

## **Caveat Emptor – Beware of Grave Robbers**

**Dr. Yitzchok Levine**  
**Department of Mathematical Sciences**  
**Stevens Institute of Technology**  
**Hoboken, NJ 07030**  
[llevine@stevens.edu](mailto:llevine@stevens.edu)

It is not uncommon for Observant Jews to want to be buried in Eretz Yisroel. While this involved considerable difficulty in the past, the advent of modern day air travel has made burial in Eretz Yisroel a viable option. Those who want to do this often purchase *karka* (plots) from an organization, such as a *Chevra Kadisha*, so that after 120 years their final resting place will be ready to receive their remains. This is a story of a family that thought it was doing just that, but discovered to its surprise and chagrin, that their purchase was not really a purchase.

Reb A has been a member of a *Chevra Kadisha* for many years. He joined while yet a young man, because his father was an active member. Father and son were *zoche* to do many *taharos* over the years. In the early Eighties Reb A's parents and siblings decided to buy a family burial "plot" in Eretz Yisroel, because they all wanted to be buried in adjoining graves. They contacted an organization and, for a considerable sum of money, purchased a family burial place in a cemetery in Yerushalayim. At the time of the purchase they received official looking documents attesting to their ownership of these plots. These were put away in a safe place, and nothing further was thought about the matter.

(In order for the reader to fully understand the thrust of this article, it is important to point out here that the organization from which Reb A's family purchased their family burial place is *not* one of the *Chevra Kadishes* of Yerushalayim. The burial plots that Reb A's family purchased were not sold to them by a *Chevra Kadisha* of Yerushalayim.)

About ten years ago Reb A's father passed away. After a funeral in the U.S., Reb A flew with the *nifter* to Eretz Yisroel in order to have his father interred in one of the family plots. At the time of the actual burial Reb A noted that the grave that had been dug for his father was not where he thought it should be. According to the deeds that Reb A had, the grave that had been dug, while in the same row, was adjacent to the plots indicated on his deeds. It did not seem to him to be in the right spot. When Reb A mentioned this, his concerns were dismissed, and he accepted this. After all, he had just lost his father and overcome with emotion. His father was buried in the grave that had been dug, and Reb A thought no more of the matter. Over the years, when he visited Eretz Yisroel, he went to his father's grave to pay his respects.

About a year ago, Reb A's mother became quite ill. To save her from dying from infection, it became necessary to amputate one of her legs. Since the limb required burial, Reb A contacted the *Chevra Kadisha* of Yerushalayim to advise them that he would be

sending the limb for burial. It was then that Reb A got the surprise of his life. He was told that his family did not own any graves next to his father!

Reb A was absolutely flabbergasted and dumbfounded. He could not believe what he had been told. "I have certificates for graves next to my father for my mother, my siblings and me," he said. After a good deal of back and forth the following came out. **The organization that had sold Reb A's family the plots had also sold those same plots to a number of other families!!!** Another family had purchased the plots two years before! These buyers had deeds from the Chevra Kadisha of Yerushalayim, whereas the deeds that Reb A had were issued by another organization. Those with deeds from the Chevra Kadisha of Yerushalayim were the rightful owners. Reb A's official looking certificates were worthless!

The greed of the representatives of this organization had led to a scam: offer the same plots to a number of people, take money for the sale, and then pocket the funds from the second and third and who knows how many other sales of the same plots. After the first sale this organization contacted and paid the Chevra Kadisha of Yerushalayim for the plots. But they did not, of course, do this for the other sales of the same plots. No matter that only the first buyer really owned the graves! It is wickedness that is virtually incomprehensible.

At this point it is important for the reader to understand how some organizations raise money through the sale of plots. The Chevra Kadisha of Yerushalayim is the only rightful owner of the Yerushalayim cemeteries. Various organizations contract with this Chevra Kadisha for the right to sell a number of plots in a certain location at a certain price per plot. An organization looking to raise funds sells these plots to individuals at a higher price. The difference between what they get for the sale of the plot and what they have to pay to the Chevra Kadisha is used to support the activities of the organization.

After hearing this, Reb A was completely devastated. He had no place to bury his mother's leg. Furthermore, his mother and his siblings would never be buried near his father. "I cried for three nights," he told me. "I could not sleep, I could not eat. We thought that over twenty years ago we had been assured that the family would eventually rest together. Now it will never be. Now it will never be! They sold the plots to others before they sold them to us!"

Reb A contacted the Chevra Kadisha of Yerushalayim. After all, he was under pressure to have his mother's leg, which was being kept frozen in dry ice, buried as soon as possible. Furthermore, he wanted to "replace" the plots that the family thought it owned, but really did not. After some discussion, he was told that the required number of graves was available in a spot not far from where his father is buried. Before agreeing to the purchase of these plots, Reb A wanted to see them, so he flew to Eretz Yisroel.

Upon arriving in Eretz Yisroel, he met with a representative of the Chevra Kadisha of Yerushalayim and was shown the plots being offered. He agreed to take them. But now the question was, "Who is going to pay for the purchase of these new plots?" Reb A

naturally felt that the organization that had taken his family's money for a fraudulent sale of nonexistent graves should pay. At first this organization had the nerve to equivocate about paying! It was only after Reb A threatened to go to a lawyer and go public with this sordid incident that the organization paid for the new plots.

Reb A and his family now have graves near each other and his mother's leg is buried in one of them. However, he still cannot get over the fact that his family may never, after 120 years, be buried in the same row as his father. He has asked a number of rabbonim, and he has been told that he can, if he wants to, move his father to one of the new plots, but only after a family member passes away and is buried there. He is reluctant to do this, because his father is buried near a very important person.

Reb A told me, "It does not matter how fancy a 'deed' you have to a plot in a cemetery in Yerushalayim. Unless you have a deed from the Chevra Kadisha of Yerushalayim, it could be worthless. Tell everyone who has purchased *karka* in Yerushalayim to make sure that they have deeds issued by the Chevra Kadisha of Yerushalayim! If not, they could be in for a very rude awakening!"

Apparently, even when it comes to death and burial one must keep in mind "Caveat Emptor." Beware of grave robbers!

*Editor's Note: Dr. Levine has confirmed this story with a representative of the largest Chevra Kadisha in Yerushalayim. Indeed, it was this Chevra Kadisha that did everything within its power to help Reb A resolve his problems as quickly as possible. Reb A is grateful to them, because he is certain that, without their assistance, he would not have been able to obtain a new family burial place at no additional cost.*

*For the record, the Chevra Kadisha that assisted Reb A now refuses to deal with the organization that "sold" Reb A's family their burial place. The representative to whom Dr. Levine spoke told him that he knows for certain of at least one other person who encountered the same problems as Reb A. Reb A knows of yet another person who found himself in similar circumstances. Furthermore, it seems that there are several others who have encountered these sorts of problems. While it's unclear how widespread a problem this is, there have been enough incidents to warrant concern.*

*There are eleven Chevra Kadishes in Yerushalayim. They are under the control of the Israeli Ministry of Religion. The Chevra Kadishes of Yerushalayim are not for profit organizations. They are regulated by an Israeli Non-Profit Board.*