

conventional practices.⁴ The crimes enumerated include the slaying of an embryo (*bhrūṇa*),⁵ the slaying of a man (*vīra*),⁶ and the slaying of a Brahmin,⁷ a much more serious crime. Treachery is mentioned in the *Pañcaviṃśa Brāhmaṇa*⁸ as being punishable by death, as it was punished later.⁹ But there is no trace of an organized criminal justice vested either in the king or in the people. There still seems to have prevailed the system of wergeld (*Vaira*), which indicates that criminal justice remained in the hands of those who were wronged. In the *Sūtras*,¹⁰ on the other hand, the king's peace is recognized as infringed by crimes, a penalty being paid to him, or, according to the Brahminical textbooks, to the Brahmins. It may there-

⁴ Compare the list in *Maitrāyaṇī Saṃhitā*, iv. 1, 9; *Kāthaka Saṃhitā*, xxxi. 7; *Kapīṣṭhala Saṃhitā*, xlvii. 7; and *Taittirīya Brāhmaṇa*, iii. 2, 8, 11 (see Delbrück, *Die indogermanischen Verwandtschaftsnamen*, 579 *et seq.*), where bodily defects (bad nails and discoloured teeth), marrying a younger daughter when her elder sister was unmarried, are coupled with murder, though not equated with it. See also *Chāndogya Upaniṣad*, v. 11, 5, where *Aśvapati*'s list of sinners includes a drinker of intoxicating liquor, a thief, and one who does not maintain a sacrificial fire.

⁵ *Taittirīya Saṃhitā*, vi. 5, 10, 2; *Kāthaka Saṃhitā*, xxvii. 9; xxxi. 7; *Kapīṣṭhala Saṃhitā*, xli. 7; *Maitrāyaṇī Saṃhitā*, iv. 1, 9; *Taittirīya Brāhmaṇa*, iii. 2, 8, 12; *Taittirīya Āraṇyaka*, ii. 7, 8; 8, 3; *Bṛhadāraṇyaka Upaniṣad*, iv. 1, 22; *Nirukta*, vi. 27; *Kaṇṣitaki Upaniṣad*, iii. 1. Cf. *Av.* vi. 112, 3; 113, 2; Weber, *Indische Studien*, 9, 481; 10, 66; Bloomfield, *Hymns of the Atharvaveda*, 522; *American Journal of Philology*, 17, 430.

⁶ *Kāthaka*, xxxi. 7; *Kapīṣṭhala*, *loc. cit.*; *Maitrāyaṇī*, *loc. cit.*; *Taittirīya Brāhmaṇa*, *loc. cit.*; *Vājasaneyi Saṃhitā*, xxx. 5, and *cf. Vaira*. For cases of justifiable homicide, see, *e.g.*, *Vasiṣṭha Dharma Sūtra*, iii. 15-18. Cf. also the story of *Vṛṣa Jāna* in

Pañcaviṃśa Brāhmaṇa, xiii. 3, 12, where the death of a boy by careless driving is mentioned, and the king is reproached for it by his *Purohita*. They dispute as to the guilt, and, according to one version (see Sieg, *Die Sagenstoffe des Rgveda*, 66, 67), the *Iṅvākus* decide that the action was sinful, and required expiation.

⁷ *Taittirīya Saṃhitā*, ii. 5, 1, 2; v. 3, 12, 1; vi. 5, 10, 2; *Kāthaka Saṃhitā*, xxxi. 7 (where the *Kapīṣṭhala* has *brahma-jya*, 'oppressor of a Brahmin'); *Taittirīya Brāhmaṇa*, iii. 2, 8, 12. The *Taittirīya Āraṇyaka*, x. 38, declares that the slaying of a Brahmin alone is truly murder, and the *Satapatha Brāhmaṇa*, xiii. 3, 1, 1 *et seq.*, states that the sin of murdering a Brahmin can be expiated only by the performance of an *Aśvamedha*, or 'horse sacrifice'—the *ne plus ultra* of human generosity to Brahmins. See also *Nirukta*, vi. 27. The later tradition also interprets *bhrūṇa* as Brahmin (see *Saṅkara*, cited in Weber, *Indische Studien*, 1, 410, n.; Keith, *Sāṅkhayana Āraṇyaka*, 30, n. 5; Konow, *Sāma-vidhāna Brāhmaṇa*, 46, n. 1, and *cf. Vasiṣṭha Dharma Sūtra*, xx. 23).

⁸ xiv. 6, 8, the story of *Kutaa*.

⁹ Jolly, *op. cit.*, 127.

¹⁰ See references in Bühler, *Sacred Books of the East*, 14, 345.