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# THE FINAL DILEMMA<sup>1</sup>

## CREMATION AS A FORM OF JEWISH BURIAL IN SLOVAKIA

By Peter Salner

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### Abstract

This paper seeks to answer the question of why, in the 21st century, Jews from the largest Jewish community in Slovakia have increasingly begun to prefer cremation over traditional Jewish burial. Importantly, Judaism views the act of cremation as a repudiation of faith in the afterlife, which incurs punishment in the form of exclusion from the resurrection after the prophesied coming of the Messiah. There is also a historical case against cremation, based on the Nazis' burning of the bodies of murdered concentration camp inmates. Ethnological research shows that the main reason for this preferential shift is the Holocaust, one of the consequences of which was that part of the survivors lost their faith in God, who, in their view, had allowed the tragedy to take place. At the same time, many of these survivors wished for their urns to be stored at a Jewish cemetery. Since the start of the third millennium, there has been growing pressure to accommodate this wish. The leadership of the Bratislava Jewish Religious Community (JRC) debated the issue in 2007, ultimately deciding to establish a columbarium on the premises of one of the city's two Jewish cemeteries. This paper's paradoxical conclusion is that, by opting for cremation, some members of the community (and their descendants) renounce Judaism while simultaneously reaffirming their Jewish identity and communal belonging.

**Keywords:** Judaism; Jewish burial; cremation; urns; columbarium; identity

In 1996–2013, as chairman of the Bratislava JRC, I was in daily contact with the lives –and, often, deaths–of the community members. All too frequently, we discussed the solution

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<sup>1</sup> This paper emerged as part of the VEGA 2/0047/21/10 project, *People in Non-Democratic Regimes. 1938–1989 in the Memory of the Slovak Majority and the Jewish Community. An Ethnological Perspective*. It draws on material gathered for an upcoming monograph about current burial trends in the Jewish community in Slovakia.

to the final dilemma that troubled so many of them. The long and complicated discussions can be summarized in a simple question: Cremation or traditional Jewish burial?

From the perspective of Judaism, the answer is simple. The only religiously acceptable choice is to have one's remains buried in the earth in the presence of the *minyan* (ten adult Jewish men). This naturally involves the observance of tradition and the recital of appropriate prayers and blessings. I examined Jewish burial in present-day Bratislava in a dedicated monograph.<sup>2</sup> It turned out that the issue could be analyzed in multiple ways. The most common way was to juxtapose the past and the present observance of tradition vs departure from it. Another was to compare Jewish burial trends with those in the Slovak majority, insofar as part of the community prefers a civil funeral. Also worthy of consideration was the integration of elements of the majority culture into Jewish funeral customs. However, over the past decades, the most frequent alternative has been cremation. This is despite the fact that Judaism unequivocally condemns cremation, and before the Holocaust, it was a practically unknown phenomenon. That is why I hope to shine a spotlight on it now.

My research was based on engaged observation, formal and informal interviews (especially with members of the Bratislava JRC), as well as JRC documents. Apart from Bratislava, which is home to the largest Jewish community in Slovakia, I also attempted to examine the situation in other cities. Even after leaving my post as chairman of the Bratislava JRC, I continued to receive email updates on the activities of the community, which are disseminated by the community administration. These updates include obituaries for community members, along with the planned funeral venue. It seemed to me that, in contrast to the not-so-distant past, recent funerals were more frequently held at the crematorium rather than at one of Bratislava's two Jewish cemeteries. I decided to verify this suspicion.

First, I sought to understand why, despite the categorically negative attitude of past and present rabbinical authorities, a significant number of JRC members voluntarily opted for cremation, which Judaism treats as a cardinal sin. Importantly, these people made their choice in democratic circumstances where, unlike in 1948-1989, when Czechoslovakia was ruled by the Communist Party, they faced no political pressures or existential threats.

While Judaism emphatically condemns cremation, the Communist regime saw it as “an instrument of ideological struggle”<sup>3</sup> to be deployed in its campaign against religion, Jewish or

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<sup>2</sup> Peter Salner, *Požehnaný spravodlivý sudca. Súčasné formy židovského pohrebu* (Bratislava: Ústav etnológie SAV, 2014).

<sup>3</sup> Hana Zelinová, Podiel Čechov na propagácii kremečného hnutia na Slovensku. In Ján Botík (Ed.), *Obyčajové tradície pri úmrtí a pochovávaní na Slovensku s osobitným zreteľom na etnickú a konfesijnú mnohotvárnosť* (Bratislava: Lúč, 2001), pp. 207–216.

otherwise. People who openly professed religious sympathies risked existential reprisals. In extreme cases, they could be jailed, laid off from work, or expelled from secondary schools or universities. I had originally assumed that it was precisely the consequent fear of persecution by Communist power that drove some (Jewish as well as non-Jewish) families to opt for a “life with a mask,” which entailed hiding their true convictions in public. However, ethnological evidence suggested that the reality was more complicated. As it turned out, the Holocaust, apart from devastating the Jewish community demographically, had also transformed the values of part of the survivors and their descendants. This was most frequently manifested in the weakening, or complete loss, of religious faith. This reorientation of values also translated into how people tackled the final dilemma. Judaism prohibits cremation because it views it as a violation of one of the religion’s central precepts; namely, the belief in resurrection after the arrival of the Messiah. On this view, cremation represents a conscious repudiation of faith in the afterlife. Those undertaking it will be punished by being excluded from the resurrection.<sup>4</sup>

The first step toward examining the situation on the ground was quantitative analysis. I took data from 2001–2012, which I had previously used in my aforementioned monograph on traditional Jewish burial and complemented it with data from the subsequent decade of 2013–2022. According to this collection of data, a total of 373 Bratislava JRC members died between 2001 and 2022.<sup>5</sup> In 29 cases, there was no specific information on the place and form of burial.<sup>6</sup> My analysis was therefore limited to the remaining 344 cases.

On a broad view of the two decades, cremation was the minority choice, representing 48.3 of all cases. A closer look, however, reveals a significant change. In the first decade, analyzed in the aforementioned monograph,<sup>7</sup> there was a clear preponderance of traditional burials—they made up 58.4% of the 207 cases, and they were the majority choice in each of the 10 years. However, in the following decade (2013–2022), there had been a shift. Of the 137 deceased, 57.1% wished for their remains to be cremated. Barring only one exception (2021),

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<sup>4</sup> See, for instance, Neil Gillman, *Vzkříšení a nesmrtelnost v židovském myšlení* (Praha: Vyšehrad 2007), (especially the chapter “Death in the Bible”); Kurt Schubert, *Židovské náboženství v proměnách věků* (Praha: Vyšehrad, 2010), p. 108.

<sup>5</sup> According to available annual reports, between 2001 and 2023, the membership of the largest JRC in Slovakia has oscillated around 500. That means that 75 % of the community membership has been replenished in a matter of two decades.

<sup>6</sup> Practically, there are three alternatives here: a) Jewish burial outside of Bratislava – this option is most frequently taken by residents of the only Jewish retirement home in Slovakia, Ohel David; they are formally part of the Bratislava JRC, but they ask to be buried in their places of origin; b) non-Jewish (civil) funeral; c) cremation.

<sup>7</sup> Peter Salner, *Požehnaný spravodlivý sudca. Súčasná formy židovského pohrebu* (Bratislava: Ústav etnológie SAV, 2014).

cremation was consistently preferred over traditional burial. The departure from the previous trend occurred in the year 2013.

### **A Look into the Past**

A brief look into the more distant past is helpful. The Czechoslovak Republic was formed on October 28, 1918, after the collapse of the multinational Austro-Hungarian Empire. Already on April 1, 1919, Parliament adopted “Act 180/1919 on the Facultative Burial by Fire,”<sup>8</sup> which enabled the cremation of human remains. Cremation became widespread, especially in the Czech part of the new republic, where, besides the ethnic majority, it was also embraced by a section of the Jewish community.<sup>9</sup> Even before WWII, the present-day Czech Republic was home to 14 crematoria; since then, their number has grown to 27. The Polish writer Mariusz Szczygiel, who has spent years observing Czech society, has opined that crematoria and cremation were an expression of post-factum defiance of the ill-fated monarchy and the Catholic faith.<sup>10</sup> In the more conservative and, to this day, mostly Catholic Slovakia, this form of burial only began to propagate later, and to a lesser extent (largely thanks to the initial resistance of the Church). Today, there are seven crematoria in the country, the first of which was established in Bratislava as late as 1969.

To understand the current situation in Bratislava (as well as in other JRCs across the country), it is necessary to appreciate the consequences of Regulation 231/1945.<sup>11</sup> The Regulation was adopted by the National Council of the Slovak Republic only a few months after the Liberation, and in many respects, it continues to affect the life of the community to this day. In terms of the issue at hand, the most salient aspect of the Regulation is the clause stipulating that every town or city host but a single (unified) Jewish religious community. This forced Orthodox and Neolog believers to work together. In the 1950s, after the Communist regime disbanded most associations (including religious, Zionist, and educational ones), the communities also became home to more-or-less secular Jews. The resulting heterogeneity of values persists to this day and affects the community’s relationship to cremation.

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<sup>8</sup> <https://www.aspi.sk/products/lawText/1/1080/0/2/zakon-c-180-1919-sb-o-fakultativnim-pohrbivani-ohnem>. (Accessed 15.10. 2022).

<sup>9</sup> For compelling data on Jewish cremation in Bohemia prior to the Holocaust, based on research in the town of Hradec Králové and in Eastern Bohemia, see Rut Jonatan Weiniger – Ladislav Zikmund-Lender, “Pohřební dvorana s kolumbáři na židovském hřbitově na Pouchově,” in *Královéhradecko*, 2019, 10: pp. 365-382.

<sup>10</sup> Marius Szczygiel, *Udělej si ráj*. (Praha: Nakladatelství Dokořán, 2011), p. 115.

<sup>11</sup> Regulation 231, issued on September 10, 1945, concerning “the arrangement of the conditions of the Jewish faith members in Slovakia”. in *Úradný vestník*, ročník 1945, č. 23, 29. septembra 1945: pp. 515-516.

## Traditional Burial

In 1941 (shortly before the start of deportations from Slovakia in 1942), Rabbi Armin Frieder published a slim brochure. Drawing on his knowledge and experience of life in the community, he gave a detailed description of Jewish burial.<sup>12</sup> The brochure remains relevant to this day, representing an important testimony about the state of Jewish burial in the past and illustrating its transformations in the present. Frieder provides a comprehensive account of the issue at a time when most towns in Slovakia were still home to a sizeable Jewish community. I own the German-language original of the brochure, but I here draw on its Slovak translation.<sup>13</sup> The Bratislava Rabbi Baruch Myers has not only authorized it but also furnished it with explanatory notes highlighting and elucidating present-day changes.

It is clear from Frieder's text that traditional burial is a complicated process that neither begins nor ends with a ceremony at the cemetery. For instance, the involvement of the Chevra Kadisha funeral brotherhood starts already during the stage of illness and continues throughout dying and even past death. For the public, the process culminates with the funeral, but it is only truly finished after the period of grieving by the deceased's family. Frieder's manual was based on the situation in a sizeable, residentially, and ideologically compact community where social control and spontaneous intergenerational exchange of knowledge were matters of course. The main difference in contrast to the present lies in the fact that, save a few exceptions, people in the past died at home, surrounded by their friends and loved ones, as well as by Chevra Kadisha, who planned and organized all the requisite observances at home and at the cemetery. In these circumstances, it was not difficult to adhere to the principle that the funeral should take place the day after death, at the latest. The burial had to be preceded by *taharah*—ritual purification and dressing of the deceased in a traditional burial shroud made of white fabric (*tachrichim*). While, in the case of Orthodox burials, the deceased was lowered into the ground wrapped in *tachrichim*, Neolog tradition prescribed the use of a simple wooden casket. The casket had to be made of unprocessed wood and held together by wooden stakes. Family members observed seven days of deep mourning (*shivah*) and 30 days of moderate mourning (*shloshim*).

In the present day, burials are simpler. In Bratislava, as well as in smaller, village communities, Jews are far less numerous and more diffused across the whole territory. The

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<sup>12</sup> Armin Frieder, *Schaarei Rachamim. Gebete und Vorschriften für Kranke und Trauende* (Nové Mesto nad Váhom: Chevra Kadisha Sektion der Status quo ante Kultusgemeinde, 1941).

<sup>13</sup> Armin Frieder, *Brány milosrdenstva. Modlitby a predpisy pre chorých a smútiacich* (Bratislava: Ústredný zväz židovských náboženských obcí, 2014).

community, therefore, has limited opportunities for social control. Observance of tradition is also complicated by the fact that, in the majority of cases, people die in the anonymous environment of hospitals, which regulate visits. Adhering to customs to the extent mentioned by Rabbi Frieder is, therefore, unrealistic. Out of the whole funeral procedure, only the ritual purification and dressing of the body (*taharah*) is performed under the direct supervision of the rabbi and the community, which is the primary precondition to the observance of tradition. The other phases take place in private. The bereaved pick only those elements out of the spectrum of customs that they know or deem important. As with other manifestations of social culture, the specifics of customary expression are shaped by factors of selectiveness, individualization, and streamlining.<sup>14</sup> This leads to the emergence of idiosyncratic, essentially unique models. In the case of burials, streamlining is aided by the fact that, especially in the first phase (illness and dying), there is no functional Chevra Kadisha. Convening the *minyan* also poses a frequent problem.

Often, the funeralgoers' impressions of the ceremony are negatively prejudiced by their ignorance of the proper procedure, origin, and symbolism of the funeral customs. The simple—and, for the uninitiated, hard-to-apprehend (according to some, even primitive)—form of burial contrasts with the ostentatiousness of Christian/civil funerals. The unpleasant impression is compounded further when funeralgoers from the majority make critical comments regarding the ceremony. They tend to reflect negatively on the unvarnished wooden casket, as well as on the Orthodox burial in a shroud, viewing it, not as an expression of historical tradition, but as an indication of poverty. These aspects constitute arguments that some people deploy in favor of cremation. An inevitable consequence of the reality on the ground is the aforementioned streamlining of traditional, codified burial.

## **Jewish Cremation**

Judaism emphasizes the inviolability of graves and the remains interred therein. Unless a natural disaster or political edict necessitates the contrary, graves should remain untouched until the prophesied coming of the Messiah. According to religious Jews, cremation represents the definitive obliteration of human existence and thus excludes the deceased from the

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<sup>14</sup> Peter Salner, *Crossroads of Jewish Bratislava. An Ethnological Examination of the Jewish Community between the 19th and 21st Centuries* (Berlin/Bratislava: Peter Lang GmbH/Veda, 2021), p. 92.

resurrection. Even *kohens*,<sup>15</sup> whom tradition prohibits from any physical or symbolic contact with the dead (including visits to the cemetery), can touch ashes without fear of losing their religious identity.

Despite this, in the Jewish community in Slovakia, cremation has gradually evolved from a religious taboo to a mainstream mode of burial. The quantitative increase in the number of cremations has also translated into the qualitative dimension. Since the start of the 1990s, there were growing calls to allow the deposition of urns at the Jewish cemetery. Even before, it had been a public secret (in Bratislava as well as in other JRCs) that some community members illegally placed the ashes of their loved ones into pre-existing graves. Not everyone, however, was willing to adopt such an unsanctioned solution. The concerned parties argued by reference to historical, psychological, economic, and environmental considerations. Their most frequent argument was that they wanted to fulfil their loved one's last wish. (They were mostly Holocaust survivors who had opted for cremation but wanted their remains stored at a Jewish cemetery.) Ethnological research has shown that, for part of the survivors (and their descendants), cremation became a symbolic expression of solidarity with the fate of their relatives who had been incinerated in Nazi death camps. The bereaved frequently opted to immortalize the memory of their murdered kin by having their names inscribed on the gravestones of survivors (typically, on the reverse side). Another frequent argument in favor of cremation was the loss of faith in God, who had allowed the Holocaust to happen.

The pressure gradually mounted, and in 2001 the leadership of the JRC began to seriously consider requests for the toleration of cremation. Arguments in favor and against the proposition were exchanged at representative assemblies. Apart from religious reasons, opponents highlighted the fact that cremation had been used by Nazi death camp administrators to dispose of the bodies of their murdered victims. In early March of 2003, the assembly adopted a resolution that enabled the deposition of urns at the Neolog cemetery,<sup>16</sup> though it did not specify the practicalities. Members of the assembly considered storing the urns in the earth of the cemetery, as well as the construction of a columbarium. They also debated whether to allow interested parties to choose between the two alternatives. Some members of the community adopted a negative stance. Their views were summarized by Bratislava native and Israeli citizen Tibor Kardoš in an interview with Jana Mielcarková: "Cremation and the

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<sup>15</sup> These members of the Levite tribe had the exclusive right to fulfil priestly duty and bring sacrifices at the Temple of Jerusalem. If they hope to retain their priestly capacity, in addition to the aforementioned prohibition on contact with the dead, they must observe a number of other restrictions. (Jaakov Newman – Gavriel Sivan, *Judaismus od A do Z. Slovník pojmů a termínů* (Praha: Sefer, 1992), pp. 92-93.

<sup>16</sup> Minutes from a Representative Assembly of the Bratislava JRC, March 5, 2003.



columbarium are crossing a line, as people say. I am no fanatic, but tradition is necessary. If they want a columbarium, they can build it somewhere else; it should not become a new tradition. Let the urns be placed someplace else, in a dedicated spot. It should be made clear that those five, ten meters are not part of the Jewish cemetery.”<sup>17</sup> In May 2005, after four years of deliberations, the community came together for a meeting with a single point of the agenda: to decide how the community would deal with cremations and the interment of ashes. According to the official minutes from the meeting, “the majority of the discussants refused to allow the placing of urns in the earth and instead adopted a compromise, agreeing to build a columbarium.”<sup>18</sup> Just as the very existence of the columbarium, even the place where it was eventually built was decided by compromise. It turned out to be the best solution, even though (or, perhaps, precisely because) it did not fully satisfy anyone’s demands. The columbarium stands on the premises of the Neolog cemetery, which ceased interments in 2010 because there were no remaining burial plots. It is built behind the funeral home, and thus in a part of the cemetery with no graves.

The columbarium, which was inaugurated on January 1, 2007, has 30 niches, each of which can fit a maximum of four urns. The rules drawn up by the community recognize the act of cremation, but they also reflect the fact that this form of burial contravenes the principles of Judaism. This is why religious observances during the interment of urns are prohibited, and there is also a ban on “. . . any Jewish symbols, Hebrew texts, or other religious symbols”<sup>19</sup> on the memorial plaques. At the end of 2022, 16 years into the columbarium’s existence, all the niches were occupied. According to the names on the memorial plaques, they contain 45 urns, at least eight of which predate the inauguration of the columbarium.<sup>20</sup> Interestingly, the bereaved treat these “nonreligious” objects with the same reverence as they might do with “real” graves. They decorate them with pebbles and flowers and inscribe the names of their loved ones, murdered during the Holocaust, on the memorial plaques.

The illegal deposition of urns did not stop after the opening of the columbarium. The reasons for this are various: some people saw it as a priority that urns be placed in the earth of

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<sup>17</sup> Tibor Kardoš, „Nemám čas starnúť,“ In: *Ludia z Kile. Rozhovory Jany Mielcarkovej*. Bratislava: Židovský kultúrny inštitút a ŽNO Bratislava 2016, p. 48.

<sup>18</sup> Minutes from a Representative Assembly of the Bratislava JRC, June 22, 2005.

<sup>19</sup> Minutes from a Representative Assembly of the Bratislava JRC, January 8, 2007.

<sup>20</sup> In these cases, the family moved the urn to the columbarium from the crematorium or another place where it had been kept previously. Interestingly, bar the occasional exception, the columbarium mostly houses the remains of Holocaust survivors. JRC documents make clear that cremation was also the burial mode of choice for several Children of the Holocaust, and ethnological research shows that others, too, are planning for this form of burial.

the cemetery; others were convinced that families should stay together even after death; still others wanted to save money by storing the ashes in a pre-existing grave. The “detabooization” of cremation, however, has enabled part of the bereaved to be open about this fact and even advertise it by having the names of their cremated relatives inscribed on the gravestone. In most cases, the names are inscribed on the front side of the gravestone, along with the names of the bereaved’s legally buried relatives. This results in a paradox, where the reverse side of the gravestone memorializes people who were cremated in death camps, while the front side memorializes those who voluntarily opted for cremation in democratic circumstances.

In relation to the sin of cremation, there arises, in various contexts, the question of how the Holocaust could have been allowed to happen and why death and incineration were also inflicted upon so many righteous believers, in addition to sinners. Rabbi Abraham Romi Cohn, a Bratislava native and Holocaust survivor, tried to come up with an explanation, borrowing from the Bible: “Be careful, or you will be enticed to turn away and worship other gods and bow down to them, whether they be gods of socialism, Communism, or the Enlightenment. And if we do bow down to them, then the Lord’s anger will burn against us. Throughout history, we have seen death and destruction visited not only upon sinners but also on the righteous. Moreover, the righteous have frequently been the first to suffer. Why? Because the righteous do not hesitate to sacrifice themselves for the good of nations. Maybe this will temper G-d’s wrath, and he will have mercy on us and forgive us our trespasses.”<sup>21</sup>

Rabbinical authorities, as well as survivors and their descendants, are presently plagued by the question of whether the punishment for cremation—exclusion from the afterlife—also applies to people who were involuntarily cremated in death camps. The solution could be found in the concept of martyrdom. This is based on the conviction that, after the coming of the Messiah, the souls of the innocent victims will be resurrected, unlike those of the survivors, who chose cremation themselves.

## Conclusion

Orthodox Jews, especially, consider cremation to be a repudiation of the Jewish faith and a renouncement of one’s belonging to the community. In terms of the relationship to Judaism, this conviction is well-grounded, but in terms of identity, things are more complicated. At present, the Jewish identity can manifest itself in religious, traditionalist, or secular forms. Voluntary cremation is an attendant phenomenon of the loss of faith in God in general and the

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<sup>21</sup> Avraham Romi Cohn – Leonard Ciaccio, *Prežil, aby odriekal kadiš* (Bratislava: Marenčin PT, 2017), p. 221.

Jewish God in particular. Another phenomenon accompanying this attitude is the absence of fear of religious punishment, whether in life on earth or in the hereafter. For some people, cremation represents a part of the assimilation process or stems from the effort to protect the bereaved from potential political or societal reprisals. It is therefore rooted in residual fear of the past regime, as well as of the prevailing anti-Semitism of the majority.

In other contexts, cremation paradoxically seems like a legitimate way of professing one's Jewish identity by reflecting on the recent past. This is when cremation becomes an expression of a post-Holocaust, anti-religious, but nevertheless Jewish identity. This is also evidenced by membership in a JRC, the effort to place an urn on the premises of a Jewish cemetery, or by subscribing to the legacy of the Holocaust. The reverse also applies. Traditional burial cannot automatically be viewed as a profession of faith. It can just as well be a show of respect for the traditions of one's forebears, or an expression of one's conviction that families should "stay together even after death."

All of this leads to the paradoxical conclusion that, by opting for cremation, one can simultaneously repudiate Judaism and faith in God and proclaim one's Jewish identity and belonging to the community. The different attitudes to forms of burial are an important signal about internal tensions within the community, which stem from divergent perceptions of the Jewish identity in contemporary Slovakia.

Translated from Slovak into English by Jakub Tlodka