

**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; however if a *כהן* divorces his wife they should not live in the same street (even if it is a different *שכונה*).² Our *תוספות* qualifies this ruling.

דכיון³ 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 כדאמרין בסוף פרק קמא דעבודה זרה (דף כא, א) -

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

דכיון דנישאת חמירא ליה⁴ אפילו⁵ 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*

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).

² This would apply by a *פנויה* for she is forbidden to the *כהן* since she is a *גרושה*.

³ *תוספות* may be responding to the following question; the prohibition of *א"א* (regarding the *ישראל*) is (a *חיוב מיתת ב"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.

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*).

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*.

as his former unmarried wife.

THINKING IT OVER

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