and be married to another, she committeth adultery".

Under Jewish law women could not normally initiate divorce: only men could give the *get*. This addition was specifically directed at the Roman practice where women could and did initiate divorce. This is another example of the Scripture writer being inspired to write to address Jesus' teaching to the specific legal and cultural context of His audience. This is not inconsistency. It is again, a Jewish author addressing different audiences with the same truth applied to their specific circumstances.

The Sermon on the Mount — Matthew 5:31-32

The earlier reference to divorce in Matthew (***Matthew 5:31-32***) follows the same pattern. It sits within a section where Jesus repeatedly uses the formula: **"You have heard that it was said... But I say unto you."**

In each case Jesus is not contradicting the Torah. He is going behind the legal technicality to the heart of God's intention. He also did this with murder: the law says do not kill, He says do not harbour hatred. He does this with adultery: the law addresses the act, He addresses the desire of the heart. He does the same with divorce. The legal technicality was being exploited — men were using the letter of Deuteronomy 24 to justify the abandonment of their wives. Jesus goes behind the letter to the spirit.

Matthew 5:31-32 "It hath been said, whosoever shall put away his wife, let him give her a writing of divorce: But I say unto you, that whosoever shall put away his wife, saving for the cause of fornication, causes her to commit adultery".

Jesus is exposing motives: they had taken Moses' protective provision for women and turned it into a tool for exploiting them. This was never God's heart. They were causing their abandoned wives to become adulteresses through their own legal manipulation. That is what they would be answerable for.

Paul's Rabbinic Reasoning — 1 Corinthians 7

Paul's teaching on marriage and divorce in 1 Corinthians 7 is frequently read through Greek understanding. That sees Paul as a Greek moral philosopher laying down legal principles. That is not what he was. He was a Jewish Pharisee, highly trained in the school of Gamaliel. His reasoning is in recognisably Jewish patterns. Paul uses the *kal v'chomer*. That is the rabbinic light-to-heavy argument that he uses throughout his letters. He reasons by metaphor, analogy, by what was previously agreed, by the comparison of one case against another. This is what any first-century rabbi would do. His handling of the marriage question in 1 Corinthians 7 is no different. When Paul writes:

1 Corinthians 7:15 "But if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases".

Paul is making a distinctly Jewish legal ruling on a new situation. That is one that arose specifically in the Gentile mission context. Among Gentiles, the Jewish divorce law did not apply. The unbelieving party was simply leaving a marriage, without any formal Jewish process. The phrase ***'not under bondage'*** is the Greek *ou dedoulotai*: not enslaved, not bound, free. This is the language of release from obligation. Paul is ruling that the believing spouse who has been abandoned by an unbelieving partner is not bound. That is not an *agunah*, a chained one. They are released from the marriage bond. This is the abandonment justification for divorce. This is a ruling that the rabbis themselves would have accepted as a reasonable application of the principle behind the *get*. Paul is not just making a simple pragmatic 'get out clause' to cover difficult cases. He is reasoning as any trained Jewish scholar would. He is applying the principles of the Torah to a new pastoral situation. He does it with care and rigour: just as his teacher Gamaliel would have recognised.

The Prophetic Background — God as Divorced Husband

Let us consider another aspect of the Jewish background that Western readers may miss. It transforms the emotions of these texts. The image of marriage and divorce was used by prophets to describe God's relationship with Israel. Read these beautiful verses:

Isaiah 54:5-8 "For your Maker is your husband—Adonai-Tzva'ot is His Name—the Holy One of Israel is your Redeemer. He will be called God of all the earth. For Adonai has called you back like a wife deserted and grieved in spirit, like a wife of one's youth that is rejected," says your God. For a brief moment I deserted you, but I will regather

you with great compassion. In a surge of anger I hid My face from you a moment, but with everlasting kindness I will have compassion on you,” says Adonai your Redeemer”.

This is extraordinary, indeed amazing. God Himself is presented in the prophetic literature as having gone through the experience of a broken covenant relationship: as the faithful husband whose wife was unfaithful. Yet there is the sweetness of forgiveness. When Jesus talks about marriage and divorce, He is talking as a Jew who knew these prophetic texts intimately. His concern for the permanence of marriage is not cold legalism: it is rooted in the understanding that marriage reflects the covenant faithfulness of God Himself. His openness to grace for those who have known failure is equally rooted in the prophetic portrait of a God whose steadfast love endures even the breaking of covenant.

Pastoral Application

Reading these texts through their proper Jewish background does not change the difficulties Pastors and Elders are faced with. In fact, in some ways, it makes it harder. That is because it calls for a more careful, loving, graceful and contextual thinking approach. It does not call for an easy of the peg legal approach, applying rules. But it makes it more faithful, and ultimately more compassionate. Indeed, the Scripture says:

Rom 9:15 “For to Moses He says, “I will have mercy on whom I have mercy, and I will have compassion on whom I have compassion.”

Several things emerge clearly from the readings we have considered. Jesus was not primarily focussing on the legality of divorce. He was defending vulnerable people, who in His day, were primarily women. He was speaking against legal exploitation of women by men. Any application of His teaching that results in further harm to vulnerable people has misread Him. The two-stage Jewish divorce process tells us that abandonment and the withholding of proper legal protection is in itself a serious moral failure. The person who walks away from a marriage and uses legal technicalities to maintain control and cause harm to their spouse is exactly the person Jesus was condemning. Grace and truth must be held together. The Lord of all is beautiful:

Psalm 85:11 “Lovingkindness and truth meet together. Righteousness and shalom kiss each other”.

Remember, it was Jesus who took the covenant of marriage with absolute seriousness, also said to the woman taken in adultery

John 8:11 "Neither do I condemn thee: go, and sin no more".

It was Paul who wrote with care about the binding nature of marriage also wrote that in the Christ "**there is neither male nor female**" (**Galatians 3:28**) Men and women are equally saved by God, through Jesus. Both have equal blessings and compassion from God. This was a radical statement of equality. Bear in mind, this was in a world where women were frequently the unprotected victims of divorce law. Many men thought they could see women as chattels who they could treat as they wished. God has other ideas. And finally, we must be mindful of those who have known the pain of a broken marriage. In divorce, there are those who were wronged or the one who bears responsibility for that wrong. Both stand before a holy God who has Himself known what it is to love faithfully and to experience a covenant broken. He does not stand at a distance from human marital pain. He has entered it. Of Jesus it is written:

Hebrews 4:15-16 "For we do not have a High Priest who cannot sympathize with our weaknesses, but having been tempted in all respects in quite the same way as we are, yet without sin. Therefore, let us come boldly to the throne of grace, so that we may receive mercy and find grace to help in time of need".

Furthermore, God, even in anger, has a word to encourage us:

Isaiah 54:8 "'In overflowing anger for a moment I hid my face from you, but with everlasting love I will have compassion on you," says the LORD, your Redeemer".

Conclusion

In divorce and remarriage, the Bible, properly read in its Jewish understanding, is not primarily approaching it from a legalistic position. Rather, without any compromise of the law, it is a passionate defence of the vulnerable. It is a call back to God's creational design for mankind. It is ultimately a reflection of God's own faithful and enduring love for people. Jesus lived as a Jewish Rabbi. He loved the Torah and loved the people the Torah was designed to guide and protect. Paul reasoned and argued as a Jewish pharisee who applied Torah principles to the pastoral situations he met. It was with compassion, care and precision. Both Jesus and Paul, would have been astonished to see their words interpreted as a Western

legal system. They would not have wanted to see the precious Word of God sometimes turned to cause further harm to the very people God's Word was seeking to protect. Read in context, these texts will always call the Church to take marriage seriously and to take people seriously urging them to honour the covenant of marriage they entered, However, the Church must extend grace to those for whom the covenant has broken down in imitation of the God who is both the faithful husband of Isaiah 54 and the running father of Luke 15. As James wrote:

James 2:12-23 "So speak and so act as those who are to be judged under the law of liberty. For judgment is without mercy to one who has shown no mercy. Mercy triumphs over judgment".

and John reminds us:

John 3:17 "For God did not send his Son into the world to condemn the world, but in order that the world might be saved through him".

