

Gathering scattered fruit in the house

As stated above, there is no prohibition, by Torah law, to collect produce scattered inside one's house or courtyard. Nevertheless, the **Gemara** (143b) implies that, at times, this does violate a prohibition by rabbinic law:

It is prohibited by rabbinic law to collect scattered fruit

The Sages taught: If one's [pieces of] fruit were scattered in a courtyard on Shabbat, one may collect them from hand to hand [i.e., a little at a time] and eat them. But one may not collect them into a basket or into a box, so that one will not conduct himself on Shabbat in the manner that he conducts himself during the week.

Consequently, with regard to pieces of fruit that were scattered in a courtyard, it is permitted to collect them one by one to eat them, but one may not gather them all into one vessel. What is the reason for this prohibition?

The **Rambam** (21:11) writes that the prohibition is due to a concern that one will ultimately violate the prohibition of Gathering:

Rambam: There is a concern that one might perform an act of Gathering

One who adheres [pieces of fruit] together until they become one mass is liable due to Gathering. Therefore, one who has [pieces of] fruit scattered in his courtyard may collect a few [pieces] at a time and eat. But one may not place them in a basket or box in the manner of a weekday, because if one acts in a weekday manner, **one may press them in one's hand and thereby perform Gathering.**

According to this opinion, one who presses pieces of fruit together until they become a single mass is liable due to Gathering, even if this is not done in the place where they grew, as stated above. Therefore, the Sages issued a decree with regard to the collection of pieces of fruit in one vessel, lest one ultimately press them together and violate the prohibition of Gathering.

Yet, the *Maggid Mishne* (ad loc.) is puzzled by the Rambam's statement, as the concern that someone collecting pieces of fruit

Ramban: This is referring to fruit mingled with dirt

might ultimately press them together seems quite farfetched. Indeed, the majority of the *Rishonim* explain the prohibition in other ways. The **Ramban** (*Shabbat* 143b) states that the prohibition applies specifically to pieces of fruit that fell into dirt, as one who collects them appears to be performing the labor of Selecting:

It seems that we are discussing a case where [the pieces of fruit] are scattered in a place with dirt and pebbles, and it is prohibited to collect them and place them in a basket because it looks like Selecting... and [this is the reason] that the Gemara teaches “in his courtyard,” and it does not teach “in the house”: Because a regular courtyard contains dust and pebbles, and [he] would be found [to have performed the labor of] Selecting, and this is not true of a house, which is swept every day.

According to this opinion, even when the prohibition of Selecting does not apply by Torah law (e.g., the individual pieces of fruit are large and are not really mixed with the dirt, or one wants to eat them immediately), the separation of fruit from dirt looks like Selecting and is therefore prohibited by rabbinic law. The Ramban adds that the Gemara speaks specifically of fruit scattered in a courtyard, rather than in the house, because generally speaking there is not a lot of dirt in a house.

Another explanation is cited by the **Rashba** (ad loc.) in the name of **Rabbeinu Yona**:

If produce is scattered in one’s courtyard, he may collect a little at a time and eat, but one may not [place them] in a basket or a box; my teacher the rabbi, may his memory be blessed, wrote in his rulings [that this is referring] to a case where they were scattered in the courtyard, one here and one there; but [if they were] in one place, one may collect them into the basket.

In other words, the prohibition applies only when the pieces of fruit are scattered far apart from each other, so that their gathering requires significant effort, which is a weekday-like activity. When the fruit is not dispersed to such an extent, collecting it is permitted.

Rabbeinu Yona: It is referring to fruit that is scattered widely

With regard to the *halakha*, the *Shulhan Arukh* (335:5) combines the opinions of the **Ramban** and **Rabbeinu Yona**:

If fruit became scattered in the courtyard, one here and one there, one may collect a little at a time and eat, but may not put [it] into a basket or into a box. If they fall in one place, one may even place them in the basket, unless they have fallen into pebbles or dirt in the courtyard, in which case one may collect [only] a little at a time and eat, but one may not put into a basket or into a box.

In other words, one may not collect fruit that is scattered over a large area in the courtyard, in accordance with the opinion of **Rabbeinu Yona**, and also one may not gather fruit that has become mixed in the dirt, as stated by the **Ramban**. With regard to pieces of fruit that are scattered in one place and is not mixed with dirt, it is permitted to gather them into a vessel, despite the concern of the **Rambam** that this might involve Gathering.



It is permitted to collect fruit in the house, unless it is widely dispersed.

Consequently, **when fruit is scattered inside the house, there is generally no problem to gather it**, assuming it is confined to one room, rather than dispersed over a large area. This can also be inferred from the *Mishna Berura* (340:37):

The reason that the author [of the *Shulhan Arukh*] uses the term “prohibited” [which usually refers to a prohibition by rabbinic law] is to teach that when they are not in the place where they grow, e.g., fruit scattered in the house, there is not even a prohibition [by rabbinic law] to gather them together.

Accordingly, if the fruit is scattered in the house over a large area, there is a problem in gathering them in the normal manner. In such a case, if the presence of the fruit disrupts the order and cleanliness of the house, one may **gather it with a broom**. In such a case, the

The *Shulhan Arukh* rules in accordance with the opinion of the Ramban and Rabbeinu Yona.

GATHERING

gathering is performed not for the sake of the fruit, but for cleanliness of the house, and therefore there is no reason to prohibit it. After the fruit has been gathered into one place, it is permitted to collect it into a vessel, as now the fruit is no longer scattered. This is also the ruling of the *Shemirat Shabbat KeHilkhata* (2010 ed., 26, note 24).

Collecting candies
in a synagogue is
permitted

When nuts or candies are thrown at a groom, they sometimes scatter over a large area. One might think that collecting them is an act of Gathering. Nevertheless, the *Eliya Rabba* (335:5) writes that gathering them is permitted:

On *Simḥat Torah*, when there is a custom to scatter [pieces of] fruit and the children collect them and place them in baskets and boxes, we are not particular about this, since they do it for enjoyment.



Collecting candies thrown in synagogue is permitted.

In other words, the prohibition to gather items is essentially due to exertion, and since collecting the candies is part of the celebration, and children consider it a happy activity rather than a chore, there is no reason to prohibit it.

Therefore, it is permitted to collect candies that are thrown in a synagogue at a groom or a bar mitzva boy.