

Sweeping the house

The **Gemara** (95a) cites a tannaitic dispute as to whether it is permitted to **sweep** the floor or **sprinkle water** on it to prevent dust from rising:

Sweeping the house: A tannaitic dispute

The Sages taught in a *baraita* ... and one who sweeps the house, and one who sprinkles water on the floor ... if he did so unwittingly on Shabbat, he is liable to bring a sin-offering ... this is the statement of Rabbi Eliezer. And the Rabbis say: Both this, on Shabbat, and that, on a Festival, these actions are prohibited only due to a rabbinic decree, not by Torah law.

In other words, Rabbi Eliezer maintains that sweeping the floor or sprinkling water on it violates a prohibition by Torah law, whereas the Rabbis rule that this transgresses only a prohibition by rabbinic law. Rabbi Eliezer contends that these acts are prohibited by Torah law either because it is an inevitable result that one will fill holes in the ground and thereby violate the prohibition of Building (*Tosafot* 95a, s.v. *haMekhabed*), or because these acts themselves enhance

the appearance of the house and are therefore prohibited due to Building or due to Completing the production process of a vessel (**Ramban** and **Rashba** 95a). By contrast, the Rabbis maintain that it is not an inevitable result that one will fill holes, and there is no separate prohibition of sweeping and sprinkling; rather, there is only a prohibition by rabbinic law.

The reason for the prohibition by rabbinic law, at least with regard to sprinkling, appears in the continuation of the Gemara. The **Gemara** explains that sprinkling is prohibited by rabbinic law because it might result in leveling, i.e., the filling of holes. Admittedly, the person does not have this intention in mind, but the Rabbis apparently maintain that an unintentional act is prohibited by rabbinic law. In light of this consideration, the Gemara concludes that since the halakhic ruling is in accordance with the opinion of Rabbi Shimon, sprinkling is permitted:

And now that we hold in accordance with the opinion of Rabbi Shimon, it is permitted [to sweep and sprinkle water on the floor of a house on Shabbat] even *lekhaṭhila* (*ab initio*), [because one's intention is not to smooth the holes in the floor].

Baal Halakhot Gedolot, Rif, et al.: The *halakha* is that sweeping the house is permitted

The *Rishonim* disagree as to whether this conclusion of the Gemara also applies to sprinkling and sweeping. According to the **Baal Halakhot Gedolot** (cited in *Tosafot* 95a, s.v. *veha'idna*), **Rabbeinu Ḥananel** (96b), the **Rif** (48a), the **Ramban** (124b), the **Rashba** (95a), and others, the Gemara is referring to sweeping as well. The Rabbis rule that sweeping a house is prohibited by rabbinic law, due to a concern that one may come to fill holes, but since Rabbi Shimon's opinion has been accepted as *halakha*, there is no reason to prohibit the sweeping.

Rashi and *Tosafot*: Sweeping the house is prohibited

Yet, **Rashi** (124b, s.v. *shel temara*), *Tosafot* (95a, s.v. *veha'idna*), the **Rosh** (10:3), and others maintain that the conclusion of the Gemara applies only to sprinkling, whereas sweeping the house is prohibited even according to the opinion of Rabbi Shimon. Their main proof is from the **Gemara** on 124b, which states that palm branches used

as brooms are considered a utensil whose primary function is for a prohibited use.⁷

What is the reason for the prohibition to sweep the house, according to this opinion?

Rashi (124b, s.v. *shel temara*) explains that the prohibition is because it is **an inevitable consequence that sweeping will fill holes in the ground**, and is therefore prohibited due to Building. A number of *Rishonim* write, with regard to the opinion of Rashi (*Baal HaMaor* 48a, in the pages of the Rif; *Rashba* 95a), that this is prohibited by Torah law, and the statement of the Rabbis that “these actions are prohibited only due to a rabbinic decree” is referring specifically to sprinkling, not to sweeping. Others maintain that even according to Rashi the prohibition applies only by rabbinic law, as this filling of holes is performed in an unusual manner, not in the usual manner of building. In addition, this is merely a temporary structure (Ramban, *Milhamot Hashem* 48b in the pages of the Rif; *Shaar HaTziyun* 337:4).

Rashi: It is prohibited because one fills holes

In contrast to Rashi, the **Ramban** (*Milhamot Hashem*, 48b in the pages of the Rif) writes that the principle of an inevitable consequence does not apply here, “as sweeping the house does not always fill holes, not even most of the time.” Accordingly, the dispute depends on the practical question of whether sweeping a dirt floor unavoidably leads to the filling of holes.

The basis of the dispute

Yet, it is possible that the dispute is not about the nature of the act. Rather, all agree that it is not certain that holes will be filled, and that there is a great likelihood that this will occur. Instead, the dispute concerns a consequence that is almost inevitable. Do we prohibit an unintentional act only when there is absolute certainty

7. The *Rishonim* who permit sweeping explain that this Gemara is in accordance with the opinion of Rabbi Yehuda, who prohibits an unintentional act, and there are indeed versions of the text according to which this is stated explicitly, as explained in the *Hagahot HaGra* on the Gemara.

that the prohibited result will ensue, or does a likely result, without actual certainty, suffice?⁸

Raavad: If one swept the house before Shabbat, it is permitted

The **Ran** (36a in the pages of the Rif, s.v. *veha'idna*) cites a compromise opinion in the name of the **Raavad**: If one swept the house before Shabbat, it is doubtful that there are now holes in the floor of the house, and therefore it is not an inevitable consequence that sweeping on Shabbat will fill the holes. Consequently, it is permitted to sweep the house on Shabbat. But if one did not sweep the house before Shabbat, there are definitely holes and indentations which will be filled, and therefore sweeping the house on Shabbat is prohibited.

Tosafot and the Rosh: The prohibition of sweeping is due to moving the dirt

Other *Rishonim* posit a different reason for the prohibition of sweeping the house. *Tosafot* and the **Rosh** (10:3) state that sweeping is prohibited by rabbinic law, even according to the opinion of Rabbi Shimon, “because one moves the dirt from its place.” They are apparently referring to the prohibition of *muktze*.⁹ This is also the opinion of the **Ravya** (761), citing the **Riva**, as well as the **Mordekhai** (414) and others: It is prohibited by rabbinic law to sweep the house

8. This apparently emerges from a statement of the **Ravya** (761), who writes that “even according to the opinion of Rabbi Shimon we are concerned about filling holes, and the matter is almost completely certain . . . but it is not an inevitable consequence.” The Ramban writes that there is no filling of holes even a majority of the time, which means that the situation here does not come close to inevitable consequence. Based on this statement, there is apparently a dispute here with regard to the nature of the act.

Alternatively, the dispute pertains to the question of “**an uncertain inevitable consequence**.” In other words, if there are in fact holes, it is certain that sweeping will fill them in, but there is uncertainty as to whether there are holes to fill. If so, it is possible that Rashi prohibits an uncertain inevitable consequence (*safek pesik reisha*), whereas the Ramban permits it. This is how the *Shulhan Arukh HaRav* (277, *Kuntres Aḥaron* 1) explains the opinion of the **Rambam** (21:3), that one may not sweep the house due to a concern that one may come to fill holes.

9. This is also the implication of the explanation of **Rabbeinu Yeruḥam** (*Netiv* 12, 13:83b) of *Tosafot*: “Sweeping is prohibited due to the dirt and bones that are moved from their place.”

because one moves the dirt and thereby violates the prohibition of moving *muktze*.¹⁰

Against this opinion, the **Ramban** (*Milḥamot Hashem* 48b in the pages of the Rif) writes that there are two reasons to be lenient:

1. Since the dirt bothers the person, it is like a chamber pot (*geraf shel re'i*) (which one may remove even though it is *muktze*).
2. Sweeping is not a normal way of moving of an item. Sweeping moves the item in an unusual manner, specifically, it is moving by means of a utensil. Moving an item in an unusual manner is permitted when it is performed for the sake of a permitted purpose, rather than for the requirements of the *muktze* item itself (*Shulḥan Arukh* 311:8). Here the dirt is moved in order “that they should have a pleasant home in honor of Shabbat.”¹¹

10. The *Rishonim* mention other reasons to prohibit sweeping, which we will review in brief. The **Semag** (prohibition 65, *Ḥoresh*) writes in the name of the **Ri** that the Sages decreed that one may not sweep lest a person, while preoccupied with improving the ground, forget that it is Shabbat and fill in the holes intentionally. The **Or Zarua** (2:78) maintains that according to the **Ri** the concern is that in the process of sweeping the house one might uproot dirt attached to the ground and thereby dig a hole.

11. It is possible that those *Rishonim* who prohibit sweeping due to *muktze* maintain in accordance with the opinion of the **Shulḥan Arukh HaRav** (308:60) and the **Ḥazon Ish** (47:14, 20) that the concept of moving an item in an unusual manner applies only when the primary item one is moving is a permitted item, while the prohibited item is incidentally moved as well. This is the case in the examples cited in the Gemara, such as lifting a barrel with a stone that is on it (**Mishna**, 142b) and removing a radish from the ground and thereby moving dirt (50b). By contrast, when one moves mainly the prohibited item but uses another item to do so, that item is considered to be an extension of one's hand, and therefore this is full-fledged moving, not moving an item in an unusual manner. According to this opinion, sweeping the house is not considered moving an item in an unusual manner, as one moves only the waste, and the broom is considered an extension of one's hand. Yet, the Ramban apparently maintains in accordance with the opinion of the **Taz** (308:18) and the **Mishna Berura** (308:115) that any moving by means of another item is classified as moving an item in an unusual manner, even if one moves only the prohibited item. Alternatively, it is possible that

Rambam: It is permitted on tiled floor

According to those *Rishonim* who prohibit sweeping the house, does this prohibition even apply to a tiled floor? This issue must be analyzed separately with regard to each of the explanations for the prohibition. If the prohibition is due to a concern that one may come to fill holes, it seems that the *halakha* should be lenient in the case of a tiled floor, where this concern does not apply. Indeed, a statement of Ameimar in the **Gemara** (95a) implies that according to those who prohibit sprinkling water on the floor, it is permitted on a tiled floor:

What is the reason that the Rabbis said it is prohibited to sprinkle water? It was due to concern that one would come to smooth out holes in an unpaved floor. Here, in a place with tiled floors, there are no holes in the floor.

The **Rambam** (21:3) also rules explicitly in accordance with this opinion, that the prohibition is due to the concern that one may come to fill holes, and therefore sweeping is permitted on tiled ground:

“One may not sweep the ground lest he fill the holes, unless it is paved with stones.”

Ri: It is prohibited even on tiled floor

By contrast, *Tosafot* (95a, s.v. *shara*) imply that sweeping is prohibited even on a tiled floor, as a decree in case one ultimately sweeps a dirt floor as well. The *Tur* (337) states likewise in the name of the *Ri*, and similarly the *Sefer HaTeruma* (254) writes:

Sweeping the house is prohibited, as one may ultimately fill holes, even according to the opinion of Rabbi Shimon... and one may not sweep even a house that has a stone floor... [this is] a decree due to a house which has [a dirt] floor, as is stated in chapter 2 with regard to dragging a chair or a bench, that the Sages issued a

the Ramban concedes that such an act of moving is generally not considered moving an item in an unusual manner, but here the Sages were especially lenient so “that they should have a pleasant home in honor of Shabbat” (see Rav Uriel Eizental’s *Megillat Sefer* 45:5).

decree in the case of a marble-floored upper story due to a regular upper story with a dirt floor.

According to this opinion, the source of the decree is in the **Gemara** mentioned above (29b), which prohibits dragging heavy items (those that make a furrow in the ground) even on a marble floor, lest one drag them on a dirt floor as well.

In order to understand the dispute between **Tosafot** and the **Ramban**, one must first analyze the relationship between the two passages. Why, with regard to dragging items, is the Gemara stringent even in the case of tiled ground, in case one does the same on a dirt floor, whereas when it comes to sprinkling water, Ameimar rules that we do not decree in this manner?

Clarification of the dispute

The *Rishonim* suggest two answers to this question:

Tosafot (29b, s.v. *gezeira*) explain that the passage that discusses dragging items is referring to a locale where some houses have tiled floors while others do not. In such a place there is reason to make a decree and prohibit the sweeping of tiled floors, in case one sweeps dirt floors as well. Ameimar, by contrast, is speaking of a place **where all the floors are tiled**. Since there is no concern about a mistake in a place of this kind, there is no reason to apply such a decree. This is also implied by **Rashi** (95a, s.v. *zilḥa*), who stresses that in the case of Ameimar the houses of “the entire city had stone floors.” According to this opinion, every act which is prohibited on a dirt floor is apparently also prohibited on a tiled floor in the event that there are some dirt floors in the locale.

By contrast, the **Ramban** (95a, s.v. *hakha*) rejects this distinction, claiming that there is in fact no contradiction here at all. The Sages have different considerations as to when they apply their decrees, and there is no basis for a comparison between dragging items and sprinkling water:

And I say that we do not compare the prohibitions of Shabbat to each other, because the Torah gave [the authority to impose decrees] to the Sages, and they prohibited in a given case because it is a common activity, and in another case which is less common

they did not apply the decree. Alternatively, [the difference is that] one who drags is likely to make a ditch, whereas sprinkling [water] is relatively less likely to fill holes. Therefore, they decreed in this [first case] but not in that [second case].

According to this opinion, wherever the Sages decreed with regard to a tiled floor, this decree applies **even if all the houses in the locale have tiled floors**. Nevertheless, the Sages did not decree with regard to a tiled floor in every case where a prohibition applies to a dirt floor. Rather, they used their judgment in each case, based on the seriousness of the concern, while taking into account other considerations.

Consequently, some of the prohibitions that apply to dirt floors occasionally apply to tiled floors as well, whereas others do not apply to such floors. According to the opinion of the **Ramban**, the distinction is between different **prohibitions**, whereas according to the opinion of *Tosafot*, the distinction is between different **places**.

Now one can better understand the dispute between *Tosafot* and the Rambam with regard to sweeping a tiled floor. The **Rambam** maintains in accordance with the opinion of the Ramban that one does not compare one decree to another. Therefore, the fact that dragging items is prohibited on tiled floors does not mean that it should be prohibited to sweep tiled floors. *Tosafot*, by contrast, in keeping with their opinion cited above, maintain that every act which is prohibited on dirt floors is likewise prohibited on tiled floors. Consequently, they are stringent with regard to sweeping tiled floors as well.

In light of what was stated above, it can be claimed that even if it is prohibited to sweep a tiled floor, as maintained by *Tosafot*, this stringency applies only in a place where there are some dirt floors, not where all the houses have tiled floors. Indeed, the *Sefer HaTeruma* (254) apparently maintains that sweeping is permitted in a place where all the houses have tiled floors. The **Rivash** (**Responsa** 394) is even more lenient, as he writes that it is permitted to sweep a tiled floor even in a place where the **majority** (but not all) **of the houses have tiled floors**, because a decree is not applied to the majority due to a minority.

Even according to the opinion of *Tosafot*, one may be lenient in a place where all the houses are tiled

Up to this point, we have discussed tiled floors according to the opinion that the prohibition of sweeping is due to the concern that one may come to fill holes. But if the decree is because of moving dirt, which violates the prohibition of moving *muktze*, there is apparently no reason to prohibit sweeping a tiled floor, which is not covered with dirt. Nevertheless, there remains the issue of moving other types of waste found on the floor. The **Ran** writes in the name of the **Raavad** (36a in the pages of the Rif, s.v. *veha'idna*) that one should sweep a floor only if there are items on it which are fit for consumption by an animal, such as crumbs or bones. But if there are items on the floor which are not fit for consumption by an animal, e.g., walnut shells or pomegranate seeds, one may not move them by sweeping.¹² Yet, later the **Ran** writes in the name of the **Rashba** that one may sweep the house even if there are items on the floor which may not be moved, because they are like a chamber pot. Elsewhere (*Beitza* 12a, in the pages of the Rif, s.v. *vekataf*), the **Ran** permits sweeping such items for a different reason, that this is considered moving an item in an unusual manner for the sake of a permitted purpose (we have already seen that both reasons are mentioned by the Ramban).

The concern that one may move dirt while sweeping a tiled floor



Sweeping dirt floors is prohibited.

In practice, the *Shulhan Arukh* (337:2) cites the opinion of the **Rambam** as the unattributed ruling, stating that it is prohibited to sweep a dirt floor but it is permitted to sweep a tiled floor. Afterward, he mentions that “there are those who permit” this, and he proceeds to cite the opinion of the *Baal Halakhot Gedolot* that one may sweep even a dirt floor. By contrast, the **Rema** rules in accordance with the opinion

The ruling of *halakha*: A dispute between the *Shulhan Arukh* and the *Rema*

12. A statement of **Rabbeinu Yeruham** (12:13) also implies that even if there is no dirt on the ground, there is a problem of moving bones and other types of waste. The **Ramakh** (on the Rambam, 21:3) concurs, and expresses surprise at those who permit sweeping the house: “But this moves dirt, pebbles, bones, or shells.”

of the **Ri** and the *Sefer HaTeruma*, that one should be stringent even with regard to tiled floors:

It is prohibited to sweep the house, unless the floor is tiled. There are those who permit even if it is untiled.

[REMA]: There are those who are stringent even if it is tiled, and this is the accepted custom, which should not be altered. Nevertheless, it is permitted by means of a non-Jew, as well as with a cloth or rag or goose's wing, which are light and do not fill holes. And it is prohibited to brush garments with brushes made out of bristles, lest the bristles break.

Thus, the *Shulhan Arukh* rules that it is prohibited to sweep dirt floors, but one may sweep tiled floors, whereas the **Rema** prohibits even this. In both cases the Rema concedes that one may be lenient, even on a dirt floor, under the following conditions:

1. When one cleans the ground with a cloth or rag, since one does not clean vigorously with such materials, there is no concern for filling holes.
2. When a non-Jew does the cleaning, as the decree against asking a non-Jew to perform a prohibited labor does not apply to an unintentional act, even in a case of an inevitable consequence (*Mishna Berura* 337:10).

Beur Halakha: In a place where the majority of houses are tiled, one may be lenient even according to the opinion of the Rema

The *Beur Halakha* (s.v. *veYesh mahmirin*) points out that the Rema's lenient ruling to sweep the house with a cloth or a rag proves that he is not concerned about moving waste but rather about filling holes. The prohibition of *muktze* does not apply here, as the waste has the status of a **chamber pot**. In addition, this is **moving an item in an unusual manner for the sake of a permitted purpose**. The prohibition against sweeping, according to the opinion of the Rema, is only due to a concern that filling holes is an inevitable consequence of this action, which would mean that one violates the labor of Building. Furthermore, the prohibition against sweeping a tiled floor is due to the concern that ultimately one may sweep a dirt floor. In

light of these considerations, the *Beur Halakha* rules that it is **permitted to sweep a tiled floor in a town where most of the houses are tiled**, in accordance with the statement of the *Rivash* above. There is particular reason to be lenient if one swept the house before Shabbat, as stated by the *Raavad*. The *Beur Halakha* writes:



Sweeping a tiled floor is permitted (in a place where all the houses are tiled).

The reason is that we decree in the case of tiled floors due to dirt floors... And accordingly, if all the houses of the town, or in any case most of them (*Rivash*), are paved with stones or bricks... perhaps one is permitted to sweep, because [the Sages] did not impose a decree upon the majority due to the minority. [Likewise, they did] not [decree] on this town due to another town... and particularly if it has been swept before Shabbat, one may also enlist the opinion of the *Raavad*... who maintains that even if [the floor] is not tiled, it is not an inevitable consequence.

Yet, this case is not completely clear, as it is possible that the practice the *Rema* cites, that we are accustomed to be stringent with regard to the prohibition of sweeping, was already established in earlier times, because they were concerned about the prohibition of moving *muktze* items, as it was common to find on the ground bones and shells which were not fit for animal fodder... and if so, it is prohibited in every situation.

Nevertheless, the *Rema* concludes by stating that there is room for leniency in the case of a goose's wing because it is light and does not fill in holes. This implies that the reason for the stringent custom is due to filling holes. Consequently, one does not need to be stringent when all the houses in the town are tiled, particularly if the house has been swept before Shabbat, as stated above. Furthermore, there is no concern for the prohibition of moving *muktze*, firstly because of that which the *Rashba* writes, that it is permitted to remove these items because they are like a

chamber pot, and furthermore, it is moving an item in an unusual manner by means of another item for the sake of Shabbat, as written by the *Aharonim*.

The *Beur Halakha* adds that it is preferable to use a broom that has no hard bristles, which often break in the process of sweeping (as stated by the *Rema*), but one should not protest if someone uses a broom with such bristles.

In conclusion, nowadays, when the majority of houses are tiled, **it is permitted for both Ashkenazim and Sephardim to sweep the floor on Shabbat**. It is also permitted to sweep up garbage and throw it away with a dustpan.¹³

Sweeping a tiled courtyard: One may be lenient

Is it permitted to sweep a tiled courtyard? According to the opinion of the *Shulhan Arukh* this should be allowed, as he permits sweeping tiled ground. By contrast, according to the opinion of the *Beur Halakha*, who permits sweeping only in a place where the majority of floors are tiled, this should presumably be prohibited, as most courtyards are not tiled. Yet, **Rav Shlomo Zalman Auerbach** (*Shemirat Shabbat KeHilkhata* 23, note 10) writes that there are



Sweeping a tiled courtyard: One may be lenient.

grounds to be lenient, as a tiled courtyard may be considered an extension of the house. It is worth adding that even if most courtyards are not tiled, the majority of patios which extend from houses are indeed tiled. Furthermore, it is uncommon nowadays to sweep untiled floors with a broom at all (unless the ground is entirely smooth, in which case it has no holes at all). Therefore, it would appear that in practice even Ashkenazim can be lenient and sweep a tiled patio that is adjacent to a house.

13. The two reasons mentioned by the Ramban are relevant to a dustpan as well: (1) The act is considered moving an item in an unusual manner for the sake of a permitted purpose. (2) Once the waste has been concentrated in one spot, it certainly has the status of a chamber pot, and may therefore be removed in any manner.

IN CONCLUSION, nowadays it is permitted to sweep tiled floors both in the house and on an adjacent patio, but one should not sweep dirt floors (one must be careful about this when there is a *sukka* on such ground).

Summary

