



Kitniyot: The basics

The custom of Ashkenazic Jewry is to refrain from the consumption of *kitniyot* on Pesach.

According to Biblical law, only food from the five grains that is leavened is prohibited to be owned or consumed on Pesach. Over the generations, many halachic authorities (*S'mak* 222, *Terumat Hadeshen* 113) ruled that it is prohibited to eat legumes (*kitniyot*) on Pesach for various reasons. The *Pri Chadash* (453) brings support for this practice from the Talmud (See *Dinei Kitniyot BePesach* p.34-49).

In recent times, certain individuals have tried to abolish this sacred *minhag* (custom). This is a grave mistake. The *minhag* of *kitniyot* is based in solid halachic literature and is widely accepted amongst authorities. The *Maharil* (*Hilchot Ma'achlot Asurot*:15) went so far as to say that someone who consumes *kitniyot* on Pesach transgresses the verse of “*Lo Tasur*” (*Devarim* 17:11), the biblical commandment to listen to our Sages. Leading Halachists such as the *Chayei Adam* (127:1), *Chatam Sofer* (OH:122) and

Aruch Hashulchan (453:4) wrote striking rebukes against those who ate *kitniyot* on Pesach.

However, the custom of *kitniyot* has also developed over the years and has expanded beyond its original decree. As a result, there are specific areas where leniency may apply.

There are two underlying reasons for the *minhag* of *kitniyot*. The first is that *kitniyot* were grown in close proximity to the five grains, share a resemblance with them, and were harvested in a similar manner. All of these factors can cause *chametz* grains to easily get mixed among the *kitniyot*, making them difficult to be detected and removed. The second reason is based on the fact that *kitniyot* was (and in some instances still) ground into flour and made into bread or baked goods. This could lead to confusion and people could erroneously consume goods made from wheat flour or think that wheat flour is permissible.

The basic group of raw *kitniyot* includes the following:

beans (all), buckwheat/kasha, caraway, cardamom, chickpeas, fennel seeds, fenugreek, grains-of-paradise, lentils, millet, mustard seeds, peas, poppy seeds, rapeseed/canola, rice, sesame seeds,



snow peas, sorghum, sugar-snap peas, and sunflower seeds.

Regarding the qualification of peanuts as *kitniyot*, Rav Moshe Feinstein (OH 3:63) writes that only legumes that were common during the time of the *minhag* are prohibited. New World crops are permitted since we cannot add on to the *minhag*. Rav Moshe writes that there is room to be lenient and consume peanuts or peanut oil on *Pesach*; however, he continues on to mention that a custom does exist not to consume peanuts on *Pesach*.

As the custom to refrain from peanuts has been widely upheld, OU policy has been not to certify peanuts or peanuts derivatives for *Pesach* use.

Corn and soybeans are widely considered *kitniyot* even though they are New World crops. Why would these differ from the custom regarding peanuts? A possible explanation could be based on the underlying reasons for the *minhag* of *kitniyot*. Corn and soybeans are the classic form of *kitniyot*, as both underlying reasons apply. Corn is stored and grown near wheat and may be ground into flour and baked. The same is true with soybeans. This is not true of peanuts, and therefore they do not fall under the classic category of *kitniyot*. As

such, perhaps Rav Moshe Feinstein felt there is room to be lenient regarding peanuts (See *Sridei Eish* 1:50, *Mikraei Kodesh Pesach* 2:60 and *Chelkat Yaakov* 207). It is important to mention that under OU policy, both corn and soybeans are considered *kitniyot*.

In recent years many have approached the OU regarding the status of quinoa. Following an intensive multi-year investigation (which included visiting quinoa fields in Peru and Bolivia) and an internal debate, the OU decided it can certify quinoa for *Pesach*. This ruling is based on the fact that all factors regarding the custom of *kitniyot* are not applicable to quinoa. Quinoa is a new world crop. It is grown and stored separately from other crops and was traditionally not used like grains for the preparation of bread or similar wheat-like products.

It should be noted that quinoa is only fit for *Pesach* use if it has been supervised for the holiday and is labeled kosher for *Pesach*. ■

Kashrut Questions in Israel?

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