Kitniyot – Handout

# Biblical Period

# Genesis 18:6

And Abraham hastened into the tent unto Sarah, and said: 'Make ready quickly three measures of fine meal, knead it, and make cakes.'

# Genesis 19:3

And he urged them greatly; and they turned in unto him, and entered into his house; and he made them a feast, and did bake unleavened bread, and they did eat.

# Exodus 12:15

שִׁבְעַת יָמִים מַצּוֹת תֹּאכֵלוּ

Seven days shall you eat unleavened bread

# Deuteronomy 16:3

לֹא-תֹאכַל עָלָיו חָמֵץ שִׁבְעַת יָמִים תֹּאכַל עָלָיו מַצּוֹת

You shalt eat no leavened bread with it; seven days shall you eat unleavened bread therewith

# Talmudic Period

# Babylonian Talmud – Pesahim 35a

## Mishnah

אלו דברים שאדם יוצא בהן ידי חובתו בפסח: בחטים, בשעורים, בכסמין ובשיפון ובשבלת שועל.

These are the types with which a person may discharge his obligation on Pesach: with wheat, with barley, with spelt, and with rye, and with oats.

## Gemara

These, yes; rice and millet, no. From where [in the Torah do we learn that matzah is made from these five species only]? Rabbi Shimon ben Lakish said, and so they taught in the House of Rabbi Yishmael and in the House of Rabbi Eliezer ben Ya'akov: the verse said: “you shall not eat hametz with it, for seven days you shall eat matzot” – foods that become leavened through man’s efforts, can be used to fulfill the obligation of eating matzah. This comes to exclude things that do not become leavened, but *sirahon*. Our mishnah does not follow Rabbi Yoḥanan Ben Nuri… as it is taught: "Rabbi Yohanan ben Nuri said: rice is a type of grain and the punishment for making hametz out of it is *karet*, and a person can use it to fulfill his obligation [of eating matzah] on Pesaḥ. And Rabbi Yoḥanan ben Nuri used to say "*Karmit* is liable to *Hallah*".

# Mekhilta DeRabbi Yishmael, Masekhta D’pisḥa, Parashah 8

"Seven days you shall eat matzot” (Exodus 12:15). I might understand this to mean all matzot? But another verse says: "You shall not eat any hametz with it” (Deut. 16:3). I meant only something that can become matzah as well as hametz. And which are they? They are the five species of grain, namely: wheat, barley, *kusmin*, *shibolet shu'al* and *shifon*. Rice, millet, poppy seed, kitniyot and sesame are excluded because they cannot become hametz or matzah, but only *sirahon* [decay].

Mishnah Hallah 1:1-2

Five things are liable to *hallah*: wheat, barley, *kusmin*, *shibolet shu'al* and *shifon*. A person who eats from them an olive's worth of matzah on Pesah, has fulfilled his obligation; an olive's worth of hametz, is liable to *karet*

# Babylonian Talmud – Pesahim 114b

What are "two cooked dishes"? Rav Huna said: spinach beets and rice. Rava would look for spinach beets and rice because this was something that came from the mouth of Rav Huna. Rav Ashi said: learn from Rav Huna that there are none who pay heed to the words of Rabbi Yohanan ben Nuri, for it has been taught: "rice is a type of grain and the punishment for making hametz out of it is *karet*, and a person can use it to fulfill his obligation [of eating matzah] on Pesaḥ".

# Geonic Period

# Halakhot Ketzuvot(Italy, ca. 850)

“However, millet and all types of kitniyot are permitted; even if they were soaked in water they are permitted on Pesah and after Pesaḥ. However, the five species of grain are prohibited [on Pesah if soaked in water] and are liable to *Hallah*. Rice is permitted [on Pesah] and is not liable to *Hallah*.” "And all types of kitniyot are permitted on Pesaḥ and on festivals".

# Mishneh Torah, Leavened and Unleavened Bread 5:1 (ca. 1100)

There is no prohibition regarding hametz on Pesaḥ, other than the five species of grain... but kitniyot such as rice and millet, beans and lentils and the like cannot become hametz, so even if one kneads rice flour and the like in boiling water and covers it with a cloth until it rises like dough that has fermented – it is still permitted to be eaten because it is not leavening but sirahon.

# Medieval Period

# Rabbeinu Peretz (France, 13th c.)

Concerning kitniyot... our rabbis customarily prohibit altogether eating them on Pesah.... But many great sages permit them. ... [I]t appears that we should support the custom and prohibit all kitniyot on Pesah, not as true hametz, for that is an error, but as a decree because kitniyot are cooked, as grain is cooked, in a porridge, and were we to permit kitniyot [people] might come to substitute and permit [grain-based] porridge... and it is something grain-like like the five species... It is [therefore] a fit custom to refrain from all kitniyot, as I explained... Even though the Talmud permitted rice, this was specifically in their day when all were fluent in the laws of prohibition and permission, but in these latter generations it is clear that one should be restrictive, as I have said.

# Shulchan Arukh, Orach Chayyim 453:1

**R. Yosef Karo, Safed, 1488-1575**

Rice and all kinds of kitniyot (are not prohibited), and they do not ferment, and it is permitted to make from them a cooked dish.

**R. Moshe Isserles, Krakow, 1520-1572**

Some prohibit. The custom in Ashkenaz is to be restrictive. One should not diverge from this.

# Today

CJLS Teshuvah, 2015, Conclusion and Psak Halakhah
In order to bring down the cost of making Pesah 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 Pesah.

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 Pesah, 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 Pesah. 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 Pesah and discard any pieces of hametz. If one did not inspect the rice or dried beans before Pesah, one should remove pieces of hametz found in the package on Pesah, discarding those, and the kitniyot themselves remain permissible.
3) Kitniyot in cans may only be purchased with Pesah certification since the canning process has certain related hametz concerns, and may be purchased on Pesah.
4) Frozen raw kitniyot (corn, edamame [soy beans], etc.): One may purchase bags of frozen non- hekhshered kitniyot before Pesah provided that one can either absolutely determine that no shared equipment was used or one is careful to inspect the contents before Pesah and discard any pieces of hametz). Even if one did not inspect the vegetables before Pesah, if one can remove pieces of (hametz) found in the package on Pesah, the vegetables themselves are permissible.
5) Processed foods, including tofu, although containing no listed hametz, continue to require Pesah 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 Pesah may eat from Pesah dishes, utensils and cooking vessels that have come into contact with kitniyot and may consume kitniyot derivatives like oil (מי קטניות).