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Adar / Nisan 5777

Haverim,

After reviewing the Rabbinical Assembly teshuva/responsum on Ashkenazim eating “kitniyot”/legumes, rice, and corn on Pesach (November 2015), I have come to the conclusion that we will permit the cooking and consumption of kitniyot in the Tikvat Israel Congregation kitchen on Pesach. I also hold that it is halachically permissible for individual members of our community to cook and consume kitniyot on Pesach. Those abiding by this ruling should nonetheless be mindful and respectful of members of our community who will still hold by the traditional Ashkenazic prohibition of kitniyot on Pesach, which is still a valid option.

The following is a brief summary of the teshuvah and my rationale for accepting it:

- 1) It is clear from the Mishna that only five types of grain can be made into matzah and conversely can turn into hametz (by mixing with water and not being baked before 18 minutes). Those are wheat, barley, oats, spelt and rye. The Talmudic discussions confirm that other species do not constitute matzah or, thus, hametz. The subsequent codifiers of Jewish law affirm this position and make clear that “kitniyot” do not constitute matzah or, thus, hametz.
- 2) The prohibition of kitniyot on Pesach by Ashkenazim developed in the Middle Ages, according to legal scholars of that period, due to the concern that wheat (or other prohibited grains) might be accidentally mixed with or confused with flour made out of kitniyot. This was considered a more restrictive ruling enacted because of the concern that some Jews were less knowledgeable about the restrictions of Pesach. Indeed, there were several prominent Ashkenazic authorities over the centuries that argued for the removal of the prohibition, holding that it was an unnecessary stricture and that it placed an economic hardship on Jews because kitniyot were less expensive, but the longevity of the tradition weighed heavily against any change considered a leniency.
- 3) The authors of the teshuvah, Rabbis Avram Reisner and Amy Levin, argue that, even though they are respectful of the weight of tradition to maintain the prohibition, the time has come to remove the prohibition on kitniyot for the following reasons:
  - a) The reasons offered by the halachic authorities of the Middle Ages for prohibiting kitniyot (generally involving inadvertent mixing with wheat and the other four prohibited grains) are no longer applicable since we live in an age with discreet packaging of products under strict government supervision.
  - b) The joy of the holiday would be increased if kitniyot would be permitted particularly in our day when a large number of Jews are vegetarians/vegans and depend on legumes for protein and a healthier diet. **(over)**

c) Pesach products are expensive and the ability to substitute kitniyot for processed Passover foods would relieve Jews of the economic burden of keeping kosher for Pesach

d) Maintaining a stricture for its own sake when there is good reason to remove the stricture is frowned upon certain halachic authorities. Also, allowing Ashkenazim to cook and consume kitniyot on Pesach and is certainly keeping with the ethos of Conservative Judaism, “tradition and change”.

**I concur with their reasoning, particularly, (a) that the rationale for the prohibition no longer applies and (b) that economic burden is a compelling reason to permit the cooking and consumption of kitniyot by our community.**

The following is the Psak Halakhah/ Ruling of Rabbi's Reisner and Levin and some practical details. **Also, please note that “as a matter of law, even those who continue to observe the Ashkenazic custom of eschewing kitniyot may eat from Pesach dishes, utensils and cooking vessels that have come into contact with kitniyot.”** (The Teshuvah by Rabbis Reisner and Levin):

**Conclusion and Psak Halakhah:** In order to bring down the cost of making Pesach and support the healthier diet that is now becoming more common, and given the inapplicability today of the primary concerns that seem to have led to the custom of prohibiting kitniyot, and further, given our inclination in our day to present an accessible Judaism unencumbered by unneeded prohibitions, more easily able to participate in the culture that surrounds us, we are prepared to rely on the fundamental observance recorded in the Talmud and codes and permit the eating of kitniyot on Pesach.

**Some Details of This Psak:** 1) Fresh corn on the cob and fresh beans (like lima beans in their pods) may be purchased before and during Pesach, that is, treated like any other fresh vegetable. 2) Dried kitniyot (legumes, rice and corn) can be purchased bagged or in boxes and then sifted or sorted before Pesach. These should ideally not be purchased in bulk from bins because of the concern that the bin might previously have been used for hametz, and a few grains of hametz might be mixed in. In any case, one should inspect these before Pesach and discard any pieces of hametz. If one did not inspect the rice or dried beans before Pesach, one should remove pieces of hametz found in the package on Pesach, discarding those, and the kitniyot themselves remain permissible. 3) Kitniyot in cans may only be purchased with Pesach certification since the canning process has certain related hametz concerns, and may be purchased on Pesach. 4) Frozen raw kitniyot (corn, edamame [soy beans], etc.): One may purchase bags of frozen nonhekhshered kitniyot before Pesach provided that one can either absolutely determine that no shared equipment was used or one is careful to inspect the contents before Pesach and discard any pieces of חמץ (hametz). Even if one did not inspect the vegetables before Pesach, if one can remove pieces of חמץ (hametz) found in the package on Pesach, the vegetables themselves are permissible. 5) Processed foods, including tofu, although containing no listed hametz, continue to require Pesach certification due to the possibility of admixtures of hametz during production. 6) Even those who continue to observe the Ashkenazic custom of eschewing kitniyot during Pesach may eat from Pesach dishes, utensils and cooking vessels that have come into contact with kitniyot and may consume kitniyot derivatives like oil.

**Please be assured that if kitniyot will be served at Tikvat Israel over Pesach, the dishes will be clearly marked. If you have any questions or concerns about my ruling, please contact me by email ([rabbishull@tikvatisrael.org](mailto:rabbishull@tikvatisrael.org)) or phone ([301-762-7338 ext.115](tel:301-762-7338)).**

B'shalom,

*Ben*