Bean There, Done That

Q. What are kitniyot?
A. While various customs exist regarding what constitutes kitniyot, the OU considers the following items to be kitniyot: beans, buckwheat, cardamom, corn, fenugreek, lentils, millet, mustard, peas, poppy seeds, rapeseed, rice, sesame seeds, soybeans and sunflower seeds.

According to Rema (1520-1572) (OC 453:1), aniseed and coriander seeds are not kitniyot. Nonetheless, the Magen Avraham, writing in the 1600s, recommends that one avoid eating these seeds because other grains, some of which could turn to chametz, are often mixed in with aniseed and coriander. Today, however, high-end spice companies use specialized equipment such as spiral separators to remove foreign particles. As a result, the OU does certify aniseed and coriander for Pesach.

Q. When did the custom of not eating kitniyot begin?
A. While we don’t know exactly when this minhag began, one of the earliest sources to mention the custom is the Sefer Mitzvot Katan, written by Rabbi Yitzchak of Courville (France, 1210-1280). Rabbi Yitzchak writes that some communities have the custom of not eating kitniyot during Pesach, even though these items are clearly not chametz.

Q. What is the custom based on?
A. There are two main reasons why the custom was instituted:

Firstly, kitniyot are often grown in close vicinity to the five grains (wheat, oat, spelt, rye and barley). As such, it was not unusual for a small amount of one or more of the five grains to be intermingled with kitniyot. Thus, it was possible that one eating beans or rice on Pesach could inadvertently eat actual chametz.

Secondly, kitniyot can be easily confused with chametz for several reasons. Raw kitniyot resemble the five grains in appearance. Furthermore, kitniyot are processed in a similar manner to the five grains. For example, mustard seeds are threshed and winnowed in a manner similar to grains. Finally, kitniyot can be milled into flour, made into dough, baked into bread or cooked into a porridge that may resemble chametz. Because of the similarities between kitniyot and actual chametz, the rabbis feared that people may mistakenly believe that if they can eat kitniyot on Pesach, they can also eat chametz on Pesach.

The Vilna Gaon (1720-1790) and Peri Chadash (1586-1667) found a basis for not eating kitniyot in the Talmud (Pesachim 40b). The Gemara relates that Rava did not allow the use of lentil flour on Pesach in a Jewishly unlearned community, as he feared it would lead to confusion and cause one to mistakenly eat chametz on Pesach.

Q. Who keeps this minhag?
A. Kitniyot is generally considered an Ashkenazic custom. (“Ashkenaz” is the medieval Hebrew word for Germany. In the early part of the Middle Ages, the main center of European Jewish life was in Germany. Subsequently, Jewish communities expanded throughout Europe, and Jews from most European countries became known as Ashkenazim.) Today, the minhag of kitniyot continues to be binding on Jews of Ashkenazic descent, irrespective of where they reside.
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Q. Who doesn't keep this minhag?

A. Non-Ashkenazic Jews follow the ruling of Rabbi Yosef Karo (1488-1575), who permits the consumption of kitniyot on Pesach (Shulchan Aruch, OC 453:1). Nonetheless, in today's complex world of food technology, kitniyot may be processed in ways that render them non-permissible to the non-Ashkenazic population as well. One such example is rice enriched with vitamins that contain chametz. (Special lists of chametz-free rice are generally available to the public before Pesach.) One must also be aware that infant rice cereal is often produced on the same equipment as oat cereal, which is authentic chametz. Thus, non-Ashkenazic Jews must exercise appropriate caution and determine whether various forms of kitniyot are free of chametz before consuming them on Pesach.

Q. Do kitniyot have the same status as chametz?

A. No. Because kitniyot are not actual chametz, they do not have the same status as chametz. Kitniyot should not be eaten on Pesach, but unlike chametz, one may derive hanah’ah (benefit) from them. Thus, while one may not use ethyl rubbing alcohol to clean a wound on Pesach because it may be grain derived, cornstarch foot powder may be sprinkled in one's shoes to keep one's feet dry. Chametz cannot be owned on Pesach and must either be discarded, burned or sold to a non-Jew and placed in a sealed area before Pesach begins. In contrast, one can possess kitniyot and even feel free to buy lentils on Pesach. Additionally, young children and the infirm can eat kitniyot. (Infants can enjoy many OU-certified baby formulas on Pesach that contain soybean derivatives.) Moreover, kitniyot-based medicines may be taken on Pesach, even in the absence of a life-threatening situation. Chametz on Pesach is assur bemashehu (not nullified if it falls into a mixture of non-chametz). In other words, if a kernel of wheat falls into a one hundred-gallon pot of kosher lePesach soup, the soup is forbidden. Kitniyot, on the other hand, are batel berov (nullified in a majority of non-kitniyot). Thus, if one accidentally added cornstarch to Passover gravy, it may be consumed if the cornstarch constitutes less than fifty percent of the mixture.

The Nuts and Bolts of Kitniyot

Q. What about peanuts?

A. Originating in Peru and Brazil, the peanut is a New World crop that was unknown to those who instituted the Ashkenazic custom of not eating kitniyot. Peanuts, along with beans and peas, belong to the single plant family, Leguminosae (legumes), which are edible seeds enclosed in pods. Should peanuts be considered kitniyot because they are legumes, or should they be permitted because they were not in use when the minhag of not eating kitniyot was instituted?

Rabbi Moshe Feinstein (Iggerot Moshe, OC III:63) notes that potato starch is commonly used as a flour substitute. Indeed, potato-starch pastries made for Pesach look exactly like the real thing. Nonetheless, one may consume potatoes on Pesach. If kitniyot are prohibited because they resemble chametz, why are potatoes not restricted as well?

Rav Moshe responds that the minhag of not eating kitniyot only applies to foods that were known and accepted as kitniyot when the custom began. Minhagim are followed because they are the family tradition of our forefathers. We don't expand minhagim beyond their original scope, even though the logic to do so may be there. Since potatoes were not introduced into Europe until the sixteenth century, they are not considered kitniyot. It follows, says Rav Moshe, that peanuts can be eaten on Pesach. When the custom of not eating kitniyot was first instituted, peanuts were not yet found in Europe. Thus, says Rav Moshe, even though peanuts are technically legumes, they are not treated as kitniyot. There are some people who have the custom to not eat peanuts on Pesach, and they should continue to keep the minhag, but those who do not have this custom may eat peanuts on Pesach. Today, in deference to those who accept peanuts as kitniyot, one is unlikely to find a certified kosher-for-Pesach peanut product.

There is an obvious question concerning Rav Moshe's pesak: Corn (known as maize) is a New World crop too, brought to Europe by Columbus, yet corn has been universally accepted as being kitniyot. Why is corn different from peanuts? One possible distinction is that corn exhibits many characteristics of kitniyot (it is threshed, winnowed and milled and used in bread, and it often grows near other grains), while peanuts possess very few of these characteristics. Since corn has many of the same qualities as kitniyot, it is regarded as kinyot.

Q. What about quinoa?

A. The ambiguity about the distinction between peanuts and corn is responsible for the controversial status of quinoa. Another New World grain, quinoa has been a source of much halachic debate. Though quinoa was the staple grain of the Incas, it was almost eradicated by the European conquerors and was all but forgotten until it was reintroduced to the world in the 1970s. Clearly no minhag existed about quinoa.

Some argue that since quinoa is a staple grain in its native lands, and is ground and baked into bread in a similar manner to wheat, it should be considered kitniyot, like corn. Yet others maintain that corn and quinoa are not comparable. Corn has been accepted for generations as kitniyot, as have peanuts, for those who regard them as kitniyot. In contrast, in the case of quinoa, since it is so new, clearly no minhag exists. Some kashrut organizations recommend using quinoa on Pesach and others do not. Since OU posekim are divided on this issue, the OU does not recommend using quinoa on Pesach.

Q. What about 18-minute rice?

A. Chametz is a state that occurs through a process of fermentation. This typically occurs when any one of the five grains are exposed to water and left unattended for eighteen minutes. One can
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eat raw wheat on Pesach if it was kept dry. Similarly, matzah is not chametz if it is baked within eighteen minutes of the mixing of the flour and water, since fermentation does not take place.

Kitniyot are prohibited because they resemble the five grains. It follows that kitniyot should be treated like the five grains. If kept dry or baked within eighteen minutes, kitniyot should be permissible. Indeed, this is the position of Rabbi Shneur Zalman of Liadi (1745-1812), as stated in Shulchan Aruch Harav. However, the prevailing custom is to refrain from eating kitniyot even if the legume was baked into a matzah-like cracker or never came in contact with water. Although it sounds paradoxical that we eat wheat matzot that did not come in contact with water and become actual chametz, people would not be as cautious with kitniyot as they are with actual chametz. They may not see any distinction between kitniyot crackers baked for less than eighteen minutes and those baked for more than eighteen minutes, which would undermine the minhag of not eating kitniyot on Pesach. To avoid this confusion, all forms of kitniyot are restricted.

**Kosher LePesach Oils: A Slippery Slope**

Q. I’ve heard that it is permissible to eat the oils of legumes on Pesach. Is this true?

A. Some posekim such as the Maharsham (1835-1911) (1:183) permit the oils of kitniyot (shemen kitniyot) on Pesach, provided the kitniyot did not come in contact with water and the oil was produced before Pesach. They argue that the minhag prohibiting kitniyot applies only to the legume that shares the characteristics of grain, but does not apply to the liquid extracted from the legume. The liquid extract differs significantly from the actual grain or seed. This leniency is not widely accepted; thus, the selection of kosher-for-Pesach oils is quite limited. However, many posekim are lenient regarding cottonseed oil, since cotton is not an edible plant. The OU certifies cottonseed oil for Pesach.

Q. What does kitniyot shenishtanah (transformed kitniyot) mean?

A. Under certain circumstances, if a non-kosher item is transformed into a completely different entity, it can lose its non-kosher status and become kosher. In halachic terms, this is referred to as nish-tanah (transformed). In a famous dispute, Rabbeinu Yonah (d. 1263)
permitted consuming musk although it is derived from the sweat glands of a non-kosher animal, because the musk had undergone a significant transformation. The Rosh (1259-1327) (Berachot 6:35) considers transformations to be halachically irrelevant. The general consensus of the posekim is that we only rely on the leniency of nishstanah when dealing with a rabbinic prohibition, albeit not a Torah prohibition. Since the prohibition of not eating kitniyot is a minhag, and the OU position is that a minhag is treated as a rabbinic injunction, we can apply the leniency of Rabbi Yonah and permit the consumption of kitniyot shinishtanah.

The most common example of kitniyot shinishtanah is citric acid. In the United States, citric acid is manufactured from corn syrup. The corn syrup undergoes many chemical changes until it becomes citric acid. The OU permits the use of citric acid as an additive in Pesach products. In Europe, however, citric acid is often made from wheat sources. European citric acid is therefore unacceptable for use on Pesach.

Aspartame is yet another example of kitniyot shinishtanah. This artificial sweetener, used in many drinks and foods, is derived from corn that undergoes many chemical changes. Sodium erythorbate, a preservative used in deli meat products, is also a corn-based product that undergoes a transformation. Both of these items are used in OU-certified kosher-for-Pesach products.

Q. Abstaining from eating kitniyot on Pesach is only a minhag; is it really important to observe minhagim? Minhagim don’t have the status of halachah, do they?

A. Minhagei Yisrael, Jewish customs, are a fascinating dimension of halachah. Though the enactment of rabbinic decrees essentially ended with the completion of the Babylonian Talmud in the fifth century, Jewish customs continued to evolve.

The Talmud (Pesachim 50b) rules that a minhag that was followed by a family or community is halachically binding on later generations as well. The Talmud derives this from the latter part of the verse in Mishlei (1:8), “Shema, beni, mussar avicha, veal titosh Torat imecha,” “Listen, my son, to the rebuke of your father, and do not forsake the Torah of your mother.”

Why does the Talmud understand “the Torah of your mother” to allude to minhagim? Why is a minhag associated more with a mother than a father? Furthermore, what is a mother’s Torah as opposed to a father’s Torah?

A father’s Torah is taught through formal texts, while a mother transmits the religious feelings and sacred Jewish values to her children by the way she lives her life. Even before a young boy or girl formally studies Torah in a yeshivah, the mother teaches by example as she raises her young children at home. Furthermore, the customs and traditions that one generation passes on to the next are appropriately called “the Torah of our mothers,” because they capture the spirit of the Torah, and must not be forsaken. Though each minhag began as a tradition, a minhag that was started for sound religious reasons and withstood the test of time eventually becomes halachically binding because it reflects the values that are dear to the Jewish people.

In our contemporary society, the original motivation for avoiding kitniyot is no longer relevant. Hundreds of years ago, when the custom was first instituted, there was concern about people confusing legumes and grains, and thereby unwittingly eating chametz on Pesach. But what would our ancestors say to the unbelievable variety of kosher-for-Pesach-food items resembling chametz that are ubiquitously available today? Until about fifty years ago, Pesach fare was limited to mostly chicken, eggs, potatoes, and matzah. Nowadays, one can dine on kosher l’Pesach cereal, pizza, pasta, lukschen kugel, cookies, cake and almost anything else we eat year round. Is there any benefit then to maintaining the minhag of not eating kitniyot?

It is important to realize that the value of a minhag is much deeper than the reason for its original inception. A minhag is our link to Jewish history; it is the way our ancestors observed Judaism for hundreds and even thousands of years. In fact, perhaps there is no greater time to appreciate the value of minhagim than at the Pesach Seder. As we sit together with our dear ones, we attempt to recapture the experience of leaving Egypt thousands years ago. How do we succeed in transcending such vast spans of time?

We do so by reciting the same Hagaddah and singing the same tunes that we learned as children at the Seder table of our parents. Our parents recited Mah Nishatnah and stole the afikoman at the Seder of their parents as well. We pass on our values to our children, the next generation, by connecting them to the great legacy of our illustrious ancestors of years past. We dare not abandon minhagim even when the reasons no longer seem applicable, for a family that abandons its traditions severs its connections to the past.

Next time you avoid eating rice or corn on Pesach (if you are Ashkenazic), remember that by doing so, you are connecting to the magnificent history of the Jewish people.