

TABLE X

1. Let a dead man not be buried or burned in the city.
- 2 . . . Let not more than this be done; let not the bier be polished with a hewing axe.
3. *Cicero de leg.* 2.23.59: [The law] even reduced mourning by limiting the expense to three veils, a small purple tunic, and ten flutes.
4. Let the women not tear their cheeks, nor have a mournful cry for the funeral.
- 5a. Let not a dead man's bones be collected, whereby one might make a funeral afterwards.
- 5b. *Cicero loc. cit.* 2, 23. 60. It excepts death in war and abroad.

Table X. Sacred Law

1. A dead person shall not be buried or burned in the city.¹
2. . . . More than this one shall not do: one shall not smooth a funeral pyre with an ax.²
3. . . Expenses of a funeral shall be limited to three mourners wearing veils and one mourner wearing an inexpensive purple tunic and ten flutists. . . .
4. Women shall not tear their cheeks or shall not make a sorrowful outcry on account of a funeral.³
- 5a. A dead person's bones shall not be collected so that one can make a second funeral.⁴
- 5b. An exception is for death in battle and on foreign soil.⁵

¹ If not derived from a primitive tribal taboo (for certainly vestals, whether chaste or unchaste, were buried in Rome), inhumation on a large scale and in a crowded community not only was insanitary but also took too much space. Cremation could involve hazards from fire (*see Cicero, Leg. 2, 23, 58*).

² In view of the simplicity enjoined in some of the following statutes of this Table, for the decemvirs apparently frowned upon extravagant funerals, this statute seems to mean that a rough-hewn pyre without elaborate smoothness of its wooden material suffices for a citizen's cremation couch.

³ Cicero says (*Leg. 2, 23, 59*) that some older interpreters suspect that some kind of mourning garment is meant by lessus, but that he inclines to the interpretation that it signifies a sort of sorrowful wailing.

⁴ ¹⁰⁷ This statute seems aimed against persons who prolong the mourning period by preservation of a part of the corpse for later inhumation. After this part, known as *os resectum* (excised bone), has been buried, mourning ceases.

Perhaps this custom, apparently then common, commenced with those conservatives who, convinced that cremation was either impious or inadequate, collected the bones for interment to satisfy the requirements of inhumation.

Some editors elevate into an enactment Cicero's statement that the law forbids anyone to make more than one funeral and to spread more than one bier for one person (*Leg. 2, 24, 60*)

⁵ That is, in such a case part can be carried to Rome for burial there.

6a. *Cicero loc. cit.* these things are also in the laws: [about any anointing:] 'anointing by slaves is removed and all drinking bouts.' Let not a costly sprinkling, nor long garlands nor incense boxes be provided (reading *praeferantur* for *praetereantur*). b. *Fest.* (F. 158): It is a sign that the ancients used myrrhed drink that . . . it is provided in the XII Tables that it not be poured on a dead man.

7. Whoever bore a crown himself, or by means of his property (e.g., horses or slaves), for the sake of his honor or his strength, it may be burned with him . . .

8. Let not gold be added. and he whose teeth are joined with gold, if he is buried or burned with it, let it be without penalty.

9. *Cicero de leg.* 2. 24. 61: It forbids that a bier or funeral pyre be driven closer than 60 feet to another's buildings without the owner's consent.

10. *Cicero ibid*: It forbids usucapion of a tomb entrance or funeral pyre.

6a. . . . Anointing by slaves is abolished and every kind of drinking bout. . . there shall be no costly sprinkling, no long garlands, no incense boxes⁶. . .

6b. . . . A myrrh-spiced drink . . . shall not be poured on a dead person.⁷

7. whoever wins a crown⁸ himself or by his property,⁹ by honor, or by valor, the crown is bestowed¹⁰ on him at his burial¹¹. . . .

8. . . . Nor gold shall be added to a corpse. but if anyone buries or burns a corpse that has gold dental work¹² it shall be without prejudice.

9. It is forbidden. . . to build a new pyre or a burning mound nearer than sixty feet to another's building without the owner's consent.¹³

10. It is forbidden to acquire by prescriptive right a vestibule of a sepulcher or a burning mound.

⁶ The Ciceronian context shows that this statute pertains to burial practices (*Leg.* 2, 24 60).

⁷ See Doc. 1, II, 7.

⁸ That is, a garland or a chaplet or a wreath as a prize of achievement.

⁹ Pliny, who preserves this statute, says that *pecunia* (ordinarily translated "property" or "money") means "slaves" and "horses" in this connection (HN 21, 3, 7).

¹⁰ The verb is uncertain; perhaps "burned" is meant.

¹¹ Cicero claims (*Leg.* 2, 24, 60) that the law orders that even on the parent of the deceased a crown won by valor can be laid without prejudice (*sine fraude*).

¹² *auro dentes iuncti* (teeth fastened with gold).

¹³ Cicero declares that this statute seems to suggest fear of disastrous fires (*Leg.* 2, 24, 51).