

the people,' but this phrase must not be explained as meaning that he necessarily oppressed them. It obviously has its origin in a custom by which the king and his retinue were fed by the people's contributions, a plan with many parallels. It is also probable that the king could assign the royal right of maintenance to a Kṣatriya, thus developing a nobility supported by the people. Taxation would not normally fall on Kṣatriya or Brahmin; the texts contain emphatic assertions of the exemption of the goods of the latter from the royal bounty.<sup>19</sup> In the people, however, lay the strength of the king.<sup>20</sup> See also Ball.

In return the king performed the duties of judge. Himself immune from punishment (*a-dandya*), he wields the rod of punishment (*Danda*).<sup>21</sup> It is probable that criminal justice remained largely in his actual administration, for the Sūtras<sup>22</sup> preserve clear traces of the personal exercise of royal criminal jurisdiction. Possibly the jurisdiction could be exercised by a royal officer, or even by a delegate, for a Rājanya is mentioned as an overseer (*adhyakṣa*) of the punishment of a Śūdra in the Kāthaka Saṃhitā.<sup>23</sup> In civil justice it may be that the king played a much less prominent part, save as a court of final appeal, but evidence is lacking on this head. The *Madhyamaśi* of the Rigveda was probably not a royal, but a private judge or arbitrator. A wide criminal jurisdiction is, however, to some extent supported<sup>24</sup> by the frequent mention of Varuṇa's spies, for Varuṇa is the divine counterpart of the human king.<sup>25</sup> Possibly such spies could be used in war also.<sup>26</sup>

There is no reference in early Vedic literature to the exercise of legislative activity by the king, though later it is an essential

<sup>19</sup> Śatapatha Brāhmaṇa, xiii. 6, 2, 18; 7, 1, 13. See also Brāhmaṇa (above, 2, 83) for the claim of the Brahmins to serve only king Soma, not the temporal king.

<sup>20</sup> Cf., e.g., Maitrāyaṇī Saṃhitā, ii. 1, 8; iii. 11, 8; iv. 4, 3; Śatapatha Brāhmaṇa, v. 4, 4, 11; Taittiriya Brāhmaṇa, ii. 6, 5.

<sup>21</sup> Śatapatha Brāhmaṇa, v. 4, 4, 7.

<sup>22</sup> E.g., Gautama Dharma Sūtra, xii. 43 *et seq.*

<sup>23</sup> xxvii. 4. Cf. Kṣatriya, n. 18.

<sup>24</sup> Cf. Rv. i. 25, 13; iv. 4, 3; vi. 67, 5; vii. 61, 3; 87, 3; x. 10, 8 (= Av. xviii. 1, 9); Av. iv. 16, 4.

<sup>25</sup> See Foy, *Die königliche Gewalt*, 80 *et seq.*

<sup>26</sup> Cf. Rv. viii. 47, 11; Foy, *op. cit.*, 84. The reference is not certain.