YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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# THE LAWS OF SHABBAT

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Shiur #31:

*Choresh*, Part II

Sweeping the House

Is one allowed to sweep a house or a yard? May one wash a floor which has become filthy?

The Gemara (95a) cites a Tannaitic dispute as to the issue of sweeping the floor or sprinkling water on it (in order to weigh down the dirt):

The Rabbis taught… one who sweeps or sprinkles… inadvertently on Shabbat is liable to bring a sin-offering… according to Rabbi Eliezer. The Sages say: Either of these only violates a rabbinic law.

In other words, if one sweeps or sprinkles the floor, according to Rabbi Eliezer one violates a Torah prohibition; while according to the Chakhamim, doing so violates a rabbinic prohibition. Rabbi Eliezer understands that these acts are forbidden by Torah law, either because there is a *pesik reisha* (inevitable result) that one will fill holes in the ground and violate the prohibition of *boneh*, building (Tosafot, s.v. *Ha-mekhabed*), or because these acts themselves beautify the house and are forbidden because of *boneh* or because of *makkeh ba-pattish,* the *melakha* of striking the final hammer blow (Ramban and Rashba ibid.). On the other hand, the Chakhamim believe that there is no *pesik reisha* that one will fill holes, and there is no separate prohibition of sweeping and sprinkling; hence there is only a rabbinic prohibition.

The reason for the rabbinic prohibition, at least regarding sprinkling, appears in the continuation of the Gemara there. The Gemara explains that the sprinkling is forbidden rabbinically because it might result in the filling of holes. It is true that the cleaner does not have this intention; however, the Chakhamim believe, apparently, that a *davar she-eino mitkaven*, an act which unintentionally brings about the result of a *melakha*, is rabbinically forbidden. Given this explanation, the Gemara concludes that since we following Rabbi Shimon’s view, sprinkling is permissible altogether.

The *Rishonim* dispute whether this conclusion applies equally to sprinkling and sweeping. According to the Behag (*Ba’al Halakhot Gedolot*, quoted in the *Tosafot* 95a, s.v. *Ve-ha’idna*), Rabbeinu Chananel (96b), the Rif (48a in his pagination), the Ramban (124b), the Rashba (95a) and others, the Gemara relates to sweeping as well. The Chakhamim forbid rabbinically the sweeping of the house because of a concern of filling holes, but once Rabbi Shimon’s view has been accepted, there is no reason to forbid the sweeping.

However, in the view of Rashi (124b, s.v. *Shel Temara*) Tosafot (95a, s.v. *Ve-ha’idna*), the Rosh (10:3) and others, the conclusion of the Gemara relates only to sprinkling, while sweeping the house is forbidden even according to Rabbi Shimon. Their main proof is the Gemara later on there (124b), which says that palm branches used as brooms are considered a *keli* *she-melakhto* *le-issur* (utensil designed for prohibited use, like a hammer).[[1]](#footnote-1)

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

Rashi (ibid.) explains that the prohibition is based on the there being a *pesik reisha* that one will fill holes in the ground. According to him, sweeping the house definitely makes the ground level and is forbidden because of *boneh*. A number of *Rishonim* write, in explaining the view of Rashi (Baal Ha-maor, 48a, Rif; Rashba ibid.), that this is indeed a Torah prohibition, and when the Chakhamim say that one violates a rabbinic prohibition, this refers only to sprinkling, not to sweeping. Others explain that even according to Rashi, the prohibition is only rabbinic in nature, since filling holes is done backhandedly and not in the way of building; in addition, this is a temporary structure which will not last long (Ramban, *Milchamot Hashem*, 48b in Rif pagination; *Shaar ha-Tziyun* 337:4).

The Ramban (*Milchamot Hashem*, 48a, Rif) disagrees with Rashi, explaining that there is no *pesik reisha*: “Sweeping the house does not always fill holes — not even most of the time.” At first glance, it seems that they dispute the likelihood of whether sweeping a dirt floor inevitably leads to filling holes.

However, it may be that the dispute is not about how likely it is that holes will be filled. All views agree that there is no certainty that holes will be filled, but there is a high chance that this result will happen. Rather, the dispute may relate to a situation such as this that is “close to a *pesik reisha*” — do we forbid *davar she-eino mitkaven* only when there is absolute certainty that the unintended result will come about, or does a likely result, without actual certainty, suffice?[[2]](#footnote-2)

The Ran (36a in the Rif’s pagination, s.v. *Ve-ha’idna*) cites an intermediate view in the name of the Ra’avad: if one swept the house before Shabbat, there is a doubt if there are now ruts in the floor of the house, and therefore there is no *pesik reisha* that one will fill the holes, and it is permitted to sweep the house on Shabbat; however, if one did not sweep the house before Shabbat, there are certainly depressions which will be filled, and therefore sweeping the house is forbidden.

Other *Rishonim* explain the prohibition of sweeping the house differently. Tosafot and the Rosh (ibid.) explain that sweeping is forbidden rabbinically, even according to Rabbi Shimon, “because one moves the dirt from its place,” and they are apparently speaking of the prohibition of *muktze*, the rabbinic prohibition to move items which have no use on Shabbat.[[3]](#footnote-3) This is also the view of the Ra’avya (Ch. 761) in the name of the Riva, as well as the Mordekhai (Ch. 414) and others: that it is rabbinically forbidden to sweep the house because one moves the dirt and violates the prohibition of *muktze*.

The Ramban (*Milchamot Hashem*, 48b, Rif) provides to reasons to reject this approach: A) since the dirt bothers him, it is considered like a chamber pot (a halakhic category of something considered so objectionable that one is allowed to remove it even though it is *muktze*). B) This is not normal *tiltul* (moving an object), but rather *tiltul* *min ha-tzad* (from the side, i.e., indirect) — specifically, it is *tiltul* with a utensil. *Tiltul* *min ha-tzad* is allowed when it is done for the sake of something permissible, and not for the sake of the *muktze* object itself (OC 311:8), and here the *tiltul* is designed “to make their home nice in honor of Shabbat”.[[4]](#footnote-4)

**Tiled Floor**

According to the *Rishonim* who forbid sweeping the house, does this prohibition even apply to a tiled (paved, paneled, etc.) floor? This question will vary in accordance with the different explanations of the prohibition. If the prohibition springs from the concern of filling holes, presumably one should be allowed to sweep a tiled floor, where this concern does not exist. This position is set forth by Ameimar in the Gemara (95a), who states that even those who forbid sprinkling the floor, this should not apply to a tiled floor: “What is the reason that the rabbis said this? Lest one come to fill holes — here there are no holes!”

The Rambam (21:3) also rules in accordance with this position, explaining that the prohibition springs from the concern of filling holes, and is therefore allowed on tiled ground: “One may not sweep the ground, lest one fill the holes, unless it is paved with stones.”

However, Tosafot (ibid., s.v. *Shara*) imply that sweeping should be forbidden even on a tiled floor, lest one come to sweep a dirt floor. This is also what the Tur (337) cites in the name of the Ri, as well as the Sefer Ha-teruma (Ch. 254), who writes as follows:

Sweeping the house, however, is forbidden, as one may come to fill holes, even according to Rabbi Shimon… Even a house which has a stone floor may not be swept… It is a decree because of a house which has no floor, as we say in Chapter 2 about dragging a chair or a bench: there is a decree in an upper room with marble floors because of a normal floor, which is not marble.

On this approach, the source of the decree is in the passage (29b) that we mentioned in our previous *shiur*, which forbids dragging heavy objects (which make a rut in the ground) even on a marble floor, lest one come to drag them on unpaved floors.

In order to understand the dispute between Tosafot and the Rambam, we should first take note of the relationship between the two passages: why, when it comes to dragging objects, does the Gemara determine that one should be stringent also for hard ground, because one may come to do the same on a dirt floor, while for sprinkling we do not have this concern?

The *Rishonim* offer two answers for this:

Tosafot (29b, s.v. *Gezeira*) answer that the passage that deals with dragging objects is talking about a town in which some houses have tiled floors while others do not, and in such a town there is a reason to ban sweeping tiled floors, lest one come to sweep dirt floors as well. Ameimar, on the other hand, talks about a town which has no dirt floors, and in such a town there is no concern of a mistake and there is no reason to make such a decree. This is also what Rashi (95a, s.v. *Zilecha*) indicates, stressing that in the case of Ameimar, “The entire city had stone floored [homes].” According to this approach, it appears that every act which is forbidden on a dirt floor is forbidden also on a hard floor, as long as dirt floors exist in the town.

The Ramban (95a, s.v. *Hakha*), on the other hand, rejects this distinction; rather, on his understanding, there is no contradiction at all. The Sages have different considerations which lead them to decree against more cases in one context and against less in another. Thus, there is no basis for comparison between sprinkling and dragging objects:

And I say that that the prohibitions of Shabbat are not similar to each other, because the Torah gave it [the delineation of rabbinic prohibitions] over to the Sages, and they prohibited in a given case because it is a common *melakha*, and in another case which is less common they made no decree. Alternatively, one who drags is likely to make a ditch, while sprinkling is less likely to fill holes. Therefore, they decreed in the former case but not in the latter.

On this approach, if the Sages have decreed regarding a specific act upon a tiled floor, this decree applies even if all the houses in the town have tiled floors. Nevertheless, the Sages did not ban every act on a tiled floor which is forbidden on a dirt floor, but rather they used their judgment in every case, based on the seriousness of the concern, taking into account various considerations.

As such, it is reasonable for some of the prohibitions regarding unpaved floors to apply to paved floors and for some of them not to apply. According to the Ramban, the distinction is between different prohibitions, while according to Tosafot the distinction is between different locales.

Against this background, one can better understand the dispute between Tosafot and the Rambam concerning sweeping a tiled floor. The Rambam follows the Ramban’s approach: one should not compare one decree to another, and just because dragging objects is forbidden on paved ground does not mean that there a prohibition to sweep tiled ground. Tosafot, on the other hand, following their view cited above, understand that every act which is forbidden on ground which is not paved is forbidden also on paved ground, and therefore one must be stringent concerning sweeping as well.

In light of this, it seems that even if one may not sweep a hard floor, as Tosafot hold, this stringency should only apply in a locale where there are some dirt floors, not in a place in which all the houses have hard floors, because in such a place even Tosafot concede that this is permitted. The Sefer Ha-teruma (ibid.) rules accordingly: one should not forbid sweeping in a place where all the houses in the town have hard floors. The Rivash (*Responsa*, Ch. 394) extends this leniency is a bit more, writing that it is permitted to sweep even in a place in which most (but not all) of the houses have tiled floors, because one should not issue a decree upon the majority due to a minority.

Up until now, we have talked about hard floors, according to the view of those who believe that the prohibition of sweeping is related to the concern of filling holes. If the decree stems from the issue of moving dirt and violates the prohibition of *muktze*, there would appear to be no reason to forbid sweeping a hard floor not made of dirt. Nonetheless, one must consider the moving of other types of refuse which are found on the floor. The Ran (36a in the Rif’s pagination, s.v. *Ve-ha’idna*) writes in the name of the Ra’avad that one should not sweep a floor unless there are items there which are fit for an animal to eat, such as crumbs or bones, but if there items on the floor which are not fit for an animal, e.g., walnut shells or pomegranate seeds, one may not move them by sweeping the house.[[5]](#footnote-5) However, later on, the Ran writes in the name of the Rashba that one is allowed to sweep the house even if there are items on the floor which may not be moved, because they are considered like a chamber pot. In another place (*Beitza* 12a in the Rif’s pagination, s.v. *Ve-katav*), the Ran allows this for another reason, because this is considered *tiltul* *min ha-tzad* for the sake of a permitted object (as we seen earlier in the Ramban’s explanation).

**Halakhic Ruling**

In practice, the Shulchan Arukh (337:2) brings as the standard, unattributed view, the position of the Rambam, stating that it is forbidden to sweep an unpaved floor, but it is permissible to sweep a paved floor. After that, he cites the view of the Behag, that one may sweep even a dirt floor, introducing it with the words “There are those who allow”.

On the other hand, the Rema follows the Ri and the Sefer Ha-teruma, ruling that one should be stringent even with hard floors:

It is forbidden to sweep the house, unless the ground is paved. There are those who allow even if it is unpaved.

Gloss [Rema]: There are those who are stringent even if it is paved, and this is the custom which should not be altered. However, via a non-Jew it is permitted, as well as with a cloth or rag or goose’s wing, which are light and do not fill holes. It is forbidden to brush clothing with brushes made out of bristles, lest the bristles break.

Thus, the Shulchan Arukh rules that one should not sweep unpaved ground, but one may sweep paved ground, while the Rema forbids even this. However, in both cases, the Rema concedes that one may be lenient, even on a dirt floor, under the following conditions:

a) When one cleans the ground with a cloth or rag, since one does not clean with them vigorously, there is no concern of filling holes.

b) When a gentile does the cleaning, because the general decree against asking a gentile to do a *melakha* does not apply to a *davar she-eino mitkaven*, even when it is a *pesik reisha* (Mishna Berura, 10).

The Bei’ur Halakha (s.v. *Ve-yesh Machmirin*) points out that the Rema’s solution of sweeping the house with a cloth or a rag shows that he is not concerned about moving the refuse but rather about filling the holes. The prohibition of *muktze* is not applicable here, since the refuse has the status of a chamber pot; furthermore, this is *tiltul* *min ha-tzad* for the sake of something permissible, and the prohibition to sweep is only because of the concern that there is a *pesik reisha* of filling in holes, leading on to violate the *melakha* of *boneh*. Naturally, the Bei’ur Halakha rules, one may sweep a hard floor in a town which is mostly paved, in accordance with the words of the Rivash above, and particularly one may be lenient if one swept the house before Shabbat, in accordance with the Ra’avad (ibid.). The *Bei’ur Halakha* writes as follows:

The reason is that we decree upon paved floors because of unpaved floors…

Behold, according to this, if all the houses of the town, or in any case most of them (Rivash), are paved with stones or bricks… it is possible that one is allowed to sweep, because they did not make a decree upon the majority because of the minority, and not on this town because of another town…

And particularly if it has been swept before Shabbat, one may also enlist the view of the Raavad… because he believes that even if it is unpaved, it is not a *pesik reisha*.

Still, in any case, this remains unclear, because it is possible that the custom that the Rema brings, that we are accustomed to be stringent in this about the prohibition of sweeping, has its basis in days of yore, when they were concerned about the prohibition of *tiltul* *muktze*, because it was common to find on the ground bones and shells which were not fit for animal feed…

According to this, in every situation it is forbidden. However, the fact that the Rema finishes with the reason to be lenient with a goose’s wing because it is light and does not fill in holes implies that the reason for the custom to be stringent is because of filling holes. According to this, one need not be stringent when all the houses in the town are tiled, particularly if the house has been swept before Shabbat, as we have said.

Furthermore, there is no concern of the prohibition of *muktze*, primarily because of what the Rashba writes, that one may clear it out because it is like a chamber pot; moreover, it is *tiltul* from the side using another object for the sake of Shabbat, as the *Acharonim* have written.

The Bei’ur Halakha adds that it is desirable to use a broom containing no hard bristles which normally break in the process of sweeping (in accordance with the Rema), but one should not protest if another uses a broom with such bristles.

Thus, in our time, when most houses are tiled, it is permissible for both Ashkenazim and Sefardim to sweep the floor on Shabbat.

**A Tiled Yard**

May one sweep a tiled yard? According to the Shulchan Arukh, this should be allowed, because one is allowed to sweep paved ground. On the other hand, according to the Bei’ur Halakha, who allows sweeping only in a place that most floors are hard, presumably this should be prohibited, because most yards are not tiled. However, Rav S.Z. Auerbach (*Shemirat Shabbat Ke-hilkhata*, Ch. 23, n. 10) writes that there is good reason to allow it, for it is reasonable to claim that the tiled yard is viewed as an extension of the house. It is worth adding, that indeed it may be that most yards are not tiled, but most patios which extend from the house are tiled! Furthermore, it is uncommon nowadays to sweep dirt floors with a broom at all (unless it is totally smooth, in which case it has no depressions in it). Therefore it appears that practically, even Ashkenazim can be lenient and sweep a tiled yard which is adjacent to the house.

**Summary**

In conclusion: nowadays it is permitted to sweep tiled floors both in the house and in the adjacent yard, but one should not sweep unpaved floors. (One must be careful about this when one builds a *sukka* on ground such as this).

Translated by Rav Yoseif Bloch

**Sweeping the House**

Tosafot, **Ra’avya**, **Mordekhai**: Forbidden because of *muktze*, as one may not move the dirt.

Rashi**, Baal Ha-ma’or:** Forbidden because of *boneh*, since it is inevitable that the holes will be filled.

B**ehag, Rach, Rif, Ramban, Rashba:** It is allowed even on dirt floors.

**Ra**’avad**:** This is forbidden even on a hard floor, if there is any refuse on it which may not be moved, such as shells not fit for animal feed.

Ri, **Sefer Ha-teruma:**

This is forbidden even on a hard floor, lest one come to sweep a dirt floor.

**Rambam:** This is allowed on a hard floor, because there is no issue of filling holes.

This is not a *pesik reisha*, because the holes will not necessarily be filled (**Ramban**).

There is no problem of *muktzeh*, because we find the dirt offensive (like a chamber pot), and this is moving via a utensil (*tiltul* *min ha-tzad*).

The **Shulchan Arukh** rules accordingly

This is the **Rema**’s ruling. However, even according to him, sweeping is allowed a) by a gentile, b) when one cleans with a cloth, or c) when most of the houses in the locale have hard floors (**Bei’ur Halakha**).

1. However, the *Rishonim* who allow this explain that this Gemara follows the view of Rabbi Yehuda, who forbids *davar she-eino mitkaven*, and there are indeed versions in which this is in fact stated explicitly, as explained in the *Hagahot Ha-Gra* ibid. [↑](#footnote-ref-1)
2. This latter approach seems to emerge from the Ra’avya (Ch. 761), who writes that “even according to Rabbi Shimon we are concerned about filling holes, and the matter is nearly certain… however, it is not a *pesik reisha*.” Nevertheless, the Ramban himself writes, as we have noted, that holes do not become filled even a majority of the time, so that the situation here does not even approach a *pesik reisha*. Based on this formulation, it appears that there is a dispute regarding likelihood.

   Alternatively, one could explain that the dispute pertains to the question of a “possible *pesik reisha*.” Namely, if there are holes, it is clear that sweeping will fill them in, but there is a doubt as to whether there are holes to fill. Thus it may be that Rashi forbids a possible *pesik reisha*, while the Ramban allows it. This is how the Shulchan Arukh Ha-Rav (277, *Kunteres Acharon* 1) explains the view of the Rambam (21:3), that one may not sweep the house because of a concern of filling holes. [↑](#footnote-ref-2)
3. This also emerges from Rabbeinu Yerucham’s explanation of the view of Tosafot: “For sweeping is forbidden because of the dirt and bones that are moved from their place” (12:13). [↑](#footnote-ref-3)
4. Other reasons to forbid sweeping are mentioned by the *Rishonim*, but we will mention them only briefly. The Semag (Prohibition 65, *Choresh*) writes in the name of the Ri, that the Sages banned this least one become preoccupied with improving the ground, forget that it is Shabbat, and fill in the holes intentionally. The Or Zarua (Vol. II, Ch. 78), on the other hand, understands in the view of the Ri that the suspicion is that in the process of sweeping the house, one will uproot dirt attached to the ground and thus dig a hole. [↑](#footnote-ref-4)
5. However, Rabbeinu Yerucham (n. 3) indicates that even if there is no dirt on the ground, there is a problem of moving bones and other types of refuse. [↑](#footnote-ref-5)