A New Look at Peanuts – From the Ground Up
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שאלה
May peanuts be eaten during Passover?

תשובה
The answer to this question depends on whether peanuts fall into the category of legumes and whether one follows the Ashkenazi or Sephardi traditions.

As is well-known, the custom of abstaining from קֵסְנֵיָּת (legumes) on Passover is primarily an Ashkenazic custom and not Sephardic. Rambam makes the point that even if ground to flour and kneaded with hot water and even covering the dough so that it rises as bread-dough rises, it is still permitted since with grains other than the five species the result is not שִׁירָה (rancidity).¹ The same sentiment is expressed by Rabbi David bar Levi MiNarbona.² The Meiri echoes this³ but adds that in the case of rice, one must wash the grains well since if the husk is not completely removed it may have the appearance of a grain of wheat and the user would be placed in a quandary מָכְבָּא עֶצְמָו לַיִּדְיָ הָסֶק אֵל הָיוָּת לַבָּא (nigmat be'kaf).

Nevertheless there were Rishonim who forbade the eating of קֵסְנֵיָת on Pesah as a κבָּא because:

a) they are דֵּבָר הָנֵעְבָּר (stored in a shelled or husked state like grain);
   b) they can be prepared as a cooked cereal (מעשה כּוֹרָה כּוֹרָה כּוֹרָה כּוֹרָה כּוֹרָה)
   c) bread can be made from them.⁴

The Mordecai commends the custom since people today are not as learned as they once were and therefore not as careful or able to distinguish the forbidden grains from the permitted. The possibility of

¹ The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.
other forbidden grains being mixed in or mistaken for the קמץ is also stated as a reason by the Ritba.\textsuperscript{5} R. Moshe Halawa adds in his commentary on \textit{Pesahim} 35a a rule enunciated by the sages of France that the only forbidden were those that swell when cooked, and, that, therefore, they forbade cooked rice and cooked cereals.\textsuperscript{6} He nevertheless disagrees regarding rice saying שמא קוריי כ באה ליגת אורות חיים אזהר, (this is not so). He adds that even if one were, for argument's sake, to grant the validity of their view, their restriction was specifically limited to rice and cooked cereals: "Therefore all other species are permitted."

Other \textit{Rishonim} disagree, maintaining the view expressed by Maimonides, \textit{supra}, permitting קמץ on Passover. The \textit{Tur},\textsuperscript{7} while recalling that some forbid the use of קמץ because of the possibility of forbidden grains being mixed in,\textsuperscript{8} declares the prohibition as a נמי, an unnecessary stringency, and further states that Rabbenu Yeruham says specifically that קמץ do not become מים.\textsuperscript{9} He adds regarding those who refrain from eating cooked rice or קמץ: מנהג ששוחה זה伍לח אמסע צForMember על עצמן伍ליא הדמיה нем.

It is a foolish custom, and I do not know why they are so stringent.

Beit Yosef on the \textit{Tur} cites the Mordecai (\textit{supra}) and others viz, \textit{Semak} who forbid but also mentions Rabbenu Yehiel and other sages who permit קמץ. His conclusion is: לית דוח לרבים伍לח伍לח伍אשכנדים – "Only the \textit{Ashkenazim} are concerned about this."

It is interesting to note that the Sephardim who permit make a point of specifically permitting rice.\textsuperscript{10} One could conjecture that this was because rice was such an important staple in the Sephardi diet that to forbid it would have caused great hardship. One can imagine the similar hardship that would have resulted for Jews of Northern and Eastern Europe had potatoes been declared to be קמץ, or kind of מים קמץ.

Among the Ashkenazic authorities, R. Moses Isserles\textsuperscript{11} writes ארוג בק מקמץ伍אשכנדים伍נעם伍לחהפלי (we Ashkenazim are customarily stringent). He makes a similar statement in his gloss to the \textit{Shulhan Arukh}.\textsuperscript{12} From הרומת הרוש, however, it appears that the prohibition would apply only if the קמץ had become moistened.

The Gera (on the \textit{Shulhan Arukh ad locum}) gives the reason for the \textit{Ashkenazic} prohibition repeating and citing the reasons given by the Mordecai.\textsuperscript{14}

The only source that I could find which specifically deals with peanuts was Rabbi David Hoffman, \textit{Melamed Lehoil}, who writes that he has heard that they refrain from eating peanuts in Jerusalem. However, he
admits that although it is a legume, it does not comply with any of the criteria upon which the prohibition of הקצנות originated.

a) It is not נבר הנ Canucks since peanuts are stored in their shells and allowed to dry in that state.

b) They are like other nuts and are not ground into flour, and hence bread could not be made from them.

c) "It is impossible that grains of corn will be mixed with the peanuts since they remain in their shells until use." He seems to indicate that reason would dictate permitting its use, except that he hesitates to go against the minhag of Eretz Israel.

The restriction on peanuts may arise from the connection between הקצנות and legumes. This connection was already made by the Mordecai, supra, when he states,

"منهج הגן הוא ליזהר מלכلك קצנות ומכל רבר שקורית ליגודים."

It is an appropriate custom to be careful about all kitniyot and all that are called legumes.

However, one should take note of the fact that the only legumes known to him were peas, beans, etc., which are stored shelled in their dry state and may fulfill the other criteria. Peanuts are native to the Americas and were later introduced to other parts of the world. Hence, the prohibition of הקצנות does not apply to all legumes, but only to those which share the stipulated characteristics upon which the prohibition is based.

To the extension of proscriptions, like the making of books, there is no end. The Sha'arei Teshuvah, supra, even cites with approval the one who extended the prohibition to coffee.

We, however, cannot rationally support a prohibition purely on the basis of שומר מגן יריון המה (one who is concerned for his soul should distance himself) and must confine our הרחקה (distancing) to those for which a rationale applies.

**CONCLUSION**

I would therefore remove any prohibition against the use of peanuts on Passover since the various rationales for the prohibition against הקצנות are inapplicable. It would then be permissible, *a fortiori*, to use peanut derivatives such as peanut oil and natural peanut butter, the use of which is common in American homes as a food for children. (It can also hold the matzot together in their lunch boxes.) While in most other countries, most of the peanuts grown are processed for their oil, in the United
States the majority of peanuts are converted into peanut butter. I have also heard that in Israel, peanut butter is sold with a hekhsher for Passover use. If so, when such is unavailable to us, purchasing the peanut butter before Pesah would be permissible, since this would obviate the problem of possible traces of inadvertently mixed in.

NOTES

2. Sefer haMiktam on Pesahim 35a.
7. OH 453.
8. See the Ritba supra.
10. See R. Moshe Halawa supra, n. 6.
11. Darkhei Moshe on the Tur ad locum.
13. no. 113.
14. See also Sha’arei Teshuvah to Shulhan Arukh ad locum for other Ashkenazic authorities.