

*Copy of the Circular of the Westphalian Israelite Consistory to the Rabbis of the Kingdom.*

(Due to the circumstances of the times, this document by these *great men* has completely disappeared, such that it has cost us considerable effort to find a single copy. We have therefore had it printed *for the sake of the public* at our expense as a gift for the many *children of our nation*, especially in this country. — *Lovers of Our Brethren Children of Israel.*)

Kingdom of Westphalia  
Consistory of the Israelites  
Cassel, January 18, 1810

To the Rabbis of the Kingdom of Westphalia

Dear Rabbis!

We have been asked so often by soldiers of the Jewish faith: *whether they might not be permitted to subsist on legumes, such as peas, beans, lentils, as well as rice and millet during Passover, since matzah had been so sparingly distributed to them by their Israelite coreligionists and they had been as yet compelled on that festival, when so few matzahs were available to provide for their nourishment, either to starve or to sift hametz.* So we have found ourselves compelled to take this matter into more precise consideration.

Since we have for a long time noticed with regret how baking a significant amount of matzah makes it not only impossible to protect these same people from consuming hametz, but also very often exceeds the capacities of the needy Israelite who, according to custom, would be able to rely on partaking solely of matzah, it is therefore certainly so much more agreeable for us to offer this Israelite coreligionist some relief in this respect, which is just as much in accordance with the duties incumbent upon us as with the meaning of the religious commandments.

Not only the *Talmud* but also the *Bet Yosef*, the *Tur*, the *Rosh* [Rabbi Asher ben Yehiel], the *Rambam* [Rabbi Moses ben Maimon],\* the *Rif* [Rabbi Isaac Alfasi], and all the Rabbinic authorities do not have the least misgivings about permitting the use of the abovementioned produce on Passover (by which the Sefardim are still guided today); not only did Rabbenu Yeruham agree with this sanction but also called the custom of not making use of it a *foolish custom*.

Although in consideration of further observance of this abstinence the *S[efer] M[itzyvot] K[atan]* and the *Rama* [Rabbi Moses Isserles] are indeed of a different opinion, one can still easily understand that with regard to this use which we now make of the *five species of grain* the apprehensions of the *Rama* and the *S[efer] M[itzyvot] K[atan]\*\** disappear. The renowned Rabbi the *Hakham Tsevi* rejected this custom with all his might, and it certainly would have been abolished in his community had not the fear of yielding to the enmity of certain zealots held him back, as his son the Gaon Rabbi Jacob Tsevi explicitly mentioned in his work *Mor u-Ketsi'ah*. Indeed, in this work he himself expressed the desire to be able to sympathize with the abrogation of such an abstention.

Therefore, convinced of the injurious nature of the abovementioned custom and inspired by passion to be ever actively engaged in the welfare of our Israelite coreligionists, so that without detriment to our holy religion they might be in a position more easily to observe its commandments and fulfill their civic duties, we hereby declare:

That according to religious law every Israelite is permitted, and in good conscience allowed, to make use of peas, beans, lentils, as well as rice and millet, for food during Passover.

We do note, nevertheless, that these foods, before they are cooked, must be cleansed of all grains found among them, namely rye, wheat, spelt, oats, and barley.

As for the one who has avoided the above foods merely out of habit and thus *owing to a vow imposed a ban*: the present use may be allowed through the principle of *three men release from a vow*.

We call upon you, Rabbis, relying on your judgment and love for what is best in general, to make this known in all of the synagogues of your communities *immediately*, and it is to be hoped that in this regard you will lead the way by your good example. Meantime, all behavior either working against or otherwise giving evidence of dissatisfaction with this measure, which was calculated for the good of all, would be considered the action of one who is heedless of his duties and who does not wish to act diligently in accordance with the confidence of the Consistory.

With a renewed assurance of our esteem of you.

*Royal Westphalian Israelite Consistory*

Jacobson. Berlin. Kalker. Steinhardt. Fränkel. Heinemann.  
Merkel, Secretary.

\* The *Rambam* explicitly notes: “*afilu las kemah orez, ukhe-yotse’ bo, be-rothin, ve-kehisehu bi-begadim, ad she-nitpab kemo batsek she-bitmits h[are] z[eh] mutar ba-akhilah; she-en zeh hamets ela sirbon*” — “even if one had kneaded rice flour and such-like with hot water and covered it with cloths such that it rose and became like a leavened dough, this would be *permitted* to eat because it would not be considered like something leavened but rather like something rancid.” (*Rambam, perek 5 me-hilkhot hamets u-matsah.*)  
[*editor’s note*]

\*\* These apprehensions, cited in the *S[efer] M[itzvot] K[atan]*, consist of three points: (1) Because *grain is cooked in the pot (ma’useh kederah)*, as are legumes, both might be mistaken for one another; (2) because in many places *bread is made from legumes*; (3) because sometimes grain gets mixed in, so one cannot completely cleanse the legumes of them. [*editor’s note*]