



KEEPING OUR FINGERS ON THE PULSE

Some of the most defining aspects of Pesach are its *minhagim*. Through these family and community customs we personalize our halachic practices and introduce a unique flavor to a special *chag*. Perhaps the best known (but not always most loved!) *minhag* is the Ashkenazi practice not to eat *kitniyot*. With Jews from so many different cultures now living alongside each other in Israel, this *minhag* presents us with some special challenges.

The Torah prohibits *chametz* on Pesach and all halachic opinions agree that *chametz* can only be made from the five grains – wheat, barley, spelt, rye and oats. As such, pure *kitniyot* can never be *chametz*. In fact, the Talmud (Pesachim 114a) suggests that rice can be one of the cooked foods on our *Seder* plate. One of the earliest mentions of any issue with eating *kitniyot* is found in the writings of Rabbeinu Peretz (13th century France). He records an “ancient” Ashkenazi custom not to eat *kitniyot*, since these grains were often made into cooked dishes or bread which people could easily confuse with real *chametz*. *Chametz* grains might also be mixed in with *kitniyot* and inadvertently cooked on Pesach. Even if the *chametz* content is negligible, since *chametz* can never be *batel* (nullified) on Pesach, such food would be prohibited.

Although some Sefardi commentators regarded the custom of avoiding *kitniyot* as excessive (Tur OC 452) or even mistaken (Rabbeinu Yerucham calls it a *minhag shtut!*), the custom nevertheless remained strong and was codified by the Rema in the Shulchan Aruch (OC 452:1). Since then, other than occasional negative voices, such as the Chacham Tzvi in the 17/18th century, there has been uniform Ashkenazi

acceptance of the *minhag* and it remains halachically binding.

There is significant halachic discussion about whether *kitniyot* should be extended to include new foods which were not known in earlier times, such as potatoes, coffee and chocolate. There has also been considerable controversy as to whether the prohibition applies to *kitniyot* derivatives, such as oils, and to denatured *kitniyot*. One early controversy surrounding Rav Kook resulted from his 1909 ruling which broadly permitted sesame oil. This was strongly rejected by the Jerusalem Rabbinat but vigorously defended by Rav Kook. Today, one reason for the different *kashrut* certifications on products such as ice creams, margarines, mayonnaise and diet soda is the disputed status of *kitniyot* derivatives, including citric acid, sorbitol and aspartame.

For Ashkenazim, shopping for Pesach in Israel can be tricky. Most supermarkets sell a wide range of Pesach products, many of which (usually the tastiest!) contain *kitniyot*. Unlike *chametz*, *kitniyot* which was mixed into food is nullified on Pesach, so the food will remain kosher for Ashkenazim (Rema OC 453:1). There is a debate as to whether the *kitniyot* must be less than a 60th of the volume of the food, but the Mishna Berura (453:9) rules leniently that *kitniyot* is *batel berov*. This means that so long as the *kitniyot* is less than 50% of the volume, Ashkenazim can eat the food. Rav Ovadia Yosef (Yechave Da’at 5:32) ruled that although Ashkenazim may not eat actual *kitniyot*, they may eat in a Sefardi home from plates that have been used for *kitniyot*, even on that day.

However, this will not help Ashkenazim who are looking for a tastier chocolate cake, since *bitul* – nullification of prohibited food – only applies if the *kitniyot* fell in accidentally. The halachic

principle *ein mevatlin issur lechatchila* – we don’t nullify a prohibition at the outset – would mean that even small amounts of *kitniyot* (usually oils) cannot be deliberately added to a mixture. Most *poskim* apply this to Pesach products, which therefore carry a warning for Ashkenazim – *leOchlei kitniyot bilvad*, only for those who eat *kitniyot*! Some Israeli *poskim* have suggested that, since these products are made specifically for Sefardim, the added *kitniyot* may not be considered halachically “prohibited,” and so these foods may even be permitted for Ashkenazim. This is independent of the possible leniency for *kitniyot* oils, but it remains a minority position.

Another delicate issue is what Sefardi-Ashkenazi families should do. Most *poskim* rule that a wife should follow the *minhag* of her husband (Igrot Moshe OC 1:158). However, Rav Ovadia Yosef rules (Yabia Omer 5) that while an Ashkenazi woman adopts the customs of her Sefardi husband, a Sefardi woman in Israel may still eat *kitniyot* in her parents’ home, even if she marries an Ashkenazi!

We will see how these questions develop as more Jews return to live in *Eretz Yisrael, bimhera beYameinu!*

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