

Hoshanos: Changing a Community Custom

By: STEVEN OPPENHEIMER

In one of the shuls in South Florida, the rabbi and the congregation wanted to change the custom of reciting *Hoshanos* from after Mussaf to after *Hallel*. The reasoning was that since the people were already holding the *arbaah minim*, it was a lot easier to just continue with *Hoshanos*. One person raised an objection and claimed that Rav Moshe Feinstein held that it was prohibited to change a shul *minbag*, and specifically, the *minbag* of reciting *Hoshanos* after Mussaf. *Minbag* Ashkenaz is to recite *Hoshanos* after Mussaf¹ and the shul davened *nusach* Ashkenaz. The reality today is that many shuls that daven *nusach* Ashkenaz have changed *Hoshanos* from after Mussaf to after *Hallel*. In this article we will discuss whether there is a basis for 1) reciting *Hoshanos* after *Hallel* and 2) changing the *minbag* of the shul with the approval of the rabbi and the majority of the congregation (*rov hatzibbur*).

History of the Custom

Sukkah 42b describes the mitzvah of *aravah*. According to Aba Shaul, the Torah mentions *arvei nachal* (plural) referring to the *aravah* used with the *lulav* and an additional *aravah* for use in the *Beis HaMikdash*. Aba Shaul is of the opinion that the *aravah mitzvah* is a *mitzvah d'Oraisa*. According to the Rabbanan, it is a *halachah leMoshe miSinai* (*Sukkah* 44a).

The Mishnah (*Sukkah* 4:5) informs us that there was a place below Yerushalayim called Motza. They would go to Motza and gather very long willow branches (11 *amos*) and stand them up (*zekifab*) on the side of the *Mizbei'ach* (Altar) with the tops of the willow branches bending over the *Mizbei'ach* by an *amah*. They sounded the *shofar* and every day they circled the *Mizbei'ach* one time, reciting, “*Ana Hashem hoshiab na, ana Hashem hatzlichab na.*” Rabbi Yehudah said they recited, “*Ani Vebo*” (in *gematriya ana Hashem*).

Today, we reenact this *aravah* ritual by encircling the *bimah*. While the Gemara makes no mention of this, Rav Saadiah Gaon mentions this in his *siddur* (p. 238). Rav Hai Gaon reports that this became a universal

¹ *Aruch HaShulchan*, O. Ch. 659:2

Dr. Steven Oppenheimer is an endodontist and has published articles on various halachic issues.

custom (*Otzar HaGeonim, Sukkah* 43b). Nowadays, the custom is to circle the *bimah* while holding the *arbaab minim* and reciting the *Hoshanos* prayer for that day, either after Mussaf or after *Hallel*.²

Based upon findings in the Cairo *Genizah*, the following construct emerges.³ During the time of Rav Amram Gaon, *Hoshanos* were recited twice—a short version after Shacharis and a fuller version after Mussaf. During the time of Rav Saadiah Gaon, *Hoshanos* were eliminated after Mussaf and *Hoshanos* after Shacharis were moved to after the Torah reading. This is the custom of Rav Saadiah that the *Tur* cites.⁴ The practice of the early Geonim was to not circle the *bimah* when they recited *Hoshanos*. These *Hoshanos* were recited immediately after *Hallel* while the people still held the *arbaab minim*. Later, when the custom arose to perform a *bakafab*, *Hoshanos* were moved to after the Torah reading so that the Torah would be out when the *bakafab* was performed. The Torah was read first because of the principle “תדיר קודם,” that which occurs more frequently comes first.

During this time period, the custom in Eretz Yisrael was to do *bakafos* only on Hoshana Rabbah and in Jerusalem they encircled Har HaZeisim. Since the *bakafab* was not associated with a Sefer Torah, it was done after Mussaf. As the custom of reciting *Hoshanos* with *bakafos* became more widespread, the earlier custom of reciting *Hoshanos* after Mussaf was retained. This is how the custom in Europe arose to say *Hoshanos* after Mussaf.⁵

It appears that historically there were three customs regarding the recitation of *Hoshanos*: 1. after Mussaf, 2. after the Torah (*Haftarab*) reading while the Sefer Torah was still out, and 3. after *Hallel*.

Custom to Recite After *Hallel*

Rabbi Chaim Mordechai Margoliot (1780–1820) wrote that there is a longstanding custom in Yerushalayim to say *Hoshanos* after *Hallel*. This is a *מנהג ותיקין*, a custom of the conscientiously pious.⁶ It has been reported that the custom of the *Chazon Ish* and Steipler Gaon was to recite *Hoshanos* after *Hallel* every day of Sukkos except Shabbos and Hoshana Rabbah, when it was recited after Mussaf.⁷ Rav Moshe Shteinman, how-

² Brofsky, David. *Hilkebot Mo'adim*, pp. 295–7.

³ *Ginzei Shechter*, Vol. 2, pp. 252–55. *Encyclopedia Talmudis*, Vol. 8, 535–539.

⁴ *Tur*, O. Ch., *siman* 660.

⁵ *Ginzei Shechter*, p. 255.

⁶ *Shaarei Teshuvah* 651:20 in the name of Rav Moshe Galanti.

⁷ *Orchos Rabbeinu*, vol. 2, p. 299.

ever, explained that in the shuls of the *Chazon Ish* and Steipler Gaon, *Hoshanos* were recited after *Hallel* only during Chol HaMoed because of *tircha detzibura*.⁸ During Chol HaMoed, people went to work after davening. We see that the *Chazon Ish* and Steipler Gaon, who followed *minbag* Ashkenaz, were concerned that putting the *arbaab minim* away after *Hallel* and then taking them out again after Mussaf would be time consuming and consequently changed the *minbag* during Chol HaMoed because of *tircha detzibura*.⁹

Rav Elyashiv's custom was to always recite *Hoshanos* after *Hallel*.¹⁰ According to *Sefer Chemedas Yamim* (cited in *Bikurei Yaakov*) there is an issue of זריזים מקדימים, one performs a mitzvah at the earliest opportunity.¹¹ Rav Ovadiah Yosef agrees and writes that זריזים מקדימים is preferable to ברוב עם הדרת מלך, the greater the number of people performing a mitzvah, the more honor is shown to Hashem. Even though there may be more people in shul after Mussaf, the Gemara¹² informs us that performing a mitzvah at the earliest opportunity is preferable to its performance by a larger number of people.¹³

The Mishnah¹⁴ informs us that “on that (seventh) day they would circle the *Mizbei'ach* seven times. When they were leaving (בשעת פטירתן), what would they say? “*Yofi lach Mizbei'ach*.” *Tur* informs us that Rav Saadiah Gaon was of the opinion that *Hoshanos* should be recited after the Torah reading. *Bach* explains Rav Saadiah's position that just as we take the *arbaab minim* right after Shacharis, so too, the *bakafos* (*Hoshanos*) were at the same time before Mussaf. Therefore, according to Rav Saadiah, we explain the Mishnah that בשעת פטירתן means at the time they completed the *bakafos* and not at the time they left to go home. *Tur* writes

⁸ *Sefer Shoneh Halachos, Toras HaMoadim*, p. 239.

⁹ *Tircha detzibura*, literally, placing a burden on the congregation or wasting the congregation's time, is so important that even a few wasted seconds should not be allowed. For example, *Mishnah Berurah* (O. Ch. 139:17) explains that when a person gets an *aliyah*, he should leave the Torah scroll open when making the first *berachah* so that the *baal korei* doesn't have to look for his place. In congregations where people wear *tefillin* on Chol HaMoed, *Magen Avraham* writes (25:31) that the congregation should remove their *tefillin* before *Hallel* and the *shaliach tzibbur* should remove his *tefillin* after *Hallel*. The *Levushei Serad* explains this is because of *tircha detzibura*, even though it only takes a very short time to remove one's *tefillin*.

¹⁰ *Shoneh Halachos, Toras HaMoadim, siman* 660.

¹¹ *Bikurei Yaakov*, 660:1.

¹² *Rosh Hashanah* 32b.

¹³ *Chazon Ovadiah, Sukkot*, p. 383.

¹⁴ *Sukkah* 45a.

that this is a good *minbag*, but it is not our custom. *Bach* writes that since our recitation of *Hoshanos* is *zecher leMikdash*, a remembrance of what was done in the *Beis HaMikdash*, we recite *Hoshanos* after *Mussaf* because the simple understanding of the *Mishnah* is that the *bakafos* (*Hoshanos*) were performed before the people went home.¹⁵

Aruch HaShulchan wrote¹⁶ that Rav Saadiah Gaon held that *Hoshanos* should be recited after *Hallel*. Rav Ovadiah Yosef wrote¹⁷ that he saw in the *Siddur* of Rav Saadiah Gaon that *Hoshanos* should be recited after *Hallel*. So it appears that there is a source going back to the time of the Geonim to recite *Hoshanos* after *Hallel*.

In a response to Rabbi Ephraim Greenblatt, Rabbi Feinstein wrote¹⁸ that the reason *Hoshanos* is recited after *Mussaf* is because the Torah reading and *Mussaf* are requirements (חיובים) and *Hoshanos* are only a custom. This is the reason for the *minbag* Ashkenaz. However, continues Rav Feinstein, there is a great reason (טעם גדול) to recite *Hoshanos* after *Hallel*. Inasmuch as one is already holding the *lulav* during the recitation of *Hallel*, one continues with *Hoshanos*, since putting it away in order to daven *Mussaf* would seem like מעביר על המצוות, passing over an opportunity to perform a mitzvah.¹⁹ In this responsum, Rav Feinstein presents us with a very good reason to recite *Hoshanos* after *Hallel*.

I would like to suggest another possible reason for the custom to recite *Hoshanos* after *Hallel*. The *Mishnah*²⁰ informs us that while encircling the *Mizbei'ach* they would recite, “אנא ה' הושיעה נא, אנא ה' הצליחה נא.” We say this in our recitation of *Hallel*. Perhaps this is the connection of *Hoshanos* to *Hallel* and another reason to say *Hoshanos* immediately after *Hallel*.²¹

Changing a Custom

*Sefer Maharil, Minbagim*²² relates the following story. Maharil was visiting the city of Regensburg during the *Yamim Nora'im*. He was the *shaliach tzibbur* and wanted to recite a *piyut* that was composed by a prominent

¹⁵ *O. Ch.* 660:3.

¹⁶ *O. Ch.* 659:2.

¹⁷ *Chazon Ovadiah, Sukkot*, page 384.

¹⁸ *Iggeros Moshe, O. Ch.* 3:99.

¹⁹ Which is expressly forbidden by the Gemara in *Pesachim* 64b.

²⁰ *Sukkah* 45a.

²¹ See *HaShomer Emes* 29:1 who writes that on *Sukkos* we are judged regarding water. The *naanu'im* during *Hallel* and the *bakafos* around the *Mizbei'ach* are connected because both come to avert טללים רעים ורוחות רעות, ולרצות על המים.

²² Pp. 339–40.

local rabbi, Rav Ephraim (who was buried in the town cemetery). The leaders of the congregation objected, saying it was not their *minhag* to recite this *piyut*. Disregarding their objections, Maharil recited the *piyut* anyway. A few days later, on Yom Kippur, Maharil's daughter passed away and he attributed her passing to his having changed the local custom. This incident involved the changing of a *minhag* against the expressed objections of the leaders of the congregation. This is different from our case where a change is supported by the rabbi and the majority of the congregation.

The rabbi of a congregation wrote to Rav Moshe Feinstein asking that he help him with an issue that arose in his shul. A number of people who davened *nusach* Sefard started davening in his shul, which davened *nusach* Ashkenaz. The newcomers, who had grown to a sizeable number, wanted to make changes to the davening by introducing some *nusach* Sefard customs. The rabbi and the original congregants objected. Was it proper for the newcomers to insist on these changes against the will of the rabbi and the original congregants who daven *nusach* Ashkenaz? Rabbi Moshe Feinstein explained²³ that newcomers to a congregation are obliged to observe *minhag hamakom*, the local custom of the shul, so long as the congregation exists. Rav Feinstein observed that it is prohibited to change a *minhag* such as when to recite *Hoshanos* because there is a specific reason to recite *Hoshanos* after Mussaf as we see from *Bach* (*siman* 660).²⁴ Reciting *Hoshanos* after *Hallel* would be against the practice of Rav Saadiah Gaon who, according to the *Tur*, recited *Hoshanos* after the Torah reading.²⁵ There appears to be no source in the Rishonim for reciting *Hoshanos* after *Hallel* and so clearly it is not permitted to change the custom and recite *Hoshanos* after *Hallel*, concludes Rabbi Feinstein.²⁶

What guidance is Rav Feinstein giving us? One might conclude that Rabbi Feinstein is saying that it is always forbidden to change a congregational *minhag* and that it is also prohibited to alter the order and customs of the davening. On the other hand, it seems more likely, considering the context of the responsum, that Rabbi Feinstein is responding to a plea for help from the congregational rabbi who is attempting to fend off an insurgency by a group in his shul that wants to make unwanted changes, changes that are against the will of the rabbi and the rest of the

²³ *Iggeros Moshe, O. Ch. 2:21.*

²⁴ According to the Mishnah, *Hoshanos* were recited just before the people left to go home.

²⁵ So as not to take out the Sefer Torah unnecessarily.

²⁶ *Iggeros Moshe, O. Ch. 2:21.*

congregation. Rav Feinstein is saying that individuals may not change *nusach hatefilah* against the will of the rabbi and the rest of the congregation.²⁷

Precedent

Is there a precedent for reciting *Hoshanos* after *Hallel* in a shul that has always recited *Hoshanos* after *Mussaf*? Rav Ovadiah Yosef brings the following story in his *Chazon Ovadiah*.²⁸ Rav Chaim Palaggi writes²⁹ of an incident that took place in his shul more than 200 years ago. The rabbi, Rav Mayo,³⁰ wanted to change the custom in his shul from reciting *Hoshanos* after *Mussaf* to after *Hallel*. All the congregants agreed except Rabbi Palaggi's uncle. He objected to changing the *minhag*, saying a custom of our fathers from antiquity has strong roots and should not be changed.³¹ As a result of this lone protestor, Rabbi Mayo backed down and did not change *Hoshanos* to after *Hallel*. Rabbi Ovadiah Yosef writes that Rabbi Palaggi's uncle acted improperly against the honor of the rabbi and the consensus of the congregation.

Changing *Minhag HaMakom*

Rabbi Moshe Feinstein explained³² that newcomers to a congregation are obliged to observe *minhag hamakom*, the local custom of the shul, so long as the congregation exists. Rav Shmuel de Modena,³³ however, wrote that it is permitted to change a shul custom with the approval of the rabbi. Rabbi Ovadiah Yosef³⁴ brings many proofs that rabbis throughout the ages have changed shul customs (e.g. see *Maharikash*, Y.D. 242). Mahari Irgas wrote that if a custom does not seem appropriate in the eyes of the *poskim*, it is proper to change the custom to one that is more appropriate.³⁵ One should not rely on the weak position

²⁷ See Rav Asher Weiss's explanation of Rav Moshe Feinstein's position later in the article.

²⁸ *Sukkot*, p. 384.

²⁹ *Lev Chaim*, *siman* 9, page 6b.

³⁰ Author of *Sefer Shorshei HaYam*.

³¹ A similar account is cited by *HaShomer Emes*, *siman* 49, *ot* 2, who brings the story from *Chakrei Lev* and identifies the protestor as Rav Chaim HaCohen, *av beis din* of Tripoli. According to this account, the issue was resolved the following year, and all the shuls in the area changed the custom from reciting *Hoshanos* after *Mussaf* to after *Hallel*.

³² *Iggeros Moshe*, O. Ch. 2:21.

³³ *Responsa Maharsdam*, O. Ch. 35.

³⁴ *Yabia Omer*, Vol. 10, *siman* 21, *ot* 8,9 and *Chazon Ovadiah*, loc. cit.

³⁵ *Responsa Divrei Yosef*, at the end of *siman* 5.

(משענת קנה רצוף) that some articulate that one may not change a custom even if it seems inappropriate. This argument has no substance (אין בהם ממש) because we have never encountered anyone who says that it is prohibited to change prayer customs. We should just make sure, as *Maharshdam* wrote, to avoid controversy. *Sefer Neveh Shalom*³⁶ points out that Rav Hai Gaon changed the *Haftarah* for Simchas Torah, challenging those who maintain that a custom may not be changed. *Rivash*³⁷ changed the custom in the Sarcasta congregation regarding the Rosh Hashanah Mussaf *Shemoneh Esrei* and its repetition. The *Knesses HaGedolah* changed a number of customs.³⁸ In *Responsa Divrei Yosef*,³⁹ Rabbi Irgas wrote that if most of the congregation wants to change a custom, we are not concerned with the minority as is clearly shown in *Maharshdam*.⁴⁰

Therefore, Rav Ovadiah Yosef asserts that Rabbi Mayo should have changed the prevalent custom of *Hoshanos* after *Mussaf* to the recitation of *Hoshanos* after *Hallel*, since almost all the congregation agreed. He should not have paid attention to the protestations of the one individual. Rabbi Yosef concludes that, based on *Rosh Hashanah* 32b,⁴¹ it is proper to say *Hoshanos* after *Hallel*⁴² in accordance with the *psak* of Rav Moshe Galanti.⁴³

Contemporary Opinions

What do contemporary *poskim* say regarding the permissibility of changing the custom of *Hoshanos* from after *Mussaf* to after *Hallel* in a shul that davens *nusach* Ashkenaz and has, heretofore, recited *Hoshanos* after *Mussaf*? If the rabbi feels that making appropriate changes will enhance the decorum and the *kevod hatefilah*, may the rabbi, with the agreement of most of the congregation, make changes to the *nusach hatefilah*? Is *tircha detzibura* an issue to consider?

Rav Hershel Schachter replied that the appropriate place for *Hoshanos* is after *tefilas* *Mussaf*. In the *Beis HaMikdash*, *nusach hamayim* occurred after the *mussafin* sacrifices. Since the *Hoshanos* ceremony is זכר

³⁶ *Siman* 582, p. 53b.

³⁷ Responsum 37.

³⁸ *Siman* 282 and in *Sbiyurei Kenesset HaGedolah*, 284 and 566.

³⁹ End of *siman* 4.

⁴⁰ *Chazon Ovadiah*, loc. cit.

⁴¹ As mentioned above, *zerizim makdimim* takes precedence over *berov am*.

⁴² *Minhag Yerushalayim*.

⁴³ *Sefer Korban Chagigah*, *siman* 86, p. 46a.

למקדש, in remembrance of what was done in the *Beis HaMikdash*,⁴⁴ we should recite the *Hoshanos* prayers after *Mussaf*. This is the basis for the *minhag* Ashkenaz to recite *Hoshanos* after *Mussaf*.⁴⁵ However, Rav Schachter concurs that the rabbi together with *rov hatszibbur*, most of the congregation, may make changes that will enhance *kevod batefilah* and avoid *tircha detzibura*. For example, *Anim Zemiros* and *Hoshanos* may be moved to after *Shacharis* if the rabbi, along with *rov hatszibbur*, feel this will lead to greater decorum and respect for the davening.⁴⁶

Rav Yaakov Ettlinger took issue with the idea that the *Hoshanos* ceremony was performed after the *mussafin* sacrifices in the *Beis HaMikdash* and wrote that the opposite is true. The *bakafos* were done when the *aravos* were placed on the side of the *Mizbei'ach* (*zekifal*).⁴⁷ The *zekifat ha'aravah* was performed at the time of the *nisuch hamayim*.⁴⁸ The *nisuch hamayim* occurred at the same time as the *nisuch hayayin* of the *tamid* offering of *Shacharis*.⁴⁹ This *nisuch* was prior to the *mussafin* offerings and the *mussafin* were prior to *tefilat haMussafin*.⁵⁰ Therefore, concludes Rav Ettlinger, this is definitive proof (ראיה מכרעת) that in the *Beis HaMikdash* the *bakafos* were prior to *Mussaf*. Since our *Hoshanos* service is *zecher leMikdash*, this is proof that *Hoshanos* should be before *Mussaf*.⁵¹

Rav Dovid Cohen⁵² wrote⁵³ that it is forbidden to change the order of the recitation of *Hoshanos*. It is frivolous (קלות ראש) to make changes to our *nusach tefilah* in addition to the prohibition to change *minhag hama-kom*. Moreover, continued Rav Cohen, the main reason is that the *Chasam Sofer* was against changing customs, articulated by his famous aphorism, *chadash asur min haTorah*. This is especially pertinent in our time when certain groups want to seize the name “orthodox” which was less respected 30 years ago. Now that they see that orthodoxy is on the

⁴⁴ *Machzor Vitry* wrote that *Hoshanos* are *zecher lenisuch hamayim* (*siman* 381).

⁴⁵ Rav Schachter says this was Rav Moshe Feinstein's reasoning.

⁴⁶ Verbal and written communication.

⁴⁷ See above.

⁴⁸ Rashi, *Sukkah* 54a, *d.b.* ה"ג לגבי מזבח. *Rambam*, ו' הלכה פרק י הלכה ו'. See *Aruch LaNer* on this Rashi where he proves this is also according to *Rambam*.

⁴⁹ *Sukkah* 48a, b.

⁵⁰ (לג.) and *Sukkah* 53a.

⁵¹ *Bikurei Yaakov*, 660:1, *d.b.* והנה זמן ההקפה. See also Responsa Rabbi Yehudah Miller, *siman* 134, where he proves that the *bakafah* in the *Beis HaMikdash* was prior to *Mussaf*. For additional proofs, see *Sefer Otzar Meforshei HaHoshanos*, p. 53. Rav Ettlinger, however, writes מנהג שום מנהג אין בידינו לשנות שום מנהג.

⁵² Rabbi, *Beis HaMidrash Gevul Yaavetz* and noted *posek*.

⁵³ Written communication.

rise, they call themselves orthodox even though they are *apikorsim*. This alone is reason enough. As the saying goes, a rabbi needs to be well versed in in the fifth *chelek* of *Shulchan Aruch*. It appears from Rabbi Cohen's response that it is not only prohibited to change the custom in an existing shul but also in a new shul that *davens nusach* Ashkenaz.

Rav Shlomo Zalman Auerbach was asked by the founders of a new shul in Yerushalayim that would be davening *nusach* Ashkenaz whether they should follow *minbag* Ashkenaz and recite *Hoshanos* after *Mussaf* or could they recite it after *Hallel*. Rav Auerbach instructed them that it was proper to say it after *Hallel*.⁵⁴

In Kehillas Maalos Dafna, where Rav Nachum Eisenstein is the rabbi, the congregants wanted to change the recitation of *Hoshanos* from after *Mussaf* to after *Hallel*. Rabbi Eisenstein refused, saying it is prohibited to change *minbag* Ashkenaz. After the congregants brought this up numerous times, Rabbi Eisenstein agreed to ask Rav Elyashiv.⁵⁵ Rav Elyashiv told Rabbi Eisenstein to change the custom and recite *Hoshanos* after *Hallel*.⁵⁶

Rabbi Donald Bixon⁵⁷ informed this author⁵⁸ that when the Young Israel of Miami Beach joined Beth Israel Congregation (Shevat 5770), he asked Rav Gedalia Dov Schwartz⁵⁹ whether it was permitted to change existing practices at Beth Israel (the older of the two entities) to conform with what was the practice at YIMB. The longstanding custom in Beth Israel was to recite *Anim Zemirot/Yom* and *Hoshanos* after *Mussaf*. Rav Schwartz told Rabbi Bixon that there was no problem changing the existing practices and customs. Rabbi Bixon asked him if this was because it was like starting a new shul (two synagogues merging). Rabbi Schwartz told him it made no difference.

Rav Avigdor Halevi Nebenzahl wrote that it is permissible to change the recitation of *Hoshanos* from after *Mussaf* to after *Hallel* in a shul that davens *nusach* Ashkenaz and had been reciting *Hoshanos* after *Mussaf*.⁶⁰

Rav Yaakov Varhaftig⁶¹ wrote that in his shul where they had been reciting *Hoshanos* after *Mussaf*, they changed *Hoshanos* to after *Hallel* even

⁵⁴ *Halichos Shlomo, Moadim*, p. 238.

⁵⁵ Rabbi Eisenstein was a *shamash* to Rav Elyashiv.

⁵⁶ Written communication from Rabbi Yehuda Spitz who is the *Sho'el U'meishiv* at Yeshiva Ohr Somayach.

⁵⁷ Rabbi of Beth Israel Congregation in Miami Beach.

⁵⁸ Written communication.

⁵⁹ *Av beis din* of the CRC and *posek* for the RCA at that time.

⁶⁰ Written communication.

though they daven *nusach* Ashkenaz. This was done with the approbation of the rabbi and the congregation. We find in many places, writes Rabbi Varhaftig, a sensitivity to *tircha detzibura*. Having to put away the *lulav* and *esrog* after *Hallel* and then take them out again after *Mussaf* for *Hoshanos* may be considered *tircha detzibura*. One should also take into consideration that there are important *poskim* who have changed customs, concludes Rabbi Varhaftig.⁶²

Rav Shmuel Halevi Wosner was asked by Rabbi Yavrov, “What are the rules for changing a congregational *minhag*? Do you need the approval of the whole congregation? In general, is it worthwhile changing *minhag hamakom*?” Rav Wosner responded that the halachic literature is replete with opinions that one should not change *minhag hamakom*, especially if the custom was established by great Torah scholars. However, writes Rav Wosner, one may make changes to the *davening* with the approval of the rabbi and the majority of the congregation.⁶³

Rav Asher Zelig Weiss wrote⁶⁴ that, clearly, the *halachah* is that it is permissible for a rabbi to change the recitation of *Hoshanos* to after *Hallel* if he perceives a valid need. This custom is a *מנהג ותיקין* and has its origins in classical sources. *Aruch HaShulchan* wrote this in the name of Rav Saadiah Gaon⁶⁵ and *Shaarei Teshuvah* wrote in the name of the *Machazik Berachah* that this is *minhag Yerushalayim* and *מנהג ותיקין*.⁶⁶ This is the prevalent custom in Israel, even in those shuls that daven *nusach* Ashkenaz. It was also the custom of the *Chazon Ish*. Even Rav Moshe Feinstein wrote that there are two accepted customs, and that there is a *טעם גדול* to recite *Hoshanos* after *Hallel*. Not doing so would appear to be *מעביר על המצוות*.

The only reason Rav Feinstein was strict in this matter, explains Rav Weiss, was because he was responding to a situation where a group was attempting to go against the wishes of the rabbi and the majority of the congregation. This is different from our case where the rabbi and most of the congregation want to adopt the custom to recite *Hoshanos* after *Hallel* which is the generally accepted custom in Jewish communities.

Rabbi Weiss points out that there is a conundrum regarding the words of the Rishonim especially regarding the position of Rav Saadiah

⁶¹ Rabbi Varhaftig is the Rosh Kollel Halachah in Machon Harry Fischel and the *av beis din Lemamanut* in Har Nof.

⁶² Written communication.

⁶³ *Responsa Shevet HaLevi*, 10:12.

⁶⁴ Written communication.

⁶⁵ *O. Ch.* 659:2.

⁶⁶ *O. Ch.* 651:20.

Gaon. The *Tur* writes that Rav Saadiah Gaon wrote that *Hoshanos* are performed immediately after the *Haftarah* reading, while the Sefer Torah is still out, so that the Sefer Torah would not needlessly be taken out again. *Ritz Gayat* wrote in the name of Rav Saadiah Gaon that *Hoshanos* were recited twice, after the *Haftarah* and after Mussaf.⁶⁷ This is at odds with the words of *Aruch HaShulchan* who wrote that Rav Saadiah Gaon said *Hoshanos* should be recited after *Hallel*. According to the *siddur* of Rav Saadiah Gaon, *Hoshanos* should be recited after *Hallel*. Rabbi Weiss writes that he is unsure if Rav Saadiah Gaon gave his imprimatur on the *siddur* that is attributed to him.

There are three separate customs regarding the recitation of *Hoshanos*, elaborates Rabbi Weiss. There are those who recite it, a) after Mussaf, b) after the Torah and *Haftarah* reading, and c) after *Hallel*. The custom to recite *Hoshanos* after *Hallel* is a מנהג ותיקין and is the majority custom (רוב העולם) in our time, concludes Rav Weiss.

It is clear, opines Rav Weiss, that had Rav Moshe Feinstein seen all of these sources, he would not have lightly dismissed the custom to say *Hoshanos* after *Hallel* because this custom is rooted in important classical sources (מקורות חשובים בדברי הקדמונים).

Rav Weiss explains that regarding the question about the permissibility of changing an age-old custom, we must understand that changing a custom to be strict (חומרא) to a more lenient one (קולא) is not allowed. However, when we are not dealing with חומרא וקולא, a stricture and a leniency, it is permitted to change the prayer customs and the like (מנהג) (לפי הענין והצורך) as needed (התפילה וכדומה) as has always been the custom. We see this from *Mabarshdam*⁶⁸ who permitted changing the *nusach batefilah* with the approval of the rabbi. This is also the opinion of the *Divrei Yosef*⁶⁹ who wrote that the custom may be changed with the approval of most of the congregation.

Rav Weiss cites Responsa Yabia Omer, where Rav Ovadiah Yosef brings⁷⁰ numerous examples where *gedolei Yisrael* who were congregational leaders, changed many customs with the consent of the congregation. If the congregation agrees, the rabbi may change a custom.

⁶⁷ *Shut HaGeonim Ritz Gayat*, page 115. Also in *Shaarei Simchah*, Vol. 1, page 157.

⁶⁸ Cited above.

⁶⁹ Cited above.

⁷⁰ *Yabia Omer*, vol. 10, *siman* 21, *ot* 9, cited above.

Summary

Rav Dovid Cohen is concerned about the motivations and consequences of changing *minbagim*. He cites the famous aphorism of the *Chasam Sofer*, “*chadash assur min baTorah*.” The *Chasam Sofer* had to contend with the rise of the *Haskalah* and other challenges to traditional Judaism. In our time, as Rav Cohen points out, there are those who wish to change our traditions to push a progressive agenda. Rav Hershel Schachter has written articles and essays decrying open orthodoxy, partnership *minyanim*, and women’s prayer groups. Drawing inspiration from *Shir HaShirim*,⁷¹ Rav Schachter expounds upon the verse, **אם לא תדעי לך היפה בנשים, צאי לך בעקבי הצאן וכו’**. If one is unsure what path to take, one should look to our forefathers and our traditions to guide us on the right path.⁷² Our traditions and *minbagim* are important, because they serve as our compass to guide us in an increasingly challenging world. This is an important lesson to absorb. That having been said, there are changes which do not fundamentally alter traditional Judaism and do not serve some radical agenda. Many congregations that daven *nusach* Ashkenaz have been moving the recitation of *Hoshanos* from after Mussaf to after *Hallel*. Shuls have also moved *Anim Zemiros* and *Tefilah shel Yom* from after Mussaf to after Shacharis. Historically, it is clear that great *poskim* have made changes to the davening, as mentioned in this article. *Poskim* have permitted, with the consent of the rabbi and most of the congregation, changes which enhance *kevod hatefilah* and avoid *tircha detzibura*. In this article, we have discussed the reasons for the Ashkenazi custom to recite *Hoshanos* after Mussaf and have presented the halachic basis for reciting *Hoshanos* after *Hallel*. In addition, we have presented reasons and opinions to allow changing *minbag hamakom* within certain parameters. Important contemporary *poskim* have endorsed this approach. It is up to the *rav* of each community to decide what would be most appropriate for his congregation. ❧

⁷¹ Chapter 1, verse 8.

⁷² See *Sefer BeIkvei HaTzton*, p. 3, and article starting on page 21.