A Hen Crowing like a Cock: 
“Popular Religion” and Jewish Law

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In discussing “popular religion” and Judaism, there is a great danger — not to mention, great hubris or chutzpah — in attempting to define what popular religion actually means when applied to Judaism. There are basic and perhaps unsolvable problems of terminology and methodology, least of all in deciding what constitutes popular religion when applied to a text-centered and scholarly oriented religious system such as Judaism. What follows, therefore, is an elementary illustration of how this entire issue might be approached and one attempt to explore how such a study might proceed.  

1 It is a pleasure to thank those scholars who have helped with this paper in one way or another. Michael Stanislawski of Columbia University kindly shared with me his highly informative and suggestive unpublished paper, “Towards the Popular Religion of Ashkenazic Jews: Yiddish-Hebrew Texts on Sex and Circumcision.” In many ways I follow the analysis and outline advanced in that article. Jacob Joshua Ross of Tel Aviv University spent many hours reading and teaching me the nuances of halakhic literature; Ephraim Karnafogel of Yeshiva University not only read a draft of this paper but freely shared his learning with me and sent me pages from a forthcoming paper, “Halakhah and Mezi’ut (Realia) in Medieval Ashkenaz: Surveying the Parameters and Defining the Limits,” to appear in JewiJh Law Annual as well as from his forthcoming book, Peering Through the Lattices: Mystical, Magical and Pietistic Dimensions in the Tosafist Period (Wayne State UP, in press). Dale F. Eickelmann of Dartmouth College read a draft of this and gave me valuable suggestions about anthropological insights and readings that I trust have strengthened the arguments. Of course, for any errors in judgment or scholarly lapses, I take full responsibility.
Indeed, the entire field of "popular religion" has recently come in for criticism — if not scorn — and it was no less an authority than Arnaldo Momigliano, at the conclusion of the study "Popular Religious Beliefs and the Late Roman Historians," who observed:

Thus my inquest into popular religious beliefs in the late Roman historians ends in reporting that there were no such beliefs. In the fourth and fifth centuries there were of course plenty of beliefs which we historians of the twentieth century would gladly call popular, but the historians of the fourth and fifth centuries never treated any belief as characteristic of the masses and consequently discredited among the elite. Lectures on popular religious beliefs and the late Roman historians should be severely discouraged.2

Perhaps Momigliano's circumspection is even more precise when applied to the problem of "popular religion" and Judaism. After all, most studies of popular religion and Judaism, aside from some specialized topics, have for the most part relied upon the contributions and methodology employed in the scrutiny of popular religion among students of medieval and early-modern Christianity.3 This scholarly approach assumes and then describes a tiny clerical and lettered elite jealously guarding its own high culture against the great mass of the unwashed and unlettered who lived in a culture of folklore and folk belief, unaware of and unaffected by the concerns of the elite culture. This was dubbed the "two-tiered" approach, and popular religion as studied this way is always associated with the beliefs of the downtrodden, unorthodox, unwashed, and untutored. If truth be told, that approach to Christian popular religious history has tended to focus on if not to be obsessed with attempts to demonstrate the survival of paganism within medieval Christendom and the seeming failure of the church to make those who crowded into churches and cathedrals truly Christian in belief.

2 See Arnaldo Momigliano, "Popular Religious Beliefs and the Late Roman Historians," Essays in Ancient and Modern Historiography (Middletown, CT, 1977) 156.
3 See, for example, the discussion in Rosalind Brooke and Christian Brooke, Popular Religion in the Middle Ages (New York, 1983); Jacques Le Goff, Time, Work, and Culture in the Middle Ages (Chicago, 1980); and the remarkable study by Keith Thomas, Religion and the Decline of Magic (New York, 1971).