ואם היה כהן לא תדור עמו במבוי – And if he was a *Kohain*,

she should not live in the same street with him

Overview

The ברייתא teaches that if a ישראל divorces his wife they should not live in the same שכונה;[[1]](#footnote-1) however if a כהן divorces his wife they should not live in the same street (even if it is a different שכונה).[[2]](#footnote-2) Our תוספות qualifies this ruling.

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דכיון[[3]](#footnote-3) דפנויה היא קיל ליה -

For since she is (only) a פנויה (there is no איסור of אשת איש), he does not take seriously the prohibition of גרושה, and we are concerned that they will be intimate -

אבל אם נישאת אין צריך להרחיק אלא כדי שכונה -

However if she remarried, the כהן must only distance himself from her from being in the same שכונה -

דהיינו ג' בתים כדאמרינן בסוף פרק קמא דעבודה זרה (דף כא,א) -

Which is within three houses as the גמרא states in the end of the first פרק of מסכת ע"ז; the reason they may live in the same מבוי is -

דכיון דנישאת חמירא ליה[[4]](#footnote-4) אפילו[[5]](#footnote-5) לכהן:

That since she remarried it is a severe prohibition even for the כהן.

Summary

A ישראל may live in the same שכונה as his former unmarried wife. If she remarried they may live in the same מבוי but not in the same שכונה, this applies to an אשת כהן as well. However by a כהן if she is still single he may not live even in the same מבוי as his former unmarried wife.

Thinking it over

How can we justify (according to תוספות) that the רישא of the ברייתא (regarding a ישראל [and (also) a כהן]), is discussing a remarried woman, while the סיפא of the same ברייתא (regarding a כהן) is discussing a single woman?

1. See רש"י ד"ה לא that the prohibition is only if she remarried, however if she is still single they may both live (even) in the same שכונה (since she is still eligible to remarry him). [↑](#footnote-ref-1)
2. This would apply by a פנויה for she is forbidden to the כהן since she is a גרושה. [↑](#footnote-ref-2)
3. תוספות may be responding to the following question; the prohibition of א"א (regarding the ישראל) is (a חיוב מיתת בי"ד which is) more severe than the prohibition of גרושה (which is ‘merely’ a לאו); why therefore are we more strict by the כהן (to forbid him even in the same מבוי) than by the ישראל (who is only prohibited in the same שכונה). תוספות replies that indeed the leniency is the cause for the strictness. [↑](#footnote-ref-3)
4. The ישראל may live in the same מבוי as his remarried former wife, since there is the איסור of א"א; it follows that by a כהן where in addition to the איסור of א"א there is also the איסור of גרושה, he may also live in the same מבוי as his former remarried wife (but not in the same שכונה). [↑](#footnote-ref-4)
5. The 'אפילו', may mean that even though that regarding a פנויה we are very strict regarding a כהן (that they cannot live even in the same מבוי (while a ישראל may live even in the same שכונה), nevertheless if she is remarried even a כהן may live in the same מבוי. Alternately, one may think that since there are two איסורים by a כהן (א"א and גרושה) so perhaps we should be stricter by a כהן than for a ישראל, therefore תוס' writes that the איסור of א"א is so severe that there is no concern even for the כהן. [↑](#footnote-ref-5)