

HALAKHAH, REALITY, AND DELIBERATION IN HALAKHIC  
DECISION-MAKING: THE DEBATE OVER THE PUBLIC READING  
OF THE TORAH FROM CODEX IN THE MIDDLE AGES

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Abstract

In a unique halakhic responsum, written in the first half of the 12<sup>th</sup> century, six of the greatest Narbonne sages of the time permitted the use of a codex, rather than a scroll, for the public reading of the Torah in the synagogue. This ruling, revolutionary in its content, is also surprising in its reasoning. The Talmud (*bGittin* 60a) states: “One may not read the Torah in public from a *Humash* because of the dignity of the congregation,” and the Narbonne rabbis candidly acknowledge the halakhic validity of that Talmudic dictum. Yet, they rule in contrast to the Talmudic ruling, claiming that it is better to annul the Talmud’s rule rather than to entirely abstain from the public reading of the Torah. Therefore, a community that is unable to arrange for a Torah scroll should, despite the Talmud’s ruling, perform the public reading of the Torah, using a codex for that purpose. This halakhic ruling engendered a fierce debate among medieval halakhic authorities and the present paper is devoted to an analysis of the different approaches taken in that debate. It shows that a rationale similar to that of the Narbonne rabbis can be found in other areas of medieval halakhic deliberations. It therefore argues that such a line of reasoning indicates that halakhic decision-making is not guided by a formalistic approach—aiming at implementing the demands of the authoritative texts of the law—but rather the potential consequences of a ruling is allowed to be a motivating factor in halakhic decision-making.