

Monday, March 14, 2016

## TRADITION AND A REALLY BIG CHANGE REGARDING KITNIYOT

Whenever I am told, as I am now and then, that there are people in the community who perceive Midway to be Orthodox, I have to chuckle. We are about as far from Orthodoxy as the moon is from the earth. But the unfunny dimension of this observation is that the Jewish people have moved so far away from tradition, that for many it is all but impossible to distinguish between Orthodoxy and people who are just plain serious about their Jewish identities. Those crazy observant people—they're all the same. But we're not all the same. Midway is not Orthodox, though it is a place for Jews who are serious about their Jewish identities, and Jewish education, and Jewish tradition as well. The sad truth is such seriousness scares a few people off. We do our best to be welcoming, but it is a Conservative synagogue and we've got our standards.

We have also been accused of being Reform. It's a silly accusation, sort of like calling a banana a kiwi, but there you have it: condemnation from both ends of the religious spectrum. In truth, we do change and there are those who see the specter of Reform behind ever change made. But this is the nature of Conservative Judaism, a Judaism of both tradition and change. We embrace tradition because it defines our congregation as Jewish. We look to that tradition to determine how we are going to define ourselves as Jews. And we believe that the traditions are so constructed as to enrich our lives. The truths of these traditions are undeniable: prayer is about living life with gratitude, which alters how well we deal with adversity; kashrut demands that we think about what goes into our bodies, its importance reflected in the multi-billion dollar international business focused on nutrition and healthy-eating; Shabbat is about giving our bodies and minds a much needed break, which labor movements fought for, sometimes to the death, in order to secure that most fundamental right: rest. And so it is important to remember that tradition endures not because of mindless habit, but because people have seen the value in it and the good it brings to life.

This preceding brief prologue is by way of introducing you to a change, a really big change in the ritual practice of Conservative Judaism: the decision to permit the eating of rice, beans, corn, etc., during Pesah. These were foods that were known as kitniyot—a term poorly translated as legumes—which Ashkenazic Jews largely refrained from during Pesah, and Jews of Sefardic provenance would unhesitatingly have on their Pesah tables.

It was the Committee on Jewish Law and Standards (CJLS), a committee of the Rabbinical Assembly instituted to deliberate over questions of Jewish law, that has made this change. The CJLS examined the Ashkenazic minhag (custom) of refraining from kitniyot during Pesah and concluded that there was abundant reason to no longer promote it. In order for a teshuvah to become an official position of the CJLS, it must garner six positive votes out of its membership of 25 voting rabbis and five non-voting laypeople. As such, it is possible for the CJLS to adopt as official positions two contradictory opinions, one permitting and one prohibiting a specific ritual, which it has done in the past. In the case of dropping kitniyot, the teshuvah (a paper which answers a specific question, typically translated as "responsum") passed by a vote of 19 in favor, 1 opposed, and 2 abstaining. That's a big margin of yeas. A paper was also written in support of maintaining the traditional prohibition against kitniyot, but it failed to receive the necessary six votes, and is thus not an official position of the CJLS.

So what do I think about all this?

Among serious Jews, which I believe we all are, there is a very strong sentiment to be protective of Jewish custom. As the phrase goes—*minhag avoteinu b'yadeinu*, the custom of our ancestors rest in our hands. That is to say, if you and I do not take these customs seriously, who will? In order to be a link in the chain of tradition, you better like to link, otherwise the chain is broken and we may alter Judaism irrevocably or worse yet, abandon it altogether. All this is by way of saying *minhagim* (literally: customs) must be taken seriously. And yet if our ancestors' custom is in our hands, the fate of the custom also rests in our hands. Do we ever abandon *minhagim*? We do indeed.

There was a widespread *minhag*, for example, to rely on amulets for good fortune, or refuse to eat bread baked by a gentile, or refrain from writing down the Oral Torah. These *minhagim* were abandoned because they were deemed to be *minhag shtut* (a silly custom) or in some other way offensive to the times, or even inimical to Jewish education. Were the Oral Torah not written down, it could well have been lost. So we wrote it down and ended up with 2,711 pages of the Babylonian Talmud, a continuing source of Jewish inspiration to students of Torah the world over. And most of us no longer swing a chicken around our heads during the time of the High Holidays (*kapparot*), out of a distaste for superstition and huge respect for poultry. But what about *kitniyot*?

No religious authority thinks of *kitniyot* as *hametz*, which is clearly prohibited on Pesah. *Kitniyot* is simply not *hametz*. There are only five grains that can become *hametz*, and they are: wheat, barley, spelt, rye and oats. Corn, beans and rice—not *hametz*. Oddly enough, corn, beans and rice cannot be used as ingredients in *matzah*. Only that which can become *hametz* can be used in the baking of *matzah*. The Sefardic Jews who emanated from Spain and Portugal never had this *minhag* of *kitniyot* and happily could eat rice and beans over the festival. So why did the Ashknazim adopt what can only be thought of as an unusual stringency? Several reasons are suggested in the literature.

Some thought that it had to do with how it was made or how it was stored. If the rice were made like a porridge, for example, perhaps it could be confused as oatmeal and then lead people to eat oatmeal, farina, etc., over Pesah, which you should not do. Or perhaps the preparation of a bean or rice meal included its mixture with some sort of grain, and the thought of preparing the dish sans oats or absent rye was unthinkable. Or perhaps the beans were stored in bins formerly used for wheat, in which case the beans would be covered with *hametz* dust. It is interesting that the literature itself can offer no single answer on the why of the prohibition against *kitniyot*.

For as many years as I have tried to explain this prohibition, I have gotten a host of puzzled facial expressions. A photo anthology of people trying to discern the meaning of *kitniyot* would be most amusing. People get *hametz*; they don't get *kitniyot*, and they especially don't get it when learning that Sefardim happily consume it free of rabbinic objection. The *kitniyot* prohibition ends up being a gratuitous distinction between one major group of Jews and another. The prohibition also inhibits unnecessarily the food choices available to vegetarians, some of whom use beans, corn and soy as significant protein substitutes for the meat, fish or cheese they do not consume. The prohibition further limits everyone's choice in Pesah-friendly foods complicating those who are adopting healthier modes of eating as they move away from red meats or eggs. And the prohibition removes from the shopping list a host of substantially less expensive food items, which could bring down the total cost involved in our pre-Pesah shops. Really—during the seder, when it comes to *marror* (bitter herbs) we could just pull out the pre-Pesah grocery receipt and gaze at it, allow everyone to scream in horror, and then go on with the seder. That grocery receipt is one tough piece of *marror*.

For all these reasons, I want to let you know that I fully endorse the CJLS' teshuvah, and over Pesah, I would happily partake of beans (if I ate them, but I don't) or corn (which I do eat) or encourage others to do the same. This is not a slippery slide toward Reform Judaism. It is a decision based on the idea that Jewish law (Halakhah) is a reflection of God's will, and that God's will is always of value and meaning. To the extent that the kitniyot minhag does not seem to be of value or meaning, or reflective of God at all, there is no reason to promote it any longer. But... (isn't there always a but?)

You know what is more important than eating kitniyot on Pesah? Shalom bayit, peace within the home. Now that the CJLS has redefined kashrut of over Pesah, you have to find out which members of your family can actually stomach this teshuvah (sorry—I couldn't resist). Just because the CJLS approves of something, doesn't mean your family will. Or even should. ***Toward that end, as for the synagogue, I think we will keep it kitniyot-free (at least for now) so that no one is made to feel uncomfortable.*** What the CJLS decision will allow all of us to do is open a conversation about kitniyot with the family. That would be a great discussion. Some questions to get the conversation going:

What does the observance of the prohibition against kitniyot mean to me?

How governed am I by the decisions of the CJLS?

If I abandon this minhag, what will I lose? What will I gain?

Who within our family will we be discouraged from our Pesah table if we abandon the kitniyot prohibition?

Good questions. Now just to throw a little reality check into this article... I may permit kitniyot over Pesah, but my primary mission has always been and remains to increase the numbers of Jews who fully observe Pesah by refraining from real hametz for the eight days of the festival. That concern will not make us Orthodox, but some in the community will certainly think it does.