

# A New Look at Peanuts – From the Ground Up

RABBI BEN ZION BERGMAN

*This paper was adopted by the CJLS on January 27, 1986. The names of voting members are unavailable.*

## 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 קיטניות (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 חמץ but סירחון (rancidity).<sup>1</sup> The same sentiment is expressed by Rabbi David bar Levi MiNarbona.<sup>2</sup> The Meiri echoes this<sup>3</sup> 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 (מביא עצמו לידי ספק או להיות לבו) (ניקפו בכך).

Nevertheless there were *Rishonim* who forbade the eating of קיטניות on *Pesah* as a גזירה since:

- a) they are דבר הניגדן (stored in a shelled or husked state like grain);
- b) they can be prepared as a cooked cereal (מעשה קדרה כדייסא)
- c) bread can be made from them.<sup>4</sup>

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

---

*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 קיטניות is also stated as a reason by the Ritba.<sup>5</sup> R. Moshe Ḥalawa adds in his commentary on *Pesahim* 35a a rule enunciated by the sages of France that the only קיטניות forbidden were those that swell when cooked, and, that, therefore, they forbade cooked rice and cooked cereals.<sup>6</sup> He nevertheless disagrees regarding rice saying שאנו קורין כן והא ליתא דאורו היינו אורו (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: כל שאר מינין מותרין "Therefore all other species are permitted."

Other *Rishonim* disagree, maintaining the view expressed by Maimonides, *supra*, permitting קיטניות on Passover. The Tur,<sup>7</sup> while recalling that some forbid the use of קיטניות because of the possibility of forbidden grains being mixed in,<sup>8</sup> declares the prohibition as a חומרא ותירא, an unnecessary stringency, and further states that לא נהגו כן. Rabbenu Yeruḥam says specifically that קיטניות do not become חמץ.<sup>9</sup> He adds regarding those who refrain from eating cooked rice or קיטניות:

מנהג שטות הוא זולתי אם הם עושין להחמיר על עצמן ולא ידעתי למה.

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

Beit Yosef on the Tur cites the Mordecai (*supra*) and others viz, *Semak* who forbid but also mentions Rabbenu Yehiel and other sages who permit קיטניות. His conclusion is: ולית דחש לדברים הללו זולתי האשכנזים – "Only the *Ashkenazim* are concerned about this."

It is interesting to note that the Sephardim who permit make a point of specifically permitting rice.<sup>10</sup> 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 מין קטניות, or kind of קיטניות.

Among the *Ashkenazic* authorities, R. Moses Isserles<sup>11</sup> writes ואנו בני נהגו להחמיר (we *Ashkenazim* are customarily stringent). He makes a similar statement in his gloss to the *Shulḥan Arukh*.<sup>12</sup> From *תרומת הדשן*,<sup>13</sup> however, it appears that the prohibition would apply only if the קיטניות had become moistened.

The Gera (on the *Shulḥan Arukh ad locum*) gives the reason for the *Ashkenazic* prohibition repeating and citing the reasons given by the Mordecai.<sup>14</sup>

The only source that I could find which specifically deals with peanuts was Rabbi David Hoffman, *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 the basis of which the prohibition of קיטניות originated.

a) It is not דבר הנדגן 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) א"א שיתערב בהן גרעיני דגן בשום אופן – “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 קיטניות and legumes. This connection was already made by the Mordecai, *supra*, when he states,

ומנהג הגין הוא לזוהר מכל קטניות ומכל דבר שקורין ליגו"ם.

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<sup>15</sup> and were later introduced to other parts of the world. Hence, the prohibition of קיטניות 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 נפשו ירחק מהם (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 קיטניות 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.<sup>16</sup> 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 *Pesaḥ* would be permissible, since this would obviate the problem תערובה חמץ, of possible traces of חמץ inadvertently mixed in.

## NOTES

1. Rambam, *Hilkhot Ḥametz U'Matzah*, 5:1.
2. Sefer haMikhtam on *Pesaḥim* 35a.
3. On *Pesaḥim* 35a.
4. Mordecai on *Pesaḥim* 35a, #588 quoting his brother-in-law R. Isaac of Corbeil.
5. On *Pesaḥim* 35a.
6. Jerusalem 11163, p. 89.
7. OH 453.
8. See the Ritba *supra*.
9. *Toldot Adam v'Ḥava*, Section 5, Part 3, p. 41 in Venice edition, reprinted in Jerusalem, 1975.
10. See R. Moshe Ḥalawa *supra*, n. 6.
11. *Darkhei Moshe* on the Tur *ad locum*.
12. 453:1.
13. no. 113.
14. See also *Sha'arei Teshuvah* to *Shulḥan Arukh ad locum* for other Ashkenazic authorities.
15. *Encycl. Brit.* s.v. Peanuts.
16. *Encycl. Brit.*, *supra*.