

Kitniyot or not?

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An exploration of sources on eating kitniyot over Pesach

The *Shulchan Aruch* in *Orach Chaim* 453 defines *kitniyot* as those grains that can be cooked and baked in a fashion similar to *chametz* grains, yet are not considered in the eyes of *halacha* to be in the same category as *chametz*. Some examples are suggested to be rice, corn, peas, mustard seed, and the whole bean family (i.e. kidney, lima, garbanzo, etc.). The *Beit Yosef* permits *kitniyot* usage on *Pesach*, while the *Rema* rules that *kitniyot* usage is forbidden. Hence, Jews of Sephardi descent often use *kitniyot* on *Pesach*, while Ashkenazi Jewry often follow the *Rema's* ruling and do not permit *kitniyot* on *Pesach*.

But with Ashkenazi and Sephardi families often marrying today, and with more and more Jews unhappy to simply accept the idea that "married women follow the custom of their husbands" (<http://kitniyot.blogspot.com/>), this booklet provides sources for individuals to make up their own minds. Please note that only one source is given for each argument, although there are many possible sources for each viewpoint.

As one rabbi writes, "Consult your rabbi and your conscience for guidance in the use of these products." (http://jrf.org/orhadash/more/Pesakh_Kitchen.doc.)



<http://www.olympusfit.co.il/images/themes/kitniyot.jpg>

THE ARGUMENTS AGAINST EATING KITNIYOT

- **It is a *gezerah* (fence around the law) to safeguard against confusion with chametz among the uninformed**

The primary authority who espouses this stringency is the Smak, who writes (mivah 222 note 12): Regarding kitniyot, such as rice and beans, our rabbis have the practice not to eat them on Pesach... Many great rabbis are lenient concerning this issue, but it appears very difficult to permit something when the common practice to be strict dates back to the early ages. It is reasonable to say that this stringency did not emerge as a concern for [kitniyot being actual] chametz, because they would not err on matters familiar even to the youngest of students, and the Gemara explicitly states that only the five species of grain have the potential to become chametz. Rather, the reason is an edict to prevent violation of Torah law, since kitniyot are cooked in a manner similar to the way that grains are cooked. Had we permitted kitniyot, one could have easily become confused [with chametz], because they are cooked similarly. In addition, in many locales, kitniyot are made into bread, and people who are not well versed in Torah laws might become confused. This is not at all similar to vegetables, which are clearly distinguishable from the five grains. It is a proper minhag (custom) to refrain from eating all kitniyot, including mustard seed, because of their similarity to grain. Although the Talmud (Pesachim 114b) specifically permits rice, this rule applied only in Talmudic times, when all were well versed in Halacha. However, today we should certainly follow the decree that we mentioned...

- **Rice and wheat look similar, so can be found together**

The Kaf HaChaim (Ibid. Os 10) quotes others who agree that this is an improper custom, but he notes that even among Sephardim, who generally do not observe this custom, there are those in Yerushalayim who do not eat rice because it once happened that some wheat was found in a cooked rice product.

- **Chametz is sometimes used in kitniyot-derived products**

One of the most *kitniyot* derived products is corn syrup. Corn syrup is one of the leading versatile sweeteners in the food industry today. Corn syrup is made through a conversion process, where the white starchy meat of the corn kernel is converted into sugar. This is done using hydrochloric acid and enzymes, or less prevalently acid alone without the use of enzymes. In the corn sweetener industry today, enzymes are a key component in the conversion process. The enzymes used are commonly derived from barley, which is *chametz*. In the past, corn syrup was derived without the use of enzymes. Today, corn syrup is almost exclusively converted with the use of enzymes.

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- **It is now a well-established communal custom and link with the past**

The Shaarei Teshuvah (Ibid. Si'if Katan 1) reports that there were those who attempted to do away with this practice, but were unsuccessful because the Gedolim among the Ashkenazic leaders maintained it strongly; he states that there is no room for leniency, and that anyone who is lenient is "breaking down the fence," meaning that he is violating the accepted norm. The Chatam Sofer (Shaiy'lot uTeshuvot Chasam Sofer, Chelek Orach Chayim Siman 122), among others, also discusses this entire issue at some length, and decides that one cannot change the practice of the greater community.

- **Enjoyment of the festival of Pesach**

Rabbeinu Manoach, in his commentary on the aforementioned Rambam (brought down in Mahadorat haMishnah, Perek 5 Ibid., Torah sheNidpas Al Yidei R' Shabtai Frankel), quotes that some say that the custom is not to eat certain products with seeds on Pesach because they can become Chametz, but he rejects this because Kitniyot simply can not become Chametz; he suggests instead that the Torah's requirement to rejoice on Yom Tov (See Devarim Ibid., Pasuk 14) precludes eating food cooked out of Kitniyot (apparently because such food is of inferior quality) and it is from this idea that the custom developed.

- **To not be stringent makes profound statements about personal theology**

Regarding avoiding kitniyot on Pesach the Aruch Hashulchan writes "those who question this practice and are lenient concerning it are demonstrating that they have neither fear of God nor fear of sin. They also display a flawed comprehension of the proper ways of Torah observance. Although there are some countries which have not followed this stringency, all of Germany, France, Russia, and Poland have accepted upon themselves and their descendants this wonderful stringency, which has a good reason, and one who deviates from it should be bitten by a snake." (O"H 453:4-5)

- **To eat kitniyot would be a violation of Rabbinic law**

The Shaarei Teshuvah (Ibid.) also quotes from the Maharil (Sefer Maharil, Hilchot Ma'achalot Asurot baPesach, Daf 18) that one who eats Kitniyot on Pesach is violating the prohibition of Lo Tasur (See Deuteronomy 16:11), which forbids one from disobeying the decisions of the Sages, as implied by the Gemara in Berachot (19), and he adds that anyone who goes against the rulings of the Rabbis is deserving of death.

- **It is not a case of "yes" or "no," since even Sephardim check very carefully**

Sephardim who usually are permitted to eat kitniyot must also be aware of the above discussion because they are only permitted to use the kitniyot so long as it has been thoroughly checked and it contains no barley or other grains. Therefore, the custom is to check meticulously and with intense concentration three times, while there are no little children in the area. Certain Sephardim refrain from eating kitniyot on Pesach out of concern that they may not have been examined carefully enough.

*Many of the sources for this section were taken from
<http://kitniyot.blogspot.com/>*

THE ARGUMENTS FOR EATING KITNIYOT

- **The Talmud itself permits kitniyot and isolates the one rabbi who forbids it**

What are the two dishes [for dipping]?-Said R. Huna: "Beet and rice." Rava used to be particular for beet and rice, since it had [thus] issued from the mouth of R. Huna. R. Ashi said: "From R. Huna you may infer that none pay heed to the following [ruling] of R. Johanan b. Nuri. For it was taught, R. Johanan b. Nuri said: Rice is a species of corn and kareth is incurred for [eating it in] its leavened state, and a man discharges his duty with it on Passover." Hezekiah said: "Even a fish and the egg on it." R. Joseph said: "Two kinds of meat are necessary, one in memory of the Passover-offering and the second in memory of the hagigah." Rabina said: "Even a bone and [its] broth." (Pesachim 114b)

In another extract (Pesachim 108b) Rabbi Yehudah recommends giving children peanuts (nowadays considered kitniyot) in order to keep their attention at the Seder.

- **It is a "modern" custom with no basis in any text**

This custom is mentioned for the first time in France and Provence in the beginning of the thirteenth century by R. Asher of Lunel, R. Samuel of Falaise, and R. Peretz of Corbeil - from there it spread to various countries and the list of prohibited foods continued to expand. Nevertheless, the reason for the custom was unknown and as a result many sages invented at least eleven different explanations for the custom. As a result, R. Samuel of Falaise, one of the first to mention it, referred to it as a "mistaken custom" and R. Yerucham called it a "foolish custom".

- **It reduces the joy of the festival**

Furthermore, there are many good reasons to do away with this custom...it detracts from the joy of the holiday by limiting the number of permitted foods.

- **It misdirects our attention**

It emphasizes the insignificant (legumes) and ignores the significant (chametz, which is forbidden from the five kinds of grain).

- **It turns people away from Judaism**

It causes people to scoff at the commandments in general and at the prohibition of chametz in particular - if this custom has no purpose and is observed, then there is no reason to observe other commandments. Moreover, it causes unnecessary divisions between Israel's different ethnic groups.

- **The suggestion that kitniyot look like chametz is made irrelevant with the permissibility of certain modern foodstuffs**

What about potatoes? More than most foods that are deemed to be kitniyot today, it would seem that potatoes should have been one of the first to go, since they are used to make a flour that could be confused with wheat flour (unlike, for example, peas). This being the case, how did they escape being included in this law? The most common answer is that the people who made this law did not know about potatoes, and thus they did not include them.

N.B. Another suggestion for potatoes being allowed was that there was a famine in Furth, Germany in 1771 and potatoes were permitted on Pesach on an emergency basis, a decree no-one rescinded.

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- **We shouldn't always be bound by the past - it has a vote, not a veto**

Q: What did Terach (Abraham's idolatrous father) say to Avraham Avinu after he told him that wanted to worship the one true God?

A: You can't; that's not our family's minhag!!

- **Lots of Jews worldwide, Sephardi and Ashkenazi, already eat kitniyot**

Rav Yaakov Emden, in his work *Mor U'Ketziyah*, writes that his father the Chacham Tzvi bemoaned this practice and kept it only because he did not feel that he alone could abolish a custom accepted by the community at large.

- **We do not make a decree on top of a decree**

While we generally say that we do not make a decree on top of a decree ("*ein gozrin gezeirah l'gezeirah*"), that rule seems to have been suspended in this area of law. While it is true that we try to be as strict as possible with regard to Pesach, and particularly when it comes to chametz, foolish piety is tantamount to no piety at all.

- **It should only be a decree if the entire Jewish community accepts it**

[Refraining from eating Kitniyot] was a localised custom in parts of Germany, which later moved eastwards to Poland and Russia with the waves of Jewish emigration," explains Rabbi Bar-Hayim. "The explanations offered for the custom are unconvincing. You don't find wheat in rice today. It was never accepted by Jews worldwide. Whatever the origin of the custom, Ashkenazi Jewish commentators have struggled to find good reasons for the ban. Some authorities, such as Rabbeinu Yeruham (Provence, 14 c.) called it a 'foolish custom'.

- **While original intentions may have been honourable, this was not always the case with the allocation of kitniyot**

The Machon Shilo ruling goes to far as to insinuate that financial incentives contributed at certain times to the addition of other foods to the category of Kitniyot. "Over time, more and more items were arbitrarily added to the list," Rabbi Bar Hayim writes. "Beans, peas, and more recently soya beans and even peanuts. Few Ashkenazi Jews today would eat peanuts or use peanut oil on Pesach, but as recently as 40 years ago peanuts were permitted by all Rabbinical authorities. Often there were economic interests at work behind the scenes, pushing for ever more stringent definitions of Kitniyot, in order to create a market for a particular product. Products that were previously kosher were banned. Very expensive oils such as walnut oil replaced other oils that were previously acceptable and the focus of the holiday shifted from avoiding Chametz to avoiding Kitniyot.

- **Minhag (custom) is binding on a place, not a person**

"We learn from the Mishnah and the Talmud that customs are connected to a particular place. When one moves permanently to another locality, one is to adopt the local custom," Rabbi Bar-Hayim says.

Ashkenazi Jews who move out of Ashkenaz (Poland, Lithuania etc) are no longer bound by Ashkenazi customs such as this, although they may choose to partake of them.

Sources for this section include the above website as well as the responsum by Rabbi David Golinkin (http://www.responsafortoday.com/engsums/3_4.htm)

Kitniot List

http://www.kashrut.com/Passover/kitniot_list/

This list was prepared by Arlene Mathes-Scharf in consultation with Rabbi Blech, [Know Thy Beans](#) and the Chicago Rabbinical Council and from the Star-K article [Kitniot By Any Other Name](#). This list is a guide and may not be not complete.

(edited: 3/29/04)

Anise

Ascorbic acid (*kitniyot shenishtanu*) May be Chametz

Aspartame (Nutrasweet) *kitniyot shenishtanu* May be chametz

Beans

Black eye peas

Buckwheat

Canola oil

Caraway

Citric Acid *kitniyot shenishtanu* - May be Chametz

Chickpeas

Coriander

corn (maize)

corn syrup- glucose syrup- enzymes used to produce it made from chametz

cumin (*may contain chametz according to Israeli chief rabbinate: 3/04*)

dextrose - **COULD BE CHAMETZ** if made outside of the US & Canada

Erythroic acid *kitniyot shenishtanu* - - May be Chametz

Fennel

Fenugreek

flavorings (some) - - May be Chametz

Flax Seeds: (this is considered to be acceptable by some rabbis and kitniot by others)

Hemp

hydrolyzed vegetable protein - **COULD BE CHAMETZ EVEN IN THE US**

Kasha

Kimmel

Lecithin

Lentils

Licorice

Lucerne

Lupine

Malto-dextrins - chametz or kitniot derived

Millet

MSG *kitniyot shenishtanu* - - May be Chametz

Mustard

Peanuts

Polysorbates- *kitniyot shenishtanu* - May be Chametz

Popcorn

Poppy seeds

rice (vitamins added may be chametz)

Saffron

sesame seeds

Snow Peas

sodium citrate -*kitniyot shenishtanu* - May be Chametz

sodium erythorbate -*kitniyot shenishtanu* - May be Chametz

sorbitol - **COULD BE CHAMETZ IF MADE OUTSIDE OF THE US**

Soy Oil, Corn Oil - corn syrup, soy lecithin all are Kitniyot

soy

String Beans

sunflower seeds

Tofu - made from soy bean

Vetch

Vetching

Wild Rice

Xanthan Gum *kitniyot shenishtanu* - May be Chametz

http://www.kashrut.com/Passover/kitniot_list/

Kitniyot Shenishtanu are products whose status are debated since some hold they have become something entirely new in their production, and therefore are no longer held to be kitniyot. Others hold that what counts is the origin of the food, not the end product.