

CHAPTER XIV.

A. A cemetery must not be considered vilely; *e.g.*, no aqueduct may be drawn through it, nor a path made; no cattle must feed there, nor may one use it as a *compendiarius*, nor pick wood or grass therefrom. If he has picked he must derive no benefit from it, and if he picked them only to clean the grave, he must burn them on the same place.

B. Though inheritances are movable from place to place and changed from one family to another, with graves, however, it is different; they are not movable or changeable from one family to another. A new grave may be measured, divided, and sold, but

p. 59

not an old one; there is, however, a new one which must be considered as old, and *vice versa*, namely: When there were in an old grave even ten corpses, but were buried without the permission of the owner, it must be considered as a new grave and may be measured, divided, and sold; if, however, it was with his permission, even if it was a miscarriage, it must be considered an old one, and nothing may be done with it.

C. No occupancy must be considered with the graves of the exiles; *e.g.*, in time of a pest or war, the graves are not secured to the corpses by occupancy. [D1](#) R. Simeon b. Gamaliel said: Miscarriages do not acquire their graves, the same is the case with all who are buried without the permission of the owner. A woman who has inherited a grave, she and her offspring are to be buried in it. Such is the decree of R. Meir; R. Jehudah, however, said: She, but not her offspring; however, he owns that all her offspring who existed during her life, may be buried with her. If her father requires she should be buried in his grave, and her husband says in his, the father has the preference; if she has children, then the husband has the preference; if her will states that she shall be buried with her children, it should be done so. If the father says she should be buried with her husband, or *vice versa*, she is buried with her husband, because it is his duty to feed, redeem, and bury her, and he must provide all the necessaries, such as a hearse, flutes, and mourners, and where an oration is held, he must provide also that. If he declines to do all that, it is done by the court on his account against his will.

D. There are three kinds of graves: One that is found, [D1](#) one that is known, and one which injures the public. The first is permissible to vacate, and if it was vacated, the place is clean, and a benefit may be derived from it; the second is not permissible to vacate; if it was vacated, the place is unclean, [D2](#) and no

p. 60

benefit may be derived from it; and the third is permissible to vacate; the place is clean, [D3](#) but no benefit may be derived from it.

E. A cemetery which surrounds the city on three sides, must be vacated; if on two sides, if they were opposite they can remain; if they were joined, they must be removed. [E1](#) All graves may be removed for the necessity of the community. R. Aqiba, however, said: With the exception of those of a king and a prophet, as there was the grave of the prophetess Huldah, in Jerusalem, and it was never touched. His contemporaries rejoined: That is no proof, as there was a cavern from the grave to the brook Kidron, which drew off the uncleanness. [E2](#)

F. One who sells the graves of his family, (it is considered as if) he did nothing. The same is the case if he sold the place of lamenting. The rabbis taught: One who sold his grave, [F1](#) the way to it, or standing-place, and the house of lamenting, his family may come and reclaim them against his will, because it is a disgrace to the family that they should be sold to someone else.

G. The rabbis taught: [G1](#) There must be not less than seven standings and sittings after the burial, [G2](#) to signify the seven times "vanity" is mentioned in Ecclesiastes [i. 2]: "Vanity of vanities, saith Koheleth, vanity of vanities: all is vanity." Said R. A'ha the son of Rabha to R. Ashi: Explain me how they used to do, [G3](#) and he rejoined: As we have learned in the following Boraitha: R. Jehudah said: Formerly in Jehudah they have

p. 61

made not less than seven standings and sittings for a dead body, and the funeral director used to say: "Arise, dearests, arise!" and "Sit down, dearests, sit down!" Said the sages to him: If that was all, let them do so also on the Sabbath. [G4](#) The sister of Rama bar Papa was the wife of R. Ivjah, and she died. He made for her a standing and a sitting. Said R. Joseph: He has erred in two things. First, this do only the relatives of the second degree, who are not obliged to mourn, and he was one of the mourners; and, secondly, this is to be done only on the day of burial, and he did so on the day after. Said Abayi: He has also erred in this: It is usually done near the cemetery, and he did this in the city. Said Rabha: He erred also in this: It is only done where it is customary, and in his place it was not customary at all. An objection was raised: It is said above that the sages said to R. Jehudah: "If that was all, let them do also on the Sabbath." Now if this is to be done only in the cemetery, and on the first day, can this occur on Sabbath? The answer was, They meant to say, in a city which is near the cemetery, and when the consolers returned from the funeral which ended at twilight.

Whoever reminds a mourner of his dead after twelve months are over, is to be blamed for renewing his wound. Said R. Simeon b. Gamaliel: One whose wife died and has married again within a twelvemonth, one who wishes to talk to him about his dead, shall do so in the market, but not in his house.

All eatables may be brought to the house of a mourner-oval. shaped bread, meat, and fish; and if an assembly does that, also herbs and pulse. Rabban Simeon b. Gamaliel said: Where it is customary, even cooked food.

H. Ten goblets of wine have the sages ordered in the mourning house: three before eating, to give an appetite; three during the meal, to soften the food in the stomach, and four after the meal, for the four blessings contained in the after-meal benediction. Afterwards they have added four more: one for the sake of the sections of the city who have occupied themselves with the burial; one for the sake of the presidents of the congregations (for their advancing money for the

sake of the burial of the poor); one for the Temple (to console for its destruction),

p. 62

and one in memory of Rabban Gamaliel (who was the first to command to be buried in linen garments, as said above). When the sages have seen that they became drunk, they have restored the original number.

One who pronounces the meal benediction in the house of a mourner, what shall he say in the fourth blessing? "The good One who does good to all." R. Aqiba, however, said: "The truthful judge, the Ruler of His creatures. O give thanks unto the Lord, for He is good; because unto eternity endureth His kindness." [H1](#)

END OF TRACT EBEL RABBATHI (GREAT MOURNING) AND THE WHOLE SECTION OF FESTIVALS.

Footnotes

[59:C1](#)

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C. The Hebrew term for occupancy is *Hazakah*, which means a surety--that is, if the property is in the possession of one a long time it is sure to be his, even if he has no documents for it.

[59:D1](#) D. It means that if it was found that there was a corpse buried without the permission of the owner, the place, after it is vacated, is considered clean, because no precautionary measures were taken for such a one.

[59:D2](#) A precautionary measure was taken to consider all graves unclean, even after their vacation, lest one use the ground when they are not yet vacated.

[60:D3](#) D. For the sake of the public, no precautionary measure is to be taken for this.

[60:E1](#) E. Taken from Tract Nazir, Palestinian Talmud, as the Mishna here is very complicated, after all the different corrections of the commentaries.

[60:E2](#) There is a law concerning defilement, that a hole of one span which reaches the air draws off the uncleanness. This will be explained in Tract Teharoth.

[60:F1](#) F. It was the custom then that each family had cares for the purpose of burying there the members of the family. The standing place means where the consolers stood or sat after the

burial, and it was near the grave, and there was also a place where the lamenters stood.

[60:G1](#) *G.* Transferred from Baba Bathra, 100*b*.

[60:G2](#) The custom was that when they returned from the burial they used to walk a few steps and then sit down and console the mourners or weep for the dead, and then rise and go on; and to repeat this seven times, so that they should remember the life of a human being is but vanity of vanities.

[60:G3](#) As in our place it is not customary.

[61:G4](#) *G.* If that was all, without lamentation, it could be done also on the Sabbath, if they returned from burial on the eve of Sabbath at sunset.

[62:H1](#) *H.* This passage is brought here at the conclusion of this tract, as it is usual to conclude each tract with a good expression.