

Responsum by Rabbi Dr Michael Hilton

Rabbi, why do some people say we shouldn't serve peas at the synagogue seder. They're not leaven are they? And what about the ground almonds and the sugar. Are the ones with the funny kosher labels the same as the plain packs? And some people are telling me we have to move all the cakes out of the synagogue freezer. Surely that can't be necessary?

The issues raised by kashrut for Pesach in Reform communities are:

(i) The avoidance of leaven is an essential aspect of the week long festival of Passover. But what constitutes leaven? Do we concern ourselves with the additional restrictions on lentils and beans (Hebrew: *kitniyot*) practised in Ashkenazi communities?

(ii) What is our attitude to the laws which prohibit not just eating leaven, but possessing it? What about items that are communally owned? What about items that we have no intention of consuming, such as pet food?

(iii) Do we require a hechsher (a "kosher for Passover" label) on processed items?

(iv) Eco-concerns, healthy eating and *tikun olam* ("putting right the world").

(i) DEFINITION OF CHAMETZ

"Leavened foods" means items, other than matzah, made from the five grains wheat, barley, oats, rye and spelt. Spelt is a wild form of wheat now being grown again as a health food, but not yet widely available. The leavening agent yeast is prohibited: but other raising agents such as soda and whipped egg are permitted. In addition, Ashkenazi communities do not eat rice or "legumes", peas, beans or lentils, or foods made from them.

The American Conservative Movement and the Israeli Masorti movement have both issued responsa arguing that these additional Ashkenazi restrictions should no longer apply. The restriction on legumes was first mentioned by various authorities in thirteenth century Provence. It has always been controversial: at least eleven different reasons have been given for it. Evidence from England in the fifteenth century tells us of a widespread practice in times of food shortages to mix peas and beans in the flour bin. If this was common throughout Europe, it would explain the prohibition. Legumes made into flour could easily become muddled up with wheat flour. Other evidence suggests that it was common to find grains of corn in the sacks of rice or lentils. Whatever the original reason, it has never been fully accepted. R. Yerucham called the prohibition a "foolish custom". The standard guide book for Ashkenazi Jewry, the glosses of Moses Isserles to *Shulchan Aruch*, states "The

custom of the Ashkenazim is to be strict about *kitniyot*. (Orach Chayyim 453.1) The original restriction was simply on lentils and rice. Over the centuries other foods have been added to the forbidden list: peas, beans, peanuts, sweetcorn, maize and even in some communities garlic, sunflower and mustard seeds. In the second decade of the twenty-first century, quinoa is hotly debated.

In his article “The War of the Kitniyot”, Seymour Siegel describes events in 1867 in Lithuania, when drought followed by rain devastated the grain crop, and hundreds of Jewish communities were totally dependent on peas and beans. Shmuel Joseph Fuenn, editor of an enlightened Orthodox journal *Hakarmel*, called on the rabbis to permit the eating of *kitniyot* at Pesach 1868. He pointed out that the restriction is called by Isserles a “stringency” and called on the rabbis to have pity on the poor. The issues divided the Orthodox rabbinate: the rabbis of Kovno and Vilna permitted the eating of peas and beans provided the sacks were carefully sifted and examined, but many opposed this leniency. In his article, Seymour Siegel sees Fuenn’s campaign as the beginning of a Conservative approach to the issue.

The reasons for *permitting* the eating of rice and legumes in Reform communities at Passover are as follows:

(i) The restriction has always been controversial: it was not observed through most of our history, and has created division and dissension. It was probably based on past economic patterns which no longer apply. To observe unnecessary restrictions can lead to ridicule and disrespect for Torah. It is a well-established Reform principle that we should not promote unnecessary restrictions, but concentrate on the essential. Pesach should be a joy, not a burden. The *Shulchan Aruch* gives the restriction the status of a “minhag” (custom) and calls it a stringency. There can therefore be no logical reason to observe it in Reform communities.

(ii) The ubiquitous soya bean is now found in 60% of all processed foods. The restriction on *kitniyot* thus multiplies by many times the number of prohibited foods. placing a burden and an expense on the community.

(iii) There is an increasing number of vegetarians in our communities, who may be dependent on *kitniyot* for their staple diet.

(iv) The West London Synagogue, founded in 1840, was called a “synagogue of British Jews” in order to get away from the old distinctions between Ashkenazim and Sephardim.

The CCAR (American Reform) Responsum on “Pesach Kashrut and Reform Judaism” (5756.9) points out that the early German Reformers sought to abolish the restriction on

kitniyot on grounds of hardship (Israel Jacobson in Westphalia 1810) and adds “Reform practice, following the standard of the Talmud, permits the eating of rice and legumes during Pesach. The Talmud clearly rejects the suggestion that rice and legumes are chametz.”

However, a note of caution is added: “Our position does not prevent Reform Jews from adopting the traditional position as a matter of choice. This is the way the holiday has been observed for many centuries. Indeed, a number of members of this committee observe this restriction”.

A similar conclusion can be drawn from survey results from UK Reform rabbis, who see no logical reason for the restriction but are inclined to observe it simply because of what others might say. The retention of the restriction on *kitniyot* is a clear example of the triumph of sentiment over logic, and of the power of traditional family practice as against the results of reasoned study.

RECOMMENDATION There is no logical reason to observe the restriction on *kitniyot*. We accept the importance of families following their traditional recipes and ingredients, according to family custom. But we permit rice, peas, beans, sweetcorn, peanuts and lentils and all foods containing them. We permit soya milk and soya oil, and foods marked as simply containing “vegetable oil”. Foods containing such items include mayonnaise, potato crisps, margarine and chocolate. We permit such foods, whether or not they are marked with a “kosher for pesach” label.

(ii) POSSESSION OF LEAVEN

“Seven days shall no leaven be found in your houses” (Exodus 12:19) “No leaven shall be seen with you” (Exodus 13:7). In Talmudic times, it was common to sell leaven before the festival to a non-Jew: the sale was real one, and the leaven was not expected to be sold back after the festival.

In his book *A Tree of Life* (pp. 141-142), Louis Jacobs describes how and why the law was changed. Many Jews in Poland earned their living as innkeepers, and could not move it into the possession of a non-Jew. Rabbi Joel Sirkes (1561-1640) provides for a bill of sale where all legal requirements are met, except that the leaven does not have to be moved and only a small deposit is paid. This is the origin of the fictitious *mechirat chametz* (sale of leaven) which enables observant Jews to keep leaven in their homes by signing a document circulated in their synagogue newsletter.

Reform Jews do not approve of such legal fictions, and Reform rabbis do not arrange for members of their community to sell *chametz* through them. Neither is there seen to be any reason to remove the *chametz* from the home. The requirement of Exodus 12:15 “on the first day you shall put leaven out of your houses” was interpreted in rabbinic Judaism as “annulling the leaven” by a simple declaration. The CCAR responsum on kashrut for Pesach points out that “therefore Reform Jews rarely resort to the sale of *chametz*: rather they make the leaven inaccessible in their homes” and concludes “this is our way of renouncing our possession of *chametz*, and we believe that we can do so with full seriousness and sincerity. While Reform Jews may wish to sell their *chametz*, out of solidarity with traditional Jewish practice, the standards of Reform Jewish observance do not require that they do so.” Adopting this ruling would permit the keeping of cakes and bread in the synagogue freezer, provided it is sealed in some way for the duration of the festival. Clearing a communal freezer in a Reform community is in any case likely to result in some well-intentioned person taking away the items and putting them in a home freezer.

There is, however, one very positive benefit to clearing out *chametz*: a number of communities have organised *tzedakah* projects distributing unwanted foodstuffs from the community or to the homeless or to others in need. Such projects should be encouraged, and all non-frozen leavened items can be disposed of in this way.

RECOMMENDATION We recommend the adoption of the CCAR ruling that making leaven inaccessible in our homes is our way of renouncing our possession of *chametz*. We encourage the disposal of leaven where practicable, and the collection of unwanted leavened foods for charities such as those helping the homeless.

PET FOOD

A special case where we may wish to keep leaven openly in our homes is to provide for a pet. Many would argue that there can be no concerns that people might eat, for example, dog biscuits, and so as Reform Jews we should not bother at all about possessing such items.

As a result of a discussion in the Mishnah (*Tohorot* 8:6) and the Talmud (*Pesachim* 45b), the dog has become the arbiter of what counts as *chametz*. Food which is “fit for a dog to eat” can be considered leaven, but if it is unfit even for a dog, we do not need to concern ourselves with it. In halachic terms, there can be no distinction between pet- food and food for human consumption. Reform Jews would argue that the principle of *tz’aar ba’alei chayyim*

(kindness to animals) must take priority. Pet food must be accessible, but as far as possible kept out of sight.

(iii) DO WE REQUIRE A “HECHSHER” ON PROCESSED ITEMS?

There are traditional halachic reasons for stringency about kashrut for Pesach. The restriction is not just on eating, but on possessing leaven. In some other kashrut restrictions, there is a leniency of *bittul beshishim* (“less than one sixtieth doesn’t count”), but the rabbis did not apply this leniency to leaven at Pesach, which is considered *asur afilu bekol shehu* (“even the slightest amount is prohibited”). This stringency is the basis not only for the Pesach supervised food industry, but also for the fanatical approach to cleaning the house which has made the season a misery for generations of Jewish women. However, Louis Jacobs has argued (Jacobs 1980) that the stringency practised in the community about tiny particles of leaven is based on a complete misunderstanding of the law. He points that traditionally the head of the household “neutralises” all leaven he has not been able to find by a formula recited on Erev Pesach: this formula can be found at the start of most *haggadot*. Once the leaven has been “neutralised” by reciting the formula, for the purposes of the law, it does not exist at all. Therefore the extra stringency need only apply to items actually purchased during the festival – not to stocks of food brought beforehand.

There is no doubt too that modern food preparation, with pre-packaged and processed foods containing many different items, has made Pesach much more complicated. Reform Jews rightly take a more lenient approach. The only reason we should recommend the exclusive purchase of *kosher le-Pesach* labels is that it makes life simple: one does not have to worry about the ingredients, and you know what you can eat.

On the other hand, we know that many items with a label are the same as similarly packaged items without the label, but at a higher price: and by sticking to the labels we are placing ourselves in the hands of kashrut authorities with standards different from ours, and on which we are not represented. And we lose the opportunity for the educational process of learning what is really permitted, and why. Without following the labels, you actually need to have some knowledge about the rules, so you can decide for yourself what to buy. We should regard this as a positive process. We should educate our congregations that some products contain unexpected traps. For example:

English Mustard and white pepper contain flour, and are not allowed. All pasta products are made from wheat, and are not allowed.

Dried figs are sometimes sold with a coating of flour.

Marmite contains yeast and is not allowed.

Some processed foods and health drinks contain malt, which is made from barley, and is not allowed.

Many health drinks contain other barley derivatives.

Beer and whisky are made from barley, and are not allowed.

Many chocolate bars contain peanuts or wafers, which are not allowed.

RECOMMENDATION: It is not necessary to ensure items have a *kosher le-Pesach* label, except for matzah, matzah meal, cakes and biscuits. There are also a very few items, such as passover pasta and breakfast cereals, which are made specially from quite different ingredients. These will be marked *kosher le-pesach*. General UK Reform practice is not to insist on specifically kosher wines (Jonathan Romain *Faith and Practice*, p. 115), and the same reasoning would permit such wine at Passover.

(iv) ECO-CONCERNS, HEALTHY EATING AND TIKKUN OLAM.

Eco-kashrut requires us to think about how our food has been grown and transported. Many Jews, for example, long refused to buy “products of apartheid” – food from South Africa before the days of majority rule. Eco-kashrut is concerned about the eating of meat in a world where we could nourish far more people by using the grain, about factory farming, about genetically-modified foods, about pesticide and insecticide residues, about ecologically poor distribution systems which mean our food travels further than necessary, about cash crops for export from third-world countries and about low wages paid in the food industry.

Such concerns should always be part of the Reform Jew’s approach to kashrut, but especially at Pesach, when our theme is liberation from oppression. The passage which we read from Malachi on Shabbat Haggadol (the sabbath before the festival) contains within it a relevant message. It condemns people who are thoroughly law abiding, yet oppress the poor. Their service of God, says the prophet, does them no good.

For many Jewish families Pesach has become an expensive and unhealthy over- indulgence. Surveys show that many Jewish families are spending two to three times their normal weekly sum on their Pesach shopping. Passover today is becoming the festival of the rich. The complexity of the kashrut rules does not mean that Pesach diet has to be unduly elaborate, or unduly expensive. An ordinary meal of meat or fish with vegetables is quite acceptable, as

are fruits and salads. The great irony is that at the seder table we uncover the matzah, we lift it and solemnly declare the words *ha lachma anya* – “this is the bread of poverty”. Bread of poverty! Matzah has become the bread of the wealthy – for many Jewish families the festival has become a riot of self-indulgence, a time to lose count of the calories because of the sweet eggy biscuits, the delicious nutty cakes, the chopped and fried fish, the wines and the liqueurs.

Our rabbis taught us that we eat unleavened bread because ordinary bread is puffed up and proud – it represents the desire to behave badly. But unleavened bread, thin and crispy represents the impulse to do good. Simple food is the best.

RECOMMENDATION A Reform approach to kashrut for Pesach must condemn over-indulgence, and promote hospitality and *tzedakah* (charitable deeds) and sharing. This is consistent with the previous recommendations – eating *kitniyot* and ignoring *kosher le-Pesach* labels both mean a cheaper diet. The money saved should be given to charity, or used to invite extra guests. The purpose of the dietary laws is to help us focus on an essential theme of the festival – to get rid of the leaven from our lives and start afresh.

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CCAR Responsa were consulted on the internet. “Pesach Kashrut and Reform Judaism” can be found at <http://ccarnet.org/responsa/nyp-no-5756-9/>