

IS SUNFLOWER OIL KITNIYOS?

by RABBI SHLOMI WISE

A topic of discussion that invariably comes up before Pesach is the custom of not eating *kitniyos* foods¹. As this is generally relevant only to Ashkenazim, it evokes some amusement from our Sephardi brethren, while some of us Ashkenazim may feel we've been unfairly victimised.

The most confusing part of the *minhag* is the acceptability of various edible oils. The custom in England and Western Europe has always been to allow sunflower oil for Pesach cooking – at least, this was true until 20 or 30 years ago. All the kosher food shops, including the most *heimish* ones, from Stamford Hill to Salford, would stock this item on their Pesach shelves. In recent


years, however, people have begun to regard it as *kitniyos*. This is now the stance of kashrus organisations in Israel and America, too.

Origin of the Kitniyos Custom

The earliest written sources for the *minhag* of abstaining from *kitniyos* on Pesach are halachic works from the 13th century citing the view of Rav Yitzchak of Corbeil, France². His brother-in-law, Rav Mordechai ben Hillel³, records that his practice was to abstain from rice, millet, beans, peas, lentils and anything called legumes on Pesach⁴.

The reason given is that *kitniyos* are commonly cooked as a stew or pottage similar to the five

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- 1 Literally, small items; generally understood to mean legumes.
 - 2 See the Hagahos of his disciple Rabbeinu Peretz ben Eliyahu to Sefer Mitzvos Katan (Semak), Mitzvos Aseh, 222.
 - 3 Sefer Mordechai Pesachim, 588.
 - 4 This is despite the practice of their own teacher Rav Yechiel of Paris, who would eat cooked white beans on Pesach. All earlier sources indicate that Ashkenazim allowed *kitniyos* to be eaten on Pesach. For example, see Siddur Rashi, 397.



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species of grain, which would be *chametz*⁵. In addition, the Gemara (in *perek Hapoalim*⁶) refers to *kitniyos* as a *midi d'migdan*, meaning kernels that are winnowed and then left in large piles on the floor⁷. This rationale meant mustard was also prohibited. Another similarity is that, like grain, *kitniyos* are sometimes made into bread. Allowing *kitniyos* meant one might mistakenly use the wrong item on Pesach and thereby eat *chametz*.

The Tur's⁸ rationale is that the stores of rice, millet, and so on may not be adequately segregated from other grains, and there may be *chametz* grains present in the *kitniyos*.

Are Kitniyos Oils Included?

The *Trumas Hadeshen* wrote that oils derived from *kitniyos* such as flaxseed, sesame⁹ and hemp should not be eaten on Pesach but may be used for lighting lamps. The Maharil¹⁰ went further by banning the use of *kitniyos* oils altogether. The Rema¹¹ follows the opinion of the *Trumas Hadeshen*.

Some *poskim*, such as the *Shulchan Aruch HaRav*¹², understood that the prohibition of *kitniyos* is only when the kernels had become wet, however, if they remained dry

5 Wheat, barley, oats, spelt and rye.

6 The reference is difficult to find. Most editions refer to Bava Metzia 88b, but it possibly refers to 87a (end).

7 Rav Yisrael Isserlin of Maribor, and later Austria (c.1390-1460) in his work *Terumas Hadeshen*, Siman 113, understood *midi d'migdan* to mean grain-like, meaning that due to their similar appearance, one might mistake one for the other.

8 Rabbeinu Yaakov ben Asher (c. 1269-1343). He personally did not observe this minhag

9 See Rav Dovid Tzvi Hoffman (1843-1921), *Teshuvos Melamed Leho'il* 1, 87 and 88 regarding this oil.

10 Rav Yaakov HaLevi Moelin (c.1365-1427) of Mainz, Germany in his *Sefer Minhagim*. Though in *teshuvos* (25) he did allow this for lighting.

11 *Shulchan Aruch*, *Orach Chaim*, 453, 1.

12 *Orach Chaim*, 453, 5.

until added to the press this would be permitted.¹³ The Maharsham,¹⁴ the Be'er Yitzchok¹⁵ and the Maharshag¹⁶ added that this would also be a problem only when the *kitniyos* had not been checked to ensure they were *chametz*-free or where the *kitniyos* oil was extracted on Pesach itself. The Marcheshes¹⁷ thought one could allow oil from *kitniyos* if the seeds were added to boiling water at the beginning of production. The lenient view regarding oils from definite *kitniyos* has not generally been accepted, but it may be taken into consideration when assessing oils from seeds about which there is no set *minhag*.

Adding to the Kitniyos List

Over time, other items have been added to the *kitniyos* list. Buckwheat and corn, while not referenced by the *Rishonim*, are listed as prohibited by the early *Acharonim*.¹⁸ This seems to follow the view that *kitniyos* was a rabbinic *gezeirah*, and the intent may have been to prohibit all food types that could possibly fall under the *kitniyos* definition, even ones that were not available at the time.

On the other hand, many great *poskim* argued that *kitniyos* is a *minhag*, and one that is already very restrictive, and therefore there is no need to ban foods that were not originally included. The Chacham Tzvi¹⁹ was vociferous in claiming that the *kitniyos minhag* was difficult for the poor and was a stumbling block, causing them to bake *matzos* throughout Pesach, and possibly eat real *chametz*. The idea of limiting *kitniyos* was also expressed by the Hagahos al Sefer Minhagim²⁰ the Chok Yaakov²¹ Maharitz Chayes²², and many others.

Arrival of Sunflowers

The sunflower plant is native to North and Central America and therefore could not possibly have been common in the Middle East or Europe before the Spanish brought it to Europe in 1510, and certainly not in oil form. It was appreciated for its decorative and artistic value,

but was not seen as a food source for a further few hundred years.

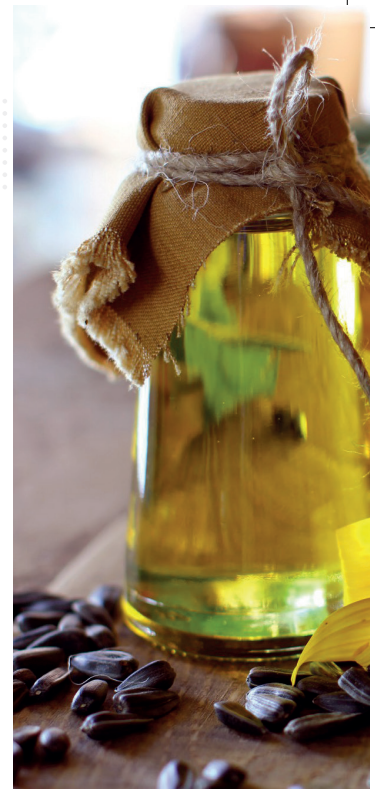
In ancient times, most of the fats and oils used in cooking were derived from animals or fowl (clarified butter and schmaltz), or fish. Some oil was sourced from nuts and seeds by rendering, that is, boiling them in water and skimming the resulting oil from the surface. For the most part, only olive oil was considered valuable enough to endure the exhausting process of grinding and then pressing the heated meal to extract the desired fluid. The patent for sunflower oil was granted in England in 1716. Things picked up significantly in 1795, when Yorkshireman Joseph Bramah patented the hydraulic press for edible oils.

Large scale sunflower oil production began only in 1829 in the Ukraine when a peasant named Daniil Bokarev invented a cylindrical wooden press for oil extraction. In 1834, Bokarev opened the first sunflower oil mill.

It did not take long until the question arose about the permissibility of sunflower oil for Pesach. One of the key motivations was the cost of food, particularly for the poor. From the writings of the 19th century Rabbanim who are the first to discuss it, we see that until then, (goose) fat traditionally had been used for Pesach in Eastern Europe.

Sunflower Oil

In Adar 5629 (1869), Rav Shlomo Drimmer²³ was asked for his opinion on sunflower oil that was sold at the time with a *hechsher* for Pesach. Based on an unknown text he



13 He understood this was the view of the Trumas Hadeshen, 113. In addition, see Magen Avraham, 453, 2 (end).

14 Rav Shalom Mordechai Schwadron (1835-1911). Vol. 1, siman 183.

15 Rav Yitzchak Elchanan Spektor (1817-1896). O.C. siman 11.

16 Rav Shimon Greenfeld of Semihali (1860-1930), Vol. 2, siman 43.

17 Rav Chanoch Henoah Eigis (1863-1941) siman 3. The process is called chalitah. See Rav Shlomo Yosef Zevin (1888-1978) Moadim B'halachah, Vol. 2, p. 309.

18 See Teshuvos Maharam Lublin, 78. Chok Yaakov, 453, 3.

19 Rav Tzvi Hirsch Ashkenazi (1656-1718). See Mar Uktzia 453 and She'eilos Yaavetz, vol. 2, 147, 4.

20 The Minhagim of Rav Yitzchak Tyrnau, who in the 1400s lived in what is today Slovakia, was a very influential work and is quoted regularly by the Rema. The work was greatly expanded by Rav Moshe Chazan, who lived in the 1500s.

21 Rav Yaakov Reischer (1661-1733). O.C. 453, 9.

22 Rav Zvi Hirsch Chajes (1805-1855), Minchas Kena'os, p.20a-21a.

23 Rav of Skala-Podilska, Galicia (1800-1872). Teshuvos Beis Shlomo Y.D. 177.



had read, Rav Drimmer thought sunflower seed may be the *shumshemin* of the Mishnah. This is commonly translated as sesame, and this appears to have been an etymological error on his part.²⁴ Rav Drimmer's son notes that the Aruch's²⁵ description of *shumshemin* would suggest that they are too small to be sunflower seeds²⁶. Rav Drimmer argued that even without this claim, anything that qualifies as *midi d'migdan* is prohibited. While he does not clearly define this category, in referring to the Rambam, he seems to include all seeds sown in the ground²⁷. He writes that sunflower would be off-limits on Pesach, similar to flaxseed and mustard.

Rav Drimmer's understanding of *midi d'migdan* is both novel and difficult to grasp. In addition, it should be

24 See Moadim B'halachah, ibid.

25 Sefer Ha'aruch of Rav Nathan ben Yechiel of Rome (c. 1035-1106)

26 The Marcheshes, siman 3, se'if 3, cites Bava Metzia 21a and the Rambam on Mishnayos Shabbos, perek 2.

27 Rambam, Hilchos Kilayim (ch. 1, 8-9). Why the Pesach minhag of kitniyos should be based on hilchos kilayim remains unclear. In fact, the Shulchan Aruch HaRav clearly ruled the opposite, that kitniyos do not include all types of seeds.

28 See Minhagei Maharil, ed. Mechon Yerushalayim 5749, p.129-130.

29 Rav of Buchach, Galicia, (1855-1925). Minchas Pitim, O.C. 353.

30 O.C. 453,1. Rav Dovid HaLevi Segal (c.1586-1667).

31 Rav Meir Arik was the leading posek in Galicia in his day. His opinion on is cited by Rav Yitzchak Yaakov Weiss (Minchas Yitzchak, 3, 138, 2) and Rav Chanoch Dov Padwa (Cheshev Ha'eifod, 2, 18) regarding cottonseed oil. While they chose to be machmir, the Sanz-Klausenberg Rav (Divrei Yatziv, vol.1, 196) was lenient regarding cottonseed oil.

32 Rav of Khust (now Ukraine) and Berettyóújfalu, Hungary (1834-1907). Teshuvos Beis She'arim, O.C. 215

noted that in the *teshuvah* he seems to rule out all other processed oils for Pesach, too. He notes that walnut oil and olive would also be prohibited for fear of contamination with *chametz*²⁸.

Rav Meir Arik²⁹ disagreed that all *midi d'migdan* should be classified as *kitniyos*. The Taz³⁰ differentiates between two types of *kimmel* plant, one whose kernels appear similar to grain and would be forbidden, and one whose kernels are dissimilar and would be allowed. However, regarding mustard, the Taz explains it is forbidden not because of its grain-like kernels, but rather because it grows on stalks similar to wheat. Rav Meir Arik understood the Taz gave two separate explanations because stalks do not automatically make a food *kitniyos*, and this reason is specific to mustard.³¹

He explains that our *minhag* of *kitniyos* applies only to foods that one boils (at home) and might confuse with grain, and this is why rice is considered *kitniyos* even though it does not grow on stalks.

Even if one disagrees with this point, Rav Meir Arik argued that *midi d'migdan* refers to the storage of grain in large heaps, (see the Ran, *Nedarim* 55a), which may apply to legumes but is uncommon for sunflower seeds.

On Taanis Esther 5641 (1881) the same question was posed to Rav Amram Blum³². Goose fat was very expensive that year, and the enquirer asked if sunflower oil could be used instead. Rav Blum discusses the definitions of *kitniyos* and notes that sunflower matches none of them. It is not commonly made into dough, nor is it cooked as





Sunflower oil extraction site.

a stew or made into bread. It does not grow directly on stalks like wheat or other grain. In his opinion it is also not a *midi d'migdan*, which based on the *Trumas Hadeshen*, he understands to mean item that look similar to grain enough for one to be mistaken for the other. He adds that sunflower is not grown near wheat, but rather near maize, and therefore there is no risk of cross-contamination from *chametz*.

In closing, Rav Blum writes that as he was allowing a new item, he would write to Rav Yekusiel Yehuda Teitelbaum³³ to ask for his opinion. Rav Teitelbaum agreed that sunflower is indeed halachically not *kitniyos*. Nevertheless, he was reluctant to take a lenient view and allow a new oil. He expressed concern that people would confuse this with other oils he deemed unsuitable for Pesach.

Rav Shimon Sofer³⁴ also wrote a *teshuvah* regarding this matter. He lists all the criteria for food to be classified as *kitniyos*, and points out that sunflower meets none of them, nor does it grow on the stalk of the plant. He therefore writes emphatically that sunflower oil is permitted on Pesach. He cites the Chok Yaakov, who says

the *minhag of kitniyos* is a *chumrah* (stringency) and we should not add further *chumros* to the *chumrah*.

Rav Chaim Elazar Spira³⁵, the Rebbe of Munkacz, Ukraine, noted the *teshuvos* of Rav Drimmer, and the closing remarks of Rav Teitelbaum to Rav Blum's *teshuvah*. He was therefore unwilling to take a lenient approach to allowing a new oil. He also wrote that he was unsure whether seeds that grow from the head of the plant count as growing from the stalk or not. Being mindful of the Maharil, who castigates those who do not observe the *issur of kitniyos*³⁶, he says that in cases of doubt one must be stringent.

Rav Spira concludes by noting that as sunflower is commonly found in all the surrounding provinces and as he had never heard of anyone making oil from it for Pesach, it is as though a decision had been made to consider them *kitniyos*. Clearly, he assumed sunflower oil had been produced for several centuries or more. In truth, it had begun only some decades earlier.³⁷

The Maharshag also countered that were sunflower oil to be used during the year but not on Pesach, this would be a valid claim. However, it was uncommon in Eastern Europe for people to use sunflower oil at all, as even throughout the year people used schmaltz. Therefore, this did not reflect on its suitability for Pesach.

Conclusion

We have seen that sunflower seeds do not fit the usual definitions of *kitniyos*, and most *poskim* allowed sunflower oil for Pesach. It is true that when it first became widely available, some Rabbanim did not allow it, but this was mostly because it had not been used on Pesach in the past and it was unfamiliar to them. Even today, in some Chassidic communities such as Satmar and Lubavitch, people refrain from using not only sunflower oil, but any refined and bottled oil such as walnut or olive oil. They maintain the age-old tradition of using schmaltz for Pesach.

For those who do buy refined oils for Pesach, sunflower would be fully acceptable, and this has now been the oil of choice used by most *frum* families in Europe for several generations. ■

33 Rav of Sighet (1808-1883) known by his work *Yetev Lev*. Grandfather of the first Satmar Rav.

34 Lived in Erlau, Hungary (1850-1944). Son of the Kesav Sofer. *Hisorerus Teshuvah*, Vol. 1, 158.

35 *Teshuvos Minchas Elazar*, Vol. 4, no. 30

36 Maharil, *Minhagim*, ed. Mechon Yerushalayim 5749, p.134. Apparently, the Maharil maintained that one who did not observe the *kitniyos* prohibition would transgress the Torah commandment of *lo sasur*. It seems difficult to apply this to a custom that arose after the completion of the Talmud. See *Hakdamah of the Rambam to Mishneh Torah*, 32-35.

37 Rav Spira does not seem satisfied that in 1869, sunflower oil was produced with a *hechsher* for Pesach. Also, that Rav who had given a *hechsher* to sunflower oil for Pesach aroused the ire of his father. Presumably, he expected sunflower oil to be mentioned by *poskim* hundreds of years earlier.