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 5:32) ruled that although Ashkenazim can eat the volume of the food, but the Mishna Berura (453:9) rules leniently that the volume of the food, but the Mishna Berura (453:9) rules leniently that the kitniyot contents 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 (Tor OC 452) or even mistaken (Rabbeinu Yerucham calls it a minhag shtue!), 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 Rabbinate 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, b’nheira beYameinu!