

Legumes for All

How can Ashkenazim, if at all, eat legumes on Passover?

In the introduction to his Keter Shem Tov, R Shem Tov Gaguin laments the divisions, stemming from religious practices, which are tearing the Jewish People apart. He prays and wishes for a time when the rabbis will get together and find ways to bridge the gaps¹. It seems that one of the areas where divisiveness is most evident is Pesah, especially among couples and families who come from different backgrounds. I would therefore like to address the issue of legumes on Pesah, per the request of many, and see if there are ways to ensure that our nation will not be divided over a bowl of lentil soup [we've had enough sibling rivalry with Jacob and Esau]. So let us present the main question:

Q: Are there special circumstances which will allow Ashkenazim to eat legumes on Pesah?

A: In order to answer this question we have to examine the following points:

- 1) Did all Ashkenazim follow this practice at all times?
- 2) What is the reason for not eating legumes?
- 3) Does the practice include all Legumes or only those known at the time it was established?
- 4) Are there exceptions for individuals or communities?
- 5) Does it apply to legumes in all forms (liquid, porridge, flour etc.) or only to certain forms?
- 6) Can an Ashkenazi "convert" to Sephardic?
- 7) Can an Ashkenazi eat legumes or rice occasionally at a Sephardic household?

1. Did all Ashkenazim follow this practice at all times?

The starting point for what is called the Ashkenazi practice is usually the period of Rashi (1040-1105) and his disciples. Rashi writes (Siddur Rashi, 397)²:

“One is allowed to cook all legumes, since only wheat and barley can become Hametz.”

R Yitzhak Isaac Tirna of Austria, who lived in the 15th century, quotes a testimony by R Shimshon of Sens (1150-1230) that Rashi's grandson would eat all types of legumes on Pesah³.

R Asher bar Yehiel (1250-1328) is another pillar of Ashkenazi halakha. His disciple, Yisrael bar Yosef HaYisre'eli, writes:

“...anyone is allowed, if he so chooses, to not eat Matzah all seven days [except for the first night] and rely on rice and legumes⁴.”

Rabbenu Yaakov, the son of R Asher (1269-1343), writes in Tur Orah Hayyim, 453:

“Rice and other species cannot become Hametz, so one can cook them, as well as all legumes. Some forbid eating rice and legumes in a casserole, because sometimes grains are found in them. This is an extreme stringency and it is not followed [i.e. it is allowed to eat rice and legumes]”.

Note that the Tur says that the practice is limited to legumes and rice in a casserole, and not to other forms of preparation⁵.

R Yosef Karo, in his commentary on the Tur, writes in the name of Rabbenu Yeruham of Provence (1290-1350)⁶:

“...not eating cooked rice and legumes on Pesah is a foolish practice, unless it is done as stringency, yet I see no reason for [such stringency].”

Here also the practice is described as limited to cooking.

R Yosef ben Moshe of Bavaria (1423-1490) writes:

“Rice and legumes cannot become Hametz. Therefore, even if they were in contact with water, one is allowed to leave them at his house⁷.”

R Yaakov bar Yehuda Landa of 15th century Germany writes:

“One is allowed to cook rice, millet... as well as all legumes. Some hold that it is forbidden because wheat can be found mixed in them, but no one follows that opinion. I have seen the pious and sages of Germany who refrain from eating rice and legumes⁸. “

R Avraham Danziger (Poland 1748 – Lithuania 1820) writes:

“Legumes and seeds are allowed according to the Torah... the practice is to avoid them for fear that ignorant people will confuse legume flour with grain flour... it is therefore

the custom of German Jews, as well as Polish Jews to avoid legumes and their flour...
 but if it was ground and baked as a Matzah it is fine... also when there is no other option
 it is allowed to cook and eat legumes...⁹”

The words of these scholars help us draw a map of the way the practice spread through Europe. It started as a custom of a small, isolated group in Germany. From there it spread amongst the more pious Jews of Germany, but as late as the 15th century it was not yet widespread in Germany. It was eventually adopted by the broader German Jewish community and only in the 18th and 19th century it is reported in Poland.

2. What is the reason for not eating legumes?

R Aharon Bar Yaakov of Narbonne (1250-1330) explains that it was a decree made to prevent confusion between Legumes and grains¹⁰.

- a. Legumes, like grains, are cooked as porridge.
- b. Both are piled in heaps after the harvest.
- c. In some places Legumes flour was used to bake bread.
- d. Even though the Talmud allows legumes, and even rice, this was only in Talmudic times in which everybody was learned. In our times people don't know the laws very well and they will confuse rice with grains.

This is clearly an attempt to justify a spreading popular practice to which many other rabbis opposed, as R Aharon himself says in the introduction to that paragraph:

ונראה לי לקיים המנהג – “this is how I could explain the practice”.

The argument is flawed for several reasons:

- a. When more than reason is provided to explain a practice, it means that none of the reasons is sufficient by itself, and here three or four are presented. Besides these there is the reason mentioned above by Rabbenu Yaakov ben Asher, who lived after R Aharon and opposed the practice.
- b. The widely accepted rule states that we are not allowed to make new decrees after the Geonic period (Maggid Mishne, Hametz UMatzah, 5:20). This rule would render the decree invalid, since it first appears after the Geonic period (ended in 1038).

- c. There are many stories in the Talmud of individuals and communities displaying extreme ignorance. For example, in Pesahim 42:1 we read the inhabitants of Paponia who did not know the basic rules of Pesah, and in Shabbat 147:2 we find a story about Diomeset, a city so ignorant that one of the greatest scholars of the Mishnah, R Elazar ben Arakh, forgot how to read the Torah after spending time with them. It is hard to argue that the people in Talmudic times were allowed to eat rice because they were more knowledgeable. Additionally, it would make the practice invalid today since people are extremely aware of the ingredients of their food, mainly because of health, allergies, and ecological concerns.

Because the arguments in favor of the prohibition do not appear to be convincing, and because the prohibition was met with great opposition throughout history, there were those who suggested that the original reason was unrelated to Hametz.

R Mordechai Fogelman (1898-1984) writes that:

“In Germany and France in the time of Rashi and his disciples, it was customary not to eat legumes on any holiday... because of its association with mourning...” (Beth Mordechai 1:29)¹¹.

Indeed, many communities refrain until today from eating legumes, particularly lentils, on Shabbat.

We can safely say then that the practice evolved among individuals who did not feel comfortable eating legumes, probably because of reasons not related to Pesah. The sources point towards Hasidei Ashkenaz, a sect known for embracing many strict measures and practices, as the group who created the custom. This esoteric practice has slowly spread through Germany, and later became a practice anchored in Halakha, as some rabbis tried to justify it.

As we have seen here, but coming up with valid arguments is a challenge, especially since the Talmud clearly states that rice and all legumes are allowed on Pesah. It seems that among the reasons for the popularity of the practice we can count the aspiration to emulate the pious ones, the anxiety of digesting non-Kosher products on Passover, and the fact that the prohibition is limited to eight days so it seemed sustainable.

3. Does the practice include all legumes or only those known at the time it was established?

Among the many new plants brought from the New World to Europe by the conquistadors were potatoes. They were quickly embraced by the Ashkenazim for their Pesah cuisine, which was devoid of rice and legumes. There were those, however, who wanted to classify potatoes as legumes and forbid their use.

Rabbi Yaakov of Emden, Germany (1697-1776), who was adamantly opposed to the legumes practice, was able to defeat the new measure. He writes in his *Sheilat Yabetz* (2:147)¹²:

“I am surprised that amongst all the great scholars who preceded us, there was not one who paid attention to this practice and decided to cancel it, since it is a burden on the community. Not only did they not cancel it, but they added other species which resemble legumes, such as mustard, caraway, and anise. They even forbade the use of oils made of these species. When I was in Mannheim, they wanted to forbid the use of potatoes, because they are ground into flour. I opposed and defeated them, knowing that the public relies on potatoes... I was aided by the leaders of the community who ordered the rabbis not to invent new decrees... I doubt that we would be able to correct the issue [of legumes] in this generation which is inflicted with zealotry, as people revere the Practice more than the Torah...”

R Mordechai Winkler (Hungary 1844-1932) reinforces the statement of R Yaakov of Emden that the decree could not have included newly discovered plants. In his *Levushei Mordechai* (Orah Hayim 1:127)¹³, he writes back to a rabbi who wanted to forbid the use of potatoes:

“ it is obvious that they were never included in the legumes decree... since the potatoes were unknown at the time the decree was established... they were discovered in a region of America... “

R Moshe Feinstein (1895-1986) writes regarding peanuts, legumes imported from the New World:

“those who took upon themselves not to eat some species... only those included in the original practice and not new ones which did not exist back then... because the rationale for the practice is feeble... Rabbenu Yeruham called it a foolish practice... Rabbenu

Yecheiel and other scholars allowed legumes... therefore it is clear that peanuts are allowed.” (Igrot Moshe, Orah Hayyim 3:63)¹⁴

It seems, based on these sources, that corn should not be included in the Legumes Decree, since it was also discovered in America and was unknown at the time of the original decree. There was indeed great confusion in Europe when this new plant was introduced, but eventually the decision was to deem it forbidden.

That decision was probably based on two misconceptions, both stemming from its German name: *Turkische Weitzen*, or Turkish wheat. Those who decided to declare corn forbidden thought that: a) it is related to wheat, and b) that it is of Turkish origin and therefore was known to early European rabbis.

R Moshe Schreiber of Pressburg (1762-1839), known as the Chatam Sofer, mentions and refutes in his writings the opinion that corn is related to wheat¹⁵. However, he determines that corn is of the legumes family, based on a tradition recorded by R Meir of Lublin (1558-1616). The problem is that corn only started making its way into Poland in R Meir's lifetime, so there is no practical way for him to have a tradition regarding the status of corn.

In summary, the practice of not eating legumes should be restricted only to the plants specified in the early writings and to those species known at the time. Just as potatoes and peanuts were excluded because of this argument, soy, quinoa, and other species imported from the New World should be excluded from the prohibition.

Corn is in a separate category because it was included in the decree when it first arrived in Europe, but as shown here, that decision stemmed from lack of knowledge. Until the Ashkenazi rabbis are able to get together, acknowledge the mistake and exclude corn from the decree, individuals will have to rely on other options suggested here.

4. Are there exceptions for individuals or communities?

In the 18th century, a traveler asked R David Pardo (Venice 1718 – Jerusalem 1790), if he is allowed to abandon his practice of not eating legumes. He also wanted to know if his practice is considered a vow and would therefore require annulment in front of three people.

R Pardo replied in his *Michtam LeDavid* (Orah Hayyim, 20)¹⁶:

“this is not a vow by definition of biblical law... it is only a custom he followed because he [the traveler] was born in a certain place... now that he is by himself he could eat legumes with no need to annul his custom...” Rabbi Pardo continues to explain that there is abundant proof that the sages do not make a decree which causes sorrow. In this case also, he says: “ we assume that the intention of those who created the custom was to exclude those who have a certain need to eat legumes... “

In the 19th century, because of the high prices of grains, there was a demand to allow the use of the more affordable legumes. R Yosef Shaul Nathansohn of Poland (1810-1875), a leading Halakhic authority in the Ashkenazi world, uses in his Shoel UMeshiv (2:4:128) the precedent of Demay¹⁷. Demay is produce regarding which there is a doubt whether the tithes were separated from it or not. The sages of the Mishna forbade its consumption, yet allowed giving it as charity. Rabbi Nathansohn writes:

“...even though the pious and sages of Germany decreed not to eat legume, their decree cannot be more powerful than that of Demay... not only that, the Mishnaic decree was all encompassing, whereas the legumes decree only applies to Germany and Poland.”

Besides providing allowance for eating legumes because of financial restrictions, R Nathansohn strengthens the argument cited above, that the practice applied only to parts of the Ashkenazi world.

R Yechiel Yaakov Weinberg (Russia 1885 – Switzerland 1966) also comments that:

“...the early scholars would exclude from their decree cases where there is great need” (Sridei Esh 2:6). He quotes Rabbenu Asher as saying that “even an established practice should be canceled if it is a source of strife”.¹⁸

In summary, in cases of great need the prohibition of legumes is circumvented. These cases include, among others, financial duress, lack of other types of food, health reasons, or family strife.

5. Does the prohibition apply to legumes in all forms (liquid, porridge, flour etc.) or only to certain forms?

As explained previously (2:a-d), the main reasons for justifying the prohibition on legumes on Pesah are that they are similar to grains in several ways. According to these arguments, the concern is that people will confuse grains with legumes and will come to use grains in forbidden ways. It was therefore clear in the early stage of the prohibition that it applied only to legumes flour and to legumes porridge which resembles grain porridge. At that stage, the prohibition did not include legumes in liquid form or as part of a mixture. However, over the years, people adopted more and more stringent measures and avoided everything where legumes were present.

In the 15th century, one of the leading scholars in Germany, R Yisrael Isserlein, quotes an opinion which holds that the prohibition of legumes applies only when it is baked like bread.¹⁹ It is therefore allowed, where there is a need, to use legumes not in flour or porridge form.

A precedent can be found in the ruling of the first Ashkenazi Chief Rabbi, R Avraham Yitzhak HaKohen Kook, who approved the use of sesame oil, a by-product of legumes. R Haim David HaLevi, Chief Rabbi of Tel Aviv, allowed serving legumes products in a hospital. R HaLevi writes:

“...if providing legume-free products is a burden, one is not allowed to insist on it since the consumption of legumes on Pesah is allowed, especially if it is only legume products.”²⁰

Since the validity of the prohibition of legumes products is highly contested, any extraordinary circumstances could justify using legume products in form other than flour or porridge. These exceptions could be made for the following reasons, among others: the high cost of legume-free products, especially for people who rely on community aid or charity; emotional and marital strife for couples of Sephardic and Ashkenazi background; ethical reasons, for vegans and vegetarians; and health concerns, especially for celiac patients who must have a gluten-free diet.

6. Can an Ashkenazi “convert” to Sephardic?

In the past there was a tendency to oppose switching over from one practice to another, but in recent years there is a growing understanding of the changing reality and of the fact that like the rest of the world, Judaism is undergoing a process of globalization. The opposition stemmed

mostly from the attempt to preserve the customs of one's hometown or sect, as the waves of migration swept the world at the time of the two world wars. At those times people tended to look for compatriots from the same city or even neighborhood, and duplicate the customs and traditions of their original community.

Today, however, Jews are increasingly aware of the diversity of Jewish observance and ethnicity. They live in mixed communities and are part of mixed families, bringing with them different, and at time contradictory, customs.

It is on the backdrop of this reality that Rabbi Yitzchak Yaakov Weiss, the head of the Haredi Beth Din in Jerusalem, ruled that switching one's customs is permissible:

“...it is indisputable that a Sephardic individual, or even a community, who decide to live in an Ashkenazi neighborhood, or join an Ashkenazi community, and vice versa, could adopt all local customs.”²¹

7. Can an Ashkenazi eat legumes or rice occasionally at a Sephardic household?

This question extends beyond the Ashkenazi practice to avoid legumes on Pesah, to all situations of inviting and being invited. I know of countless cases of guests who offended their hosts or children who offended their parents by refusing to eat in their homes or by questioning them about ingredients and methods of preparation.

It is not uncommon to hear of guests checking the fridge or the garbage can for packages and Kashrut symbols. In one frum magazine, there was even a question by a man who found un-kosher material on his father-in-law's computer and wanted to know how to rebuke the “sinner”. One should remember the following rule:

Digestion, by mistake, of a non-kosher element, is an act which God can forgive for.

Offending someone cannot be forgiven by God, unless an apology has been offered and accepted.

Maimonides, in his discussion of the laws of repentance, writes that there among the twenty four things which can prevent a person from repenting, there is a category of the acts which people do not consider being a transgression, and are therefore bound not to repent for.²² Two of those acts are shaming another person in order to feel superior and doubting the righteousness of the other.

This is exactly what happens when one refuses to eat at another's table. The guest does not consider it a transgression and will therefore never apologize or repent, while the host feels that the guest is acting with an air of religious superiority and that he doubts the host's knowledge or religious practice.

Allow me to tell here a personal story, as I have experienced such a situation and it taught me an unforgettable lesson. One Shabbat, as I was visiting my aunt, the granddaughter of Hakham Yehuda Fetaya, she served me a cup of tea. Because I was rushing to pray Minha, I didn't have time to drink the piping hot tea and it was left on the table, untouched. It was only a couple of weeks later that I found out that she was deeply hurt. She thought that I did not drink the tea because I considered its method of preparation non-kosher. I immediately apologized for the misunderstanding and came back the following Shabbat, this time making sure that she sees me drinking the tea, which she served with great love and affection.

Now, if one decides to decline an invitation, that's his or her prerogative, but if the invitation for a meal was accepted, and the hosts are observant, no questions should be asked. If the hosts keep Kosher, the guests cannot label their food as non-Kosher. It is an offense and a transgression, even if the hosts pretend to comply with the requests of the guests and their interrogations.

Some people might dismiss this argument as sentimental, and will declare that "the law is the law." In their mind, they are allowed to take upon themselves a more stringent code of Kashrut. The answer to this argument is that part of the Kashrut code is making sure that no one was offended because of that code.

The strict observance of the law which so many of us strive for should include, as a fundamental concept, the consideration of the impact of our actions on others, physically and emotionally.

In addition to the concern for the feelings and dignity of others, there is a practical argument which stems from modern circumstances. In the current state of Jewish dispersion, one could rely on the local Kashrut system, whether it is Sephardic or Ashkenazi.

R Yosef Messas clearly states this rule in his discussion of the different Kashrut levels of meat in Morocco:

“...the practice in all of Morocco was that when we traveled from place we would eat the local meat, despite the different customs [of slaughtering and checking the animal]... no one ever doubted it... especially as new immigrants [in Israel] we should follow community standards, even when more lenient.”²³

Finally, if we travel back to Mishnaic times, we will see that the Sages lifted restrictions of purity laws during the holiday, in order to enable people to celebrate and to feel the joy and friendship.

The Mishna says that during the holiday one can sell wine from his barrel and bake bread alongside the uninitiated²⁴. Although usually this would render his wine and bread impure, it is not so during the holiday, because it will disrupt the atmosphere of friendship and unity.

The same rule applies here: since we know that legumes are kosher for Pesah and they are avoided only because of a personal restriction, that restriction should be lifted when visiting or when it causes marital strife.

Summary:

Let us now answer all the questions presented in this essay:

- 1) Did all Ashkenazim follow this Practice at all times? No. The practice started in Germany and slowly spread to Eastern Europe, despite the insistence of many rabbis that it is a nonsensical practice. The original Ashkenazi practice, in essence, is not to consider legumes and rice as Hametz. One whose ancestors did not come directly from Germany or Poland is not bound, technically, by this practice.
- 2) What is the reason for not eating legumes? There are several different reasons, a fact which points towards dubious origin of the practice. The most plausible explanation is that originally legumes were avoided on all Holidays, Shabbat, and Rosh Hodesh, because they were associated with mourning.
- 3) Does the practice include all legumes or only those known at the time it was established? The practice includes only species known at the time of the original decree. Potatoes, peanuts, soy, and quinoa are clearly not included in the practice. The inclusion of corn was a mistake, which stemmed from the misleading name corn was given in German - Turkish Wheat.

- 4) Are there exceptions for individuals or communities? Yes. Travelers, a community or an individual in financial distress, vegans, and celiac patients are allowed to bypass the practice.
- 5) Does it apply to legumes in all forms (liquid, porridge, flour etc.) or only to certain forms? The original practice applied only to ground or porridge-form legumes. It was later extended to all forms of processed legumes, despite the opposition of leading scholars.
- 6) Can an Ashkenazi “convert” to Sephardic? Yes. Because of the great mobility and advanced communication today, the world has become a global village. One can choose to join a community or a family different than his or her original background.
- 7) Can an Ashkenazi eat legumes or rice occasionally at a Sephardic household? Yes. Based on all the sources mentioned above, it is preferable to let go occasionally of a questionable practice, which does not even have a status of a Rabbinical decree, then transgress the prohibition of insulting or hurting another person.

Final Conclusion:

It is not within the power of an individual, whether a rabbi or a layman, to change a Minhag. It is our hope and prayer that the religious leaders of Ashkenazi Jewry will be able to act with unity, courage, and concern for people’s needs, and put an end to the practice of not eating rice and legumes on Pesah. In the meantime, following the Sephardic practice, on an individual basis, is permissible for all the reasons mentioned above. In this manner, the practice is left intact, while people are able to find solutions to their personal needs.

May HaShem bless us with the ability to see beyond our differences, and with the willingness to live together in peace and harmony.

¹ הרב שם טוב גאגין, כתר שם טוב, חלק ג', עמ', 30: אם כן הדבר תלוי בנו. אם הקב"ה בנה יבנה לנו ביתנו הלאומי בארץ ישראל [הדברים נכתבו בראש חודש ניסן, חמשה שבועות לפני הכרזת העצמאות], הצעד הראשון יהיה להחזיר העטרה, עטרת הסנהדרין למקומה כעין כנסת הגדולה, אשר יהו נבחרים על ידי העולם הישראלי. ויהיו אנשי מדות טובות, חכמים גדולים בחכמת התורה, אנשי אמת שונאי בצע, והם בכחם ימצאו תרופה להמון שינוי מנהגים אשר בין יהודה ובנימין.

- סידור רש"י סימן שצז: אבל כל מיני קטניות מותר לבשל, דלא אשכחן דמחמיצין אלא חיטה ושעורה²
- ר' יצחק אייזיק טירנא, ספר המנהגים, הגהות המנהגים ליל הסדר: אמנם הר"ש מפלייזא כתב שרבי יהודה בעצמו היה אוכל כל מיני קטניות³ בפסח וכו'.
- ר' ישראל ב"ר יוסף הישראלי, ספר מצוות זמניות, הלכות פסח: ורשות כל אדם בידו אם ירצה שלא לאכול מצה כל שבעת הימים יתפרנס⁴ בארוזא או במיני קטניות.
- רבינו יעקב בן הרא"ש, טור אורח חיים הלכות פסח סימן תנג: אלו דברים שיוצאים בהן ידי חובת מצה בחטין ובשעורים... אבל לא באורז⁵ ושאר מינים וגם אינן באין לידי חימוץ ומותר לעשות מהן תבשיל, וכן בכל מיני קטניות. ויש אוסרין לאכול אורז וכל מיני קטניות בתבשיל, לפי שמיני חטין מתערבין בהן, וחומרא יתירא היא זו ולא נהגו כן.
- רבי יוסף קארו, בית יוסף אורח חיים, סימן תנג: גם רבינו ירוחם (נהר ה', חלק ג') כתב [ש] אותם שנהגו שלא לאכול אורז ומיני קטניות⁶ מבושל בפסח מנהג שטות הוא זולתי אם הם עושים להחמיר על עצמם ולא ידעתי למה.
- רבי יוסף בן משה מהוכשטט, לקט יושר, חלק א, אורח חיים, עמוד ע"ד ענין ג': אבל אורז וכל מיני קטניות אין בהן חמץ, ואפילו אם יודע⁷ שבאו מים על האורז או על הקטניות מותר להשהות בביתו.
- רבי יעקב בן יהודה לנדא, ספר האגור הלכות הגעלה סימן תשמה: מאורז ומדוחן ושאר מינין שאינן מחמשה מיני דגן מותר לעשות מהן⁸ תבשיל, וכן בכל מיני קטניות ויש אוסרין. לפי שמיני חטין מתערבין בהם ולא נהגו כן. ואני המחבר ראיתי חסידי אשכנז וכל חכמים נוהרין מלאכול כל מיני קטניות בפסח.
- רבי אברהם ב"ר יחיאל מיכל דנציגר, חיי אדם חלק ב-ג, הלכות שבת ומועדים, כלל קכז: כל מיני קטניות זרעונים... מן התורה מותר לאכלם⁹ ולעשות מהקמח כל מה שירצו. אך הגאונים שהיו כמה מאות שנה לפנינו נהגו לאסור, מפני העמי ארצות שיבאו לטעות ויאמרו מאי שנא קמח קטניות או קמח ה' מיני דגן, ולא ידעו הטעם, ולכן נהגו כל תפוצת הגולה האשכנזים וכן במדינות פולין שגם הם נחשבים מבני אשכנזים, לאסור... אבל מותר לטחון ולאפותה כעין מצות ולאכלה... בשעת הדחק שאין לאדם מה לאכול אלא בדוחק גדול, מותר לבשל קטניות ושאר דברים.
- רבי אהרן בן יעקב הכהן מנרבונה, אורחות חיים, חלק א, הלכות חמץ ומצה: נראה לי לקיים המנהג דלא מחמת חימוץ הוא אלא מטעם גזרה¹⁰ הוא דכיון דקטנית מעשה קדרה היא, וגם מידי דמדגן הוא... וגם יש מקומות שרגילים לעשות מהן פת כמו מה' המינין ולכך אתי לאחלופי... ואף על גב דבגמרא שרי אפילו אורז, היינו דווקא בימיהם שהיו כלם בני תורה ובקיאין בהלכות איסור והיתר, אבל עכשיו שאין אנו בני תורה גזרו דלמא אתי לאחלופי וכן עמא דבר.
- שו"ת רבי מרדכי פוגלמן, בית מרדכי, חלק א, סימן כט: לפי דרכנו אנו למדים מכאן כי באשכנז וצרפת שבימי רש"י ותלמידיו בעלי¹¹ התוספות היה נהוג שלא לאכול קטניות בחגים ובראשי חדשים... משום דמי לאבלות המתגלגל.
- רבי יעקב בן צבי הירש אשכנזי מעמדין, שאילת יעבץ, חלק ב סימן קמז: , האריך אדוני מורי ורבי הרב הגדול על דבר מיני קטניות לבטל¹² המנהג. ותמיהני על כל גאוני הדור אשר היו לפנינו שלא שמו אל לבם לדבר הזה לבטל מנהג ממש שאין רוב הצבור יכולין לעמוד בו. ולא עוד, שהיו מוסיפין ואסרו כמה מינים מפני שדומין לקטניות כמו חרדל, וכמו שנקרא קימל וגם עניס, ואפילו השמנים שנעשו מדברים ההם החמירו. ובהיותי במנהיים רצו לאסור הפרי הארץ שקורין ערד עפפל מפני שעושין מהם קמח ואני עמדתי כנגדם, בידועי שאין הצבור יכולין לעמוד בזולתם והוא מאכל עניים... ונצחתי אותם על ידי אנשי הקהל שם שצוו על המורה שלא יאסור דבר חדש... ומה טוב אם יסכימו כל חכמי הדור לדעת אחת, ומסופקני אם יבוא הדבר פעם אחת על מכונו בדור הזה שגברה הקנאה, ויראים יותר מן המנהגים כמפני גופי תורה.
- רבי מרדכי וינקלר, לבושי מרדכי, אורח חיים, מהדורה קמא, סימן קכז: והנה בכלל גזירת קטניות פשיטא דלא הוי מעולם, כמו שכתב¹³ מעכ"ת, וגם כי פרי האדמה הנ"ל היינו ערדעפפל [תפוח אדמה] לא היו נמצאים עוד בימי הגאונים שגזרו על הקטניות, דהא במדינות אלו לא ידעו מפרי זה כלל עד אחר מציאתן בחלק מדינת אמעריקא [אמריקה] כידוע.
- רבי משה פיינשטיין, אגרות משה אורח חיים חלק ג סימן סג: אלא שהנהיגו שלא לאכול איזה מינים, לא נאסרו אלא המינים שהנהיגו ולא¹⁴ שאר מינים שלא הנהיגו מפני שלא היו מצויין אז... מפני שהטעמים קלושים, עיין בבית יוסף ריש סימן תנ"ג, שהרבינו ירוחם קרא לזה מנהג

שטות, וגם משמע שהר"ר יחיאל ושאר גדולים היו נוהגין בהם היתר אף במקום שנהגו איסור ולכן גם הפינאטס [בטנים] לא אסרו בהרבה מקומות עוד

רבי משה סופר (1762-1839), שו"ת חת"ם סופר, חלק א, אורח חיים, סימן קכא: שאין ראייה מש"ס שאיננו מין דגן שהרי יש לו סימני ¹⁵ דגן... ואפשר שהוא דגן, כך נראה לי כוונת החכם... ונראה דלא נחית לזה אלא משום דדק בשמא שקורין למין הזה חטי התוגרמה, ולפי עניות דעתי לא חטי ומינייהו כלל, ומכל מקום אין לנו ראייה אלא שאיננו חטה כשמו וויטץ, אבל שלא יהיה ממיני דגן אין לנו ראייה, אף על פי שתמונתו סגלגלי קטניות, מ"מ אפשר היה שיהיה ממין דגן, ... ומעתה בואו ונסמוך על קבלת אבותינו רבותינו מהר"מ לובלין (1558-1616) בתשובה סי' ע"ח שקיבל שהוא מין קטניות, והגאון חק יעקב (1661-1773) ואליה רבה (1660-1716) ופרי מגדים רס"י תנ"ג (1727-1793), ואין לזוז מקבלת הגאונים הללו [ציינתי את השנים במקור זה לגבי כל פוסק משום שהחת"ם סופר מסתמך על קבלת אבותינו. מאחר שהמוקדם שבהם חי רק כמאה וחמשים שנה לפני החת"ם סופר, באותה תקופה שהתירס הגיע למערב אירופה, אין כאן מקום לדבר על קבלה, אלא על החלטת אותו הפוסק, הלא הוא המהר"מ מלובלין, לאסור]

רבי דוד פארדו, מכתם לדוד חלק אורח חיים סימן כ: אמנם נראה מסברא דבכי הא [נוסע אשכנזי שאין לו אלא קטניות לאכול] כיון דסוף ¹⁶ סוף אין זה נדר גמור שיהיה אסור לו מדאורייתא, אלא ממנהג בעלמא שנהגו כן בהיותו נולד במקום שנהגו להחמיר, השתא מיהא דאשתכח לבדו... בכל כי האי גוונא נראה דודאי יוכל לסמוך לאכול קטניות אפילו בלא שום התרה, הואיל ואי אפשר לו לישאל כי איש אין בארץ... וכיון דאינו אלא חומרא בעלמא מדרבנן הא אמרינן בכמה מקומות גבי צערא לא תקון רבנן... וטעמא דאמדינן דעת אבותינו דמעיקרא לא קבלו עילויהו אלא אדעתא דהכי

רבי יוסף שאול נתנון, שואל ומשיב, מהדורה תניינא, חלק ד, סימן קכח: והוא הדין כאן, אף דגזרו חכמי אשכנז וחסידיה מבלי לאכול מיני ¹⁷ קטניות, לא עדיפי מחז"ל בעלי המשנה והגמרא אשר גזרו על דמאי, ואפילו הכי התירו לחלק לצדקה, מכל שכן בזה. ומה גם דשם הגזירה כללית היתה על כל מקום ומקום, וכאן לא היה הגזירה רק באשכנז ופולין

רבי יחיאל יעקב וינברג, שרידי אש, חלק ב, סימן ו, שחיטת עופות בחתיכת כל המפרקת פרק ב עמוד רעג: ... אדעתא דהכי לא החמירו ¹⁸ הגאונים הראשונים, כמו שכתב הרא"ש בתשובה כלל נ"ה סי' יו"ד: אפילו מנהג שנהגו לסייג ויכול לבוא לידי קלקול יש לבטל המנהג.

רבי ישראל בן פתחיה איסרליין, תרומת הדשן סימן קיט: ובשם אחד מהגדולים אחרוני שמעתי שהיה מחלק בדבר, לאסור רק אותן שנעשו ¹⁹ כמין חררה וחתיכות משום שיש להם תואר לחם קצת ואתי לאיחלופי

רבי חיים דוד הלוי, שו"ת מים חיים, חלק ג סימן כ: ... החוסים הספרדים, אבל אם הדבר מקשה ומכביד, אין להמנע מהאכלת מוצרי קטניות ²⁰ בפסח כיון שמעיקר הדין הם מותרים ללא שום ספק, וכל שכן שמדובר במוצרי קטניות ולא בקטניות עצמם

רבי יצחק יעקב וייס, שו"ת מנחת יצחק חלק ד סימן פג: הנה הא פשיטא, דבדאי יחיד או אפילו צבור ספרדים, שדעתם לקבוע דירתם, או ²¹ בית כנסת שלהם, אצל קהל אשכנזי, או בהיפוך, ואין דעתם לחזור לעולם למקומם ומנהגם הראשון, הוי להו כמי שאין דעתם לחזור, שאפילו כקולי מקום שהלך לשם יכול לנהוג, כמו שכתב החת"ם סופר, ח"ו סי' א

רמב"ם, הלכות תשובה, ד, א-ד: עשרים וארבעה דברים מעכבין את התשובה... ומהן חמישה דברים העושה אותן אין חזקתו לשוב מהן, לפי ²² שהן דברים קלים בעיני רוב האדם, ונמצא חוטא והוא ידמה שאין זה חטא... המתכבד בקלון חברו... החושד בכשרים;

הרב יוסף משאש, אוצר המכתבים, חלק ג, א'תשסז: כן היה המנהג בכל מרוקו שהיינו נוסעים ממקום למקום ואוכלים שם אף שהיו לנו ²³ חילוקי מנהגים בין מקום למקום, היינו אומרים רוב בהמות כשרות הם, ואנו אוכלים מן הרוב הכשר ומעולם לא צפצף אדם... ומה גם עוד כי אנו עולים חדשים צריכים לילך אחר הדברים הצבוריים הנמצאים כבר במקום אפילו להקל

משנה חגיגה פרק ג, משנה ז: הפותח את חביתו והמתחיל בעיסתו על גב הרגל, רבי יהודה אומר יגמור וחכמים אומרים לא יגמור ²⁴

וראה פירוש המשנה לרמב"ם שם: כבר ביארתי לך שכל ישראל חברים ברגל, ועשו עם הארץ כתלמיד חכמים ברגל. וכשמתעסקין בערבוביה בחבית ועיסה ברגל אומר ר' יהודה הואיל ונעשת טומאת עם הארץ טהרה ברגל הרי כאלו לא נגע בהן עם הארץ כלל וגומרין לשתותה בחזקת שהיא טהורה אחר הרגל ונוהגים בה כמו שנוהגים בכל דבר טהור. וחכמים אומרים שכל מה שעשינו כך הוא ברגל בלבד.