

Kitniyos, Part 1

Introduction

The **Mishnah (35a)** list the five grains from which one can bake *matzah* with which to fulfill the mitzvah on Pesach: wheat, barley, spelt, oats, and rye. The **Gemara** points out that this list seems to be excluding a different type of grain: rice (and millet), which apparently cannot be used to fulfill the mitzvah of *matzah*. This exception, explains the Gemara, is derived from the context used by the **Torah (Devarim 16:3)** when delineating the prohibition to eat *chometz*. The *pasuk* says, "You shall not eat *chometz* with it [i.e., with the *korban Pesach*], for seven days you shall eat *matzos*." **Chazal** understood this to mean that *matzah* must be produced from something which has the potential to become *chometz*. It would seem that the Gemara is saying that rice is something that is not, and cannot be made into, *chometz*. In fact, the **Gemara (114b)** tells us that **Rava** ate rice on Pesach! The **Ritva (35a)** writes that the *minhag* in "all of Sfarad" is to eat rice on Pesach. The **Rivash (siman 420)** mentions this custom to eat rice and all kinds of *kitniyos* on Pesach. [The term "*kitniyos*" will be more clearly defined later in this article.] See also **Migdal Oz (Chometz U'matzah 5:1)** who writes that his *rebbe*, the **Rashba**, would tell everyone who asked that it is *mutar* to eat rice on Pesach, and that the **Rashba** himself ate rice on Pesach as well.

However, there is a longstanding *minhag* dating back at least to the times of the **Rishonim** to refrain from eating rice (or any *kitniyos*) on Pesach. *Be"H* this week we will explore the background and some details of this custom.

Kitniyos is Not Chometz

It is important to note that the reason for the *minhag* to abstain from *kitniyos* is not because of a concern that it may be *chometz*. As we pointed out from the Gemara above, it is clear that rice is not *chometz*. In fact, **Rabbeinu Yerucham (Nesiv 5 Chelek 3)** records that there were some in his time who did not eat rice and beans on Pesach, and he labels their custom a "*minhag shtus*." Seemingly, he understood that they did so thinking that rice is *chometz*, which is obviously a foolish reasoning. Nonetheless, **Rabbeinu Yerucham** concludes that it is not a *minhag shtus* if they are doing so because of some sort of *chumra*, although he adds that he doesn't understand what the *chumra* is.

The Ritva's Explanation of the Minhag

Although **Rabbeinu Yerucham** did not know the reason for the *chumra*, other **Rishonim** offer possible rationales as the basis for this *minhag*. For instance, although the **Ritva** (ibid.) mentioned that the *minhag* in Sfarad was to eat rice on Pesach, he seems to have held highly of the contrasting *minhag* to refrain from eating it on Pesach, even calling those who are *machmir* "*chassidim*." He explains that the reason for this stringency is because rice often grows in close proximity to, and is stored together with, grain. As a result, there is a concern that grain may have become mixed into the rice crops. One who cooks and eats this "rice" may potentially be cooking and eating actual *chometz*. [This explanation is also brought by the **Sefer Hamichtam (35a)** and the **Kol Bo (siman 48)**.] As a result, the **Ritva** warns those who do eat rice on Pesach to be exceedingly careful to check the rice multiple times, to ascertain that no grain is mixed in with the rice.

The Mordechai's Explanation of the Minhag

The **Mordechai (Pesachim 588)** also writes that *mi'dina d'Gemara* it is completely permissible to consume all *kitniyos* on Pesach. Nevertheless, he brings the *minhag* to refrain from eating *kitniyos*, and cites the explanation given by his brother-in-law, the **Ri Mi'Corbil**, that rice (and other *kitniyos*) can easily be confused with grains. He writes that *kitniyos* are similar to grain in three ways: 1) both *kitniyos* and grain are made into cooked dishes (i.e., by heating them in water); 2) both are collected from the fields by first gathering them into piles; 3) both can be made into bread. Because of their similarities, at some point a *gezeirah* was made forbidding all *kitniyos* on Pesach. Now, in the times of the Gemara, they were *talmidei chachamim*, so there was no concern of confusing *kitniyos* with actual *chometz*. As such, there was no need for a *gezeirah*. Today, however, many people would confuse the two, and therefore this *gezeirah* was enacted.

Practically Speaking

The **Tur (453:1)** calls the *minhag* to refrain from *kitniyos* a "*chumra ye-seirah*" (a *chumra* which goes too far). Interestingly, the **Tur** notes that in his times, the custom among Ashkenazim was **not** to abstain from *kitniyos*. The **Beis Yosef (ad loc.)**, as well, clearly maintains that this is not something that one needs to be worried about. However, he ends off that "no one is *chosheish* for this except for Ashkenazim." Similarly, the **Rema (453:1)** writes that the *minhag* among Ashkenazim is to be *machmir* and refrain from eating *kitniyos* on Pesach.

Not all Kitniyos are Equal

It should be noted that not all *kitniyos* are equal. The **Pri Chadash (453:1)** writes that although one may eat *kitniyos*, rice should be avoided since it is very common to find wheat kernels in the rice even after cleaning and checking it multiple times. Indeed, the **Chida (Birkei Yosef 453:1; Tov Ayin 9:6)** writes that the *minhag* of most *talmidei chachamim* in Yerushalayim was to refrain from eating rice on Pesach. In Morocco, the *minhag* in many places was to refrain from not only rice, but from all *kitniyos* unless they were fresh (fresh beans or peas, etc.). Fresh *kitniyos* don't resemble *chometz* as much as their dry counterparts [see **Nahagu Ha'am (Chag HaPesach os 8)**]. However, the **Ben Ish Chai (Rav Pe'alim 3:30)** records that the prevalent *minhag* in Baghdad was to eat all *kitniyos* — rice included. This continues to be the *minhag* of many Sephardim, even in Yerushalayim, today (after checking the rice carefully three times). Interestingly, the **Ben Ish Chai** brings that his grandfather, R' Moshe Chaim, stopped eating rice on Pesach after attending a certain event at which rice was served. When it was brought to the table, it became readily apparent that there was cooked wheat inside the dish. The **Kaf Hachaim (453:21)**, also from Baghdad, writes that a *yarei Shamayim* should not eat rice on Pesach. This author heard from **Rav Yaakov Hillel** that unless one has a *minhag* otherwise, he may continue to eat *kitniyos* on Pesach. However, there is room to be *machmir* on oneself if he so chooses. **Rav Hillel** himself said that although his family in Baghdad ate all *kitniyos*, he himself is *machmir* to eat only fresh *kitniyos*.

The Strength of this Minhag

Although abstaining from *kitniyos* on Pesach is only a *minhag*, we men-

tioned that it dates back to at least the times of the *Rishonim*. Last one entertain the idea that *kitniyos* can be treated more lightly since it isn't an actual *issur*, the *Maharil (Hilchos Maachalos Asuros b'Pesach, os 16)* writes that this is considered a *gezeirah d'rabbanan* and invokes the Gemara in *Berachos (4b)* that whoever transgresses the word of the *Chachamim* is *chayav misah*. The *Aruch Hashulchan (453:4)* writes that since the earlier generations accepted this *chumra* as a *geder* to prevent one from eating *chometz* on Pesach, it is *assur* to be *mevatel* this *minhag*. Anyone whose *minhag* is to be stringent and yet chooses to act leniently in this regard, he says, testifies about themselves that they have no *yiras Shamayim* or *yiras chet*, and that they don't understand the ways of the Torah.

A Woman Who Gets Married

When a woman gets married, she generally takes on the *minhagim* of her husband [see *Shu"t Tashbetz (3:179)* and *Igros Moshe (OC 1:158)*]. If she comes from a family that does not eat *kitniyos* and she marries a man who eats *kitniyos*, she may eat *kitniyos* and does not even need *hataras nedarim* [*Halichos Shlomo (4:20)* and *Kovetz Halachos (10:1)*]. However, in order that the *issur* of ignoring one's *minhag* should not be lenient in her eyes, *Rav Shmuel Kamenetsky (ibid.)* often recommends that the woman should do *hataras nedarim*. *Rav Ovadia Yosef (Chazon Ovadia p. 87; Yabia Omer OC 5:37)* writes that in this situation, it is preferable that she do *hataras nedarim*. The same logic would hold true in the reverse scenario. If a woman's family eats *kitniyos* and she marries a man who does not, she may no longer eat *kitniyos* [*Halichos Shlomo (ibid.)*].

Hataras Nedarim to Eat Kitniyos

Although we mentioned that there are Sephardim and Ashkenazim who are careful to refrain from eating rice and other *kitniyos* on Pesach, there is a big difference between the *kabbalah* of these two sects. Ashkenazim accepted this *chumra* as a *tzibbur*, or as a *gezeirah*, like the *poskim* write, and therefore there is an *issur* for someone of Ashkenazic descent to perform *hataras nedarim* and change his *minhag*. [See *Rema (453:1)* who writes that this is the *minhag Ashkenaz* and "one should not change." See also *Chayei Adam (127:1)*.] However, Sephardim who took on this *chumra* did so as individuals. As a result, they may perform *hataras nedarim* and revert to their old *minhag* [see *Pri Chadash (496:1)* and *Lev Chaim (2:94)*]. Indeed, the *Ben Ish Chai (Rav Pe'alim OC 3:30)* writes that the common practice in Baghdad was that one who wished would perform *hataras nedarim* and change his *minhag*. See also *Chazon Ovadia (p. 82)*.

Keeping Kitniyos in the House on Pesach

Even those who do not eat *kitniyos* may still keep it in their house on Pesach (*Rema 453:1*). [The *Mishnah Berurah (453:12)* explains that this is true even if water falls on the *kitniyos*.] As *kitniyos* is merely a *chumra*, the *gezeirah* only included eating *kitniyos*, not retaining possession of it.

Deriving Benefit from Kitniyos

For the same reason, those who abstain from eating *kitniyos* may still derive benefit from it. Thus, it may be fed to one's animals or sold, even on Pesach [*Mishnah Berurah (453:12)* and *Kaf Hachaim (453:34)* citing *Mogen Avrohom (453:5)*]. One may also use *kitniyos* oil to light candles on Pesach [see *Rema (453:1)* and *Mishnah Berurah (453:10)*].

Kitniyos on Erev Pesach After the Sof Zman Achilah

Seemingly, it should follow that eating *kitniyos* on Erev Pesach (even after *sof zman achilas chometz*) should be permitted, as perhaps the *gezeirah/minhag* to abstain from *chometz* at that time (i.e., before *chatzos*) per-

tained only to actual *chometz*, which, if consumed on Pesach, is an *issur kareis*. However, *Rav Shmuel Wosner (Shevet Halevi 3:31)* deduces otherwise from the *Chok Yaakov* and *Maharsham*; they maintain that the *issur kitniyos* starts from the *sof zman achilas chometz*. *Rav Wosner* adds that this is the accepted *minhag*.

Is Kitniyos Muktzeh?

Based on the above point that *kitniyos* is *mutar in hanaah*, it would seem that it would not be considered *muktzeh* on Shabbos or Yom Tov (provided it is edible in its raw state). Indeed, see *Halichos Shlomo (10:16)* and *Kovetz Halachos (10:5)* who write this explicitly.

Kitniyos Keilim

Since *kitniyos* is not actual *chometz*, if one accidentally cooked *kitniyos* on Pesach, the *kli* does not need *hagalah*. One should merely wait 24 hours (rendering the *kli* an *eino ben yomo*) and the *kli* may then be used (*Kovetz Halachos 10:6*).

Food that was Cooked with Kitniyos

If one accidentally cooked *kitniyos* with other food in the pot, the food itself may be eaten as long as the *kitniyos* makes up only a minority of the dish [*Rema (453:1)* and *Mishnah Berurah (453:9)*]. However, one may not intentionally put *kitniyos* in his dish even if it will become *batel* (*Shulchan Aruch HaRav 453:7*). Similarly, if one accidentally cooked food in a pot that had been used within 24 hours for *kitniyos*, the food that was subsequently cooked in it may be consumed (*Kovetz Teshuvos 3:81:6*). However, this too, says *Rav Shmuel Kamenetsky (Kovetz Halachos 10:7)*, should not be done *lechatchilah*. Therefore, one who does not eat *kitniyos* who is visiting someone who eats *kitniyos* [as is common when an Ashkenazi man marries a Sephardi woman and is eating by her parents] should be careful not to eat the host's food unless it was prepared in a *kli* that was not used for *kitniyos* within 24 hours [see also *Vedibarta Bam (2:193)*]. However, *Rav Ovadia Yosef (Chazon Ovadia p. 86)* held that one may be lenient in this case.

Kitniyos Matzos

Technically speaking, there would seem to be a way that everyone would permit eating *kitniyos* on Pesach: by making *matzos* from *kitniyos*. The logic behind this is as follows. Whether the rationale behind the *kitniyos* stringency is because grain may have become mixed in, or because one may come to confuse it with regular grain, *kitniyos matzos* should be permitted, since even if some grain is mixed in, it won't become *chometz* as it was not allowed enough time to rise. And even if one will confuse these *matzos* as grain-based, there is no concern since in this state, grain itself is permitted. Indeed, the *Chayei Adam (127:1)* allowed *kitniyos matzos* on Pesach. Similarly, the *Shulchan Aruch HaRav (453:5)* writes that one may eat raw *kitniyos*. The *minhag* is only to refrain from eating *kitniyos* that came into contact with water and had the potential to become *chometz*. However, the *Shoel U'meishiv (Kama, 1:175 s.v. v'hinei)* writes that one should not bake *matzos* from *kitniyos* as this will make people confuse them even more with actual *chometz*. Furthermore, one might think that he can fulfill the mitzvah of *matzah* with these "matzos." See also *Sdei Chemed (Maareches "Chometz U'matzah" klal 6 os 2)* who points out that from the *Pri Megadim (AA 464:2)* it seems that the *minhag* is not to bake *matzos* from *kitniyos*.