

Quitniyos and Quinoa

- Origin of the practice not to eat Kitniyos
 - First reported in 1300's in the Semak
 - Why not before? How does something just start?
 - Pesachim 35a and 114b, Rambam
 - Rambam – "The prohibition of Chametz on Pesach only applies to the five types of grain: two types of wheat, namely wheat and spelt, and three types of barley, namely, barley, oats, and rye. But Kitniyot such as rice, millet, beans, lentils, and the like, are not subject to the prohibition of Chametz. Even if a person kneads rice flour or the like with boiling water and covers it with a cloth until it rises like dough that ferments, it is permitted to be eaten, for this is not fermentation, but rather decay"
- Definition of Minhag and why it is binding
 - Y"D 214 – Minhag = Neder
 - Rav Soloveitchik dedicated many hours of shiurim explaining
 - One of the most famous "minhagim" is keeping 2 days of Yom Tov outside of Israel – " הזהירו במנהג אבותיכם – "בידיכם"
 - Diff. levels of minhagim – individual, family, community
- But why is there so much question and confusion over the minhag of refraining from eating kitniyos (unlike other minhagim)?
 - At least 2 reasons
 - There was even debate back in the 1300's whether to institute this minhag
 - Unclear which species were included in the original minhag
 - 2 reasons for the minhag
 - These items can be fashioned into bread products similar to the 5 grains, so one may come to use the 5 grains
 - Sometimes particles of the 5 grains are mixed into the kitniyos
 - The minhag as cited by the Semak was not accepted by everyone (not even his father-in-law!)
 - Cited in the Beit Yosef (1500) but then concludes - האשכנזים - ולית דחש לדברים הללו זולתי האשכנזים (Eating kitniyos on Pesach makes up for Selichos in Elul)

שולחן ערוך אורח חיים סימן תנג סעיף א

- אלו דברים (א) שיוצאים בהם ידי חובת מצה, בחטים ובשעורים ובכוסמין ובשבולת שועל ובשיפון, ((ב)) והמנהג ליקח לכתחלה חטים), (מהרי"ל), (ג) אבל א לא באורז (ד) ושאר מיני [א] קטניות, וגם אינם באים (ה) לידי חימוץ ומותר לעשות מהם תבשיל. הגה: * (ו) <א> ויש אוסרים (טו) והגהות מיימוני פ"ה ומרדכי פ' כל שעה). והמנהג באשכנז להחמיר, (ז) ואין לשנות. מיהו פשוט דאין אוסרים בדיעבד (ח) אם נפלו (ט) תוך התבשיל. (י) וכן ב מותר להדליק בשמנים הנעשים מהם, (יא) ואין אוסרים אם נפלו לתוך התבשיל. (יב) וכן ג מותר להשהות מיני קטניות בבית (ת"ה ס' קי"ג). וזרע אקליז"א (מהרי"ל) ואני"ס אליינד"ר אין מיני קטניות, (יג) [ד] ומותר לאכלן בפסח, כן נ"ל.
- What food items are included in the minhag of kitniyos?
 - Most assume – beans, legumes, rice, corn
 - But what about peanuts? Potatoes?

שו"ת אגרות משה אורח חיים ח"ג סימן סג

ולכן אין לנו בדבר אלא מה שמפורש שנהגו לאסור וכן מה שידוע ומפורסם. וגם יש ליתן טעם דדין מה שנאסר במנהג הא אין זה דבר הנאסר בקבוץ חכמים, אלא שהנהיגו את העם להחמיר שלא לאכול מינים אלו שהיה מצוי לאוכלם מפני הטעמים דחשש מיני דגן שנתערבו שקשה לבדוק ומפני שעושין קמחים, אבל כיון שלא תיקנו בקבוץ חכמים לאכול דברים שיש חשש שיתערב בהן מיני דגן ודברים שעושין מהם קמח, אלא שהנהיגו שלא לאכול איזה מינים לא נאסרו אלא המינים שהנהיגו ולא שאר מינים שלא הנהיגו מפני שלא היו מצויין אז

- Some poskim (Chyei Adam) even go so far as to prohibit potatoes since they can be fashioned into flour!

- יעב"ץ (מור וקציעה, סימן תנג):
 מעידני על אבי מורי הגאון זצ"ל, כמה צער נצטער אותו צדיק על זאת... על כן אני אומר, ...
 המבטל מנהג זה של מניעת אכילת קטניות, יהי חלקי עמו. הלואי יסכימו עמדי גדולי הדור...
 - Whereas other argue that this is a case of "where a Chumra can lead to a kula"
 - Rav Kook (Orach Mishpat p.108-114) – while permitting sesame oil writes

"In truth this way of my teachers, the wise and righteous men I merited to serve, their merit should protect us and all of Israel, were not inclined to be stringent when there was room to be lenient, especially regarding matters that do not have a strong foundation in the words of our sages in the Talmud. It is sufficient that we not stray from that which we are accustomed to follow from our teachers and the poskim. However, regarding matters that have not been decided, certainly one who inline dot be lenient is praiseworthy."

- Now we can begin our discussion on Quinoa
 - What is quinoa – South America, Peru, Incas, grows as a berry, more like a tree than a grain in the ground
 - Reasons to prohibit: You can make bread like wheat
 - Reasons to permit: Doesn't grow like a grain, a "new world food"

<http://oukosher.org/passover/articles/quinoa-passover/>

The status of quinoa, the grain-like crop, was the most-asked question for the last few years on the OU's various kashrut forums across the web and in person. Following an intensive, multi-year investigation and an internal debate into quinoa's status, the Orthodox Union has decided that it can certify quinoa for Passover. In addition, OU Kosher has concluded that related new world items canihua, kiwicha and maca, if processed under supervised conditions, may also be approved for Passover (OU-P).

"The decision was the culmination of painstaking research and the resulting evidence," said Rabbi Nachum Rabinowitz, a senior rabbinical coordinator for the OU. "There were doubts, but we had seen enough growing fields and processing plants and had studied the traditional uses for quinoa, that there was enough information for a consensus."

Quinoa's Passover status is dependent on whether the popular health food is considered part of the category of foods known as *kitniyot*. Prohibited by custom for Ashkenaz families since the early Middle Ages, *kitniyot* is a group of foods that include legumes and grains like rice. There are two reasons given for this custom: *kitniyot* foods are able to be made into products that resemble *chametz* and will therefore lead people to mistake one for the other. Alternatively, *kitniyot* foods were grown in close proximity to grains and therefore might have been cross-contaminated with *chametz*.

The fact that quinoa wasn't a known food when the prohibition was enacted, while an important factor, is by itself insufficient to exclude quinoa from *kitniyot*, explained Rabbi Rabinowitz. "The question is how do we treat a new world crop: do we just say whatever the rabbis forbade is forbidden but whatever is not forbidden is okay? Or do we say: if it looks like *kitniyot*, acts like *kitniyot* and grows like *kitniyot*, it fits into that category?"

The question was taken up by the *poskim* (halachic decisors) of the Orthodox Union's kashrut division who reached a consensus that under appropriate conditions, the OU could certify quinoa for Passover, providing it has been processed with specific supervision for the holiday. An added factor in the decision was that quinoa was traditionally not used like grains in the preparation of bread and similar wheat-like applications. While the popular quinoa is finding all kinds of new-fangled uses, similar to potatoes and tapioca which are universally accepted as non-*kitniyot*, we are primarily concerned only with the traditional uses.

Much of the legwork was performed by Rabbi Shoshan Ghori, a New York-based rabbinical field representative, who visited the quinoa fields in Bolivia and Peru. Through his work he discovered that due to

their different harvesting times and remote locations in the Andes mountains, quinoa is grown and stored separately from other crops.

- Exceptions to minhag Kitniyos
 - Medications for the sick
 - Time of need – famine of 1771 in Fiorda (Cited in Nishmat Adam)

Great Famine (1770-1771)

The next recorded famine in Czech lands was the [Great Famine](#), which lasted from 1770 until 1771. The cause of the Great Famine was a disease of grain monoculture and heavy rains. The Great Famine killed twelve percent of the Czech lands' population, up to 500,000 inhabitants, and radicalized countrysides, which led to peasant uprisings. This famine ended when Czech lands imported and began producing potatoes. The last famine in Czech lands was in Czech Silesia in 1847. This famine was caused by a potato disease and led to the deaths of over 20,000 people

- Don't need to sell kitniyos
 - Children under 13
- Assorted Points:
 - Discussion related to derivatives (corn syrup, sesame oil)
 - Fascinating discussion in Shut BeMareh HaBazak (4:51) and Techumim 13 – If product is produced by Sefardi with minority kitniyot it can be eaten even by Ashkenazim after the fact
 - Marriage
 - Eating out on Pesach