

King Aśoka's Judicial Reforms: From Mauryan Penal Authority, Philosophical King, Judicial Reforms and to Dhamma-Based Justice

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Abstract

The Mauryan empire inherited a penal state theorized in the classical Sanskrit tradition as *daṇḍanīti*, the "science of law enforcement" — a system of royal courts, graded fines, mutilations, and the death penalty. The Emperor Aśoka (c. 268–232 BCE) did not abolish that apparatus; he moralized it. This paper reconstructs the Mauryan justice system from the two great source families — the Arthaśāstra and the Aśokan edicts — tracing the hierarchy from the king through the council (*parisā*), the *mahāmātras*, the *rājūkas*, *prādeśikas* and *yuktas*, down to the village level, and the parallel institutions of courts, prisons, fines and the death sentence. It presents the original Prakrit passages with transliterations and translations, analyses the two great judicial texts — Rock Edict III and the Fourth Pillar Edict — and reads the reforms against the Arthaśāstra's own anti-corruption and anti-delay provisions for judges. Two preliminary clarifications frame the inquiry. First, the Arthaśāstra is almost certainly **not** the single-authored work of a Mauryan minister: statistical and text-critical research indicates a composite text, composed and enlarged between the second century BCE and the early centuries CE, whose "Kautilya" is the name of a redactor rather than an original author ([McClish, 2019](#); [Reden, 2019](#); [Trautmann, 1968](#)). Second, the state the text describes is not the subcontinental empire but the *saptāṅga* kingdom — a small sovereign's manual for conquest of the Ganges plain, not a blueprint for the imperial chancery ([Boesche, 2003](#); [Gautam et al., 2015](#)). With those corrections in place, three theses emerge: first, that Aśoka's innovation was to retain the *structure* of Mauryan penal authority while redirecting its *ethos* toward impartiality, diligence and mercy; second, that the edicts' insistence on diligence in judicial administration constitutes the ancient world's clearest answer to "justice delayed is justice denied"; and third, that Aśoka — in Patrick Olivelle's phrase, a "philosopher king" — anticipated the Platonic ideal of the ruler who philosophizes while he governs, and in doing so laid down patterns (periodic review, humane capital procedure, judicial accountability) that the contemporary Indian legal system still echoes.

Keywords: King Ashoka, *dharmasthīya* (civil courts), *kaṇṭakaśodhana* (criminal courts), Mauryan justice, Jurisprudence, Judicial Indolence, Capital Punishment, Philosophical King, Article 21 Constitution of India,

1. Introduction: From Daṇḍa to Dhamma

The Aśokan edicts are usually read as religious documents; they are, with equal justice, legal documents. They regulate the slaughter of animals, the conduct of officials, the treatment of prisoners, and the procedure of courts. The pivot on which the whole judicial program turns is the emperor's own formulation

in the First Pillar Edict: "For this is my principle: to protect through Dhamma, to administer affairs according to Dhamma, to please the people with Dhamma, to guard the empire with Dhamma" ([Boesche, 2003](#)). The Mauryan state has traditionally been read, through the Arthaśāstra, as a state built on *daṇḍa* — coercion, the king's rod; Aśoka's reforms sought to re-found it on *dhamma* — moral governance. Yet the edict that confesses remorse for the Kalinga war simultaneously warns that the king retains power over wrongdoers even among the forest peoples of the empire, who "may repent, and may not be killed" — remission and punishment held in a single royal hand ([Dwivedi, 2019](#)). Even the edict that proclaims the new morality concedes that where dhamma fails, the rod remains. The rod was not discarded; it was recalibrated. This paper maps that recalibration across the full landscape of Mauryan justice — the sources of law, the official hierarchy, the courts, the prisons, the punishments, and the death penalty — and its legacy in the modern Indian judiciary ([Mondal, 2026](#); [Sihag, 2007](#)).

Aśoka's judicial philosophy can be divided into five principles:

1. **Judicial consistency:** Comparable cases should not receive radically inconsistent treatment.
2. **Delegated judicial authority:** Rājūkas could decide matters without constantly referring every case to the king.
3. **Administrative accountability:** Officials remained responsible to the king and to the wider Dhamma policy.
4. **Humanitarian limitation of punishment:** Even a condemned prisoner received three days before execution.
5. **Moral rehabilitation:** The state sought not merely to punish but to encourage self-control, generosity and moral conduct. These five principles form the backbone of an Aśokan theory of justice.

2. The Kauṭilyan Baseline: Justice in the Arthaśāstra

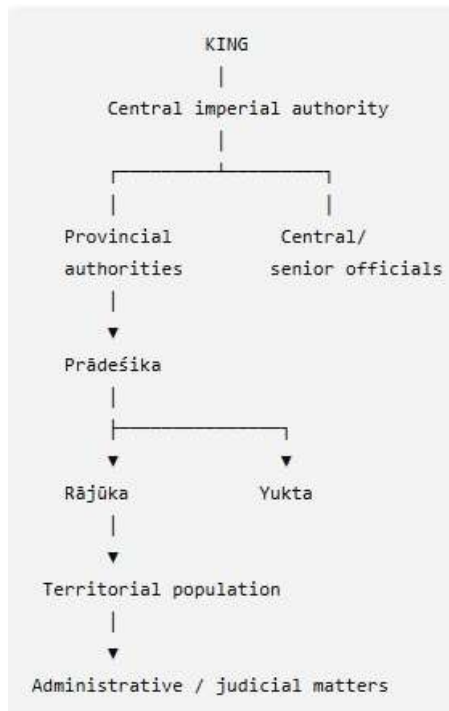
2.1 Daṇḍanīti: The Science of Law Enforcement

The Arthaśāstra — the great Sanskrit treatise on statecraft traditionally attributed to Kauṭilya (Cāṇakya/Viṣṇugupta), the fabled minister of Chandragupta — is "one of the most sophisticated treatises on statecraft, law, and administration in the ancient world," organized around "dharma (law), daṇḍanīti (penal policy), fiscal management, foreign relations, and governance structures" ([Jaiswal & Jaiswal, 2025](#)). Its judicial doctrine, called *daṇḍanīti* — literally "the science of law enforcement" — is concentrated in Books Three and Four: Book Three, in twenty chapters, and Book Four, in thirteen, are "devoted to the administration of justice" ([Sihag, 2007](#)). The treatise codified, modified and created laws on loans, deposits, sale and purchase of property, inheritance, labour contracts, partnership, defamation and assault, theft, and sexual offences — "a truly comprehensive system of justice, which not only incorporated all the salient elements of a twenty-first century system but also contained a few additional invaluable insights" ([Sihag, 2007](#)). Its legal content, as the modern editors of the text summarize, ranges over "grounds for litigation, various conditions for the transfer of properties, ways to address issues about the nonpayment of debts, types of punishment, relation between property and owner, and rules governing slave and laborers discussed under the topic of Dharmasthīyam" ([Reden, 2019](#)).

2.2 The King, Rājadharmā, and the Officials

In the treatise's scheme, justice flows from the king through his officers. The jurisprudence rests on three pillars that modern scholarship identifies as "Daṇḍanīti, Rājadharmā, and Vyavahāra" ([C., 2025](#)). The king's administration is organized around a hierarchy of functionaries; the *samāhartṛ*

(Collector/Administrator), for instance, is instructed to tap various sources for revenue, and the treatise "gives the exact amounts of salaries, wages, taxes, duties, and fines" — a penal economy administered, like everything else, through the fiscal machinery of the state ([Reden, 2019](#)). That machinery was minutely graded: the highest recommended salary is 48,000 paṇas, below which the text lists ten further levels ([Reden, 2019](#)). The seventh "limb" of the state in the classical *saptāṅga* doctrine is *daṇḍa* itself — at once the army and the coercive power of punishment — and Aśoka's *dhamma* has been read precisely as the ideological instrument that bound the *svāmī* (ruler), *amātya* (bureaucracy), and *daṇḍa* into a cohesive, stable, and centrally controlled empire ([Kumar, 2024](#)).



2.3 Two Tracks of Adjudication

The classical Indian scheme distinguished civil from criminal jurisdiction, a division later formalized as the *dharmasthīya* (civil courts) and *kaṇṭakaśodhana* (criminal courts, literally "removal of thorns") ([Singh & Singh, 2025](#)). The same source records the appellate hierarchy of local courts — "a judgment of a kula could be examined by the śreṇi, and a śreṇi's decision could be reviewed by the gaṇa," portraying "the hierarchy of courts" ([Juneja & Singh, 2025](#)). (The full systematization is attested for the Gupta age, but the Arthaśāstra, with its separate treatment of civil transactions and criminal "thorns" in Books Three and Four respectively, already presupposes the two-track architecture, its civil law gathered under the very title *Dharmasthīyam*, "On Justices" ([Reden, 2019](#)).)

2.4 Judicial Corruption and the Earliest Anti-Delay Statute

Most important for our theme, the treatise's author was "not unaware of corruption in the judicial administration. He prescribed the imposition of varying degrees of fines on judges trying to proceed with a trial without evidence, or unjustly maintaining silence, or threatening, defaming or abusing the complainants, arbitrarily dismissing responses provided to questions raised by the judge himself, **unnecessarily delaying the trial** or giving unjust punishments" ([Gautam et al., 2015](#)). Here, in the earliest stratum of Indian legal science, is the codified expression of what modern law calls the speedy-trial guarantee: the judge who *delays* is himself fined. The Arthaśāstra thus supplies the penal backstop against

the "laziness of justice-makers" — the very evil the Aśokan edicts would address a generation later through exhortation and administrative supervision ([Gautam et al., 2015](#)).

2.5 The Problem of Authorship: Many Hands, One Name

Every use of the Arthaśāstra as evidence for the Mauryan empire must confront the fact that its authorship and date are contested. The traditional identification of Kauṭilya with Cāṇakya, "the wise mentor and later a minister of Candragupta Maurya, led to the assumption that it may be dated to the late fourth century BCE" — an identification resting on a legend that recurs across Sanskrit, Pali, Tamil and Telugu texts ([Reden, 2019](#)). When the manuscript was rediscovered in 1905 by the Mysore Government Oriental Library, the treatise was at once "dated to the Mauryan period" and made to serve as "a model of a well-developed centralized state," the scientific proof that ancient India had produced rational political thought ([Reden, 2019](#)). Yet the foundation has crumbled under scrutiny. "Many scholars suggest Cāṇakya is fictional, which calls the historicity of Cāṇakya/Viṣṇugupta into question," and it is suggested "that the text may have been composed between the second and first centuries BCE, with successive enlargements and a major redaction in the first or second century CE" ([Reden, 2019](#)). The decisive statistical study remains Thomas Trautmann's, which analyzed the distribution of authorship-discriminating particles across the text and concluded that "Books 2, 3 and 7 of the Arthasastra, by this test, are homogeneous within themselves but are the work of three different authors" — the text, in his finding, is a composite ([Trautmann, 1968](#)). Mark McClish has since argued, from the formal evidence of the text's citation apparatus (*apadeśa*), that the citations are "a later addition dating to the same redaction of the text," and that "Kauṭilya" must be "the name not of the original composer of the text, but of the redactor who brought it to its present form" ([McClish, 2019](#)); his monograph-length history of the treatise shows that its original political philosophy was "characterized by empiricism and pragmatism, ignoring the mandate of dharma altogether," and that "the political theology of dharma was incorporated when the text was redacted in the late classical period" ([McClish, 2019](#)). The Arthaśāstra, in short, is not the work of a single genius of the Mauryan chancery; it is a layered, composite text, and each layer carries a different date and a different political context ([Reden, 2019](#)).

2.6 The Problem of Scope: A Manual for a Small Kingdom, Not a Blueprint for the Empire

The second problem is scale. The state the Arthaśāstra describes is not the subcontinental empire of the Mauryas but the *saptāṅga* kingdom — a polity of seven elements: "king or lord (*svāmī*), minister (*amātya*), countryside (*janapada*), fort (*durga*), treasury (*kośa*), army (*daṇḍa*), and ally (*mitra*)" ([Reden, 2019](#)). Its hero is the *vijigīṣu*, "the potential world conqueror" ([Reden, 2019](#)), whose declared aim is "the conquest of the world" ([Gautam et al., 2015](#)) — but the world he is to conquer is the multi-state world of the middle Ganges: the celebrated promise that "one possessed of personal qualities, though ruling over a small territory... conversant with (the science of) politics, does conquer the entire earth, never loses" presupposes a small-kingdom starting point and a circle of rival sovereigns ([Boesche, 2003](#)). The Mauryan empire, by contrast, was created precisely by eliminating such rivals: Chandragupta's campaigns "first united most of the Indian subcontinent in empire" ([Boesche, 2003](#)), extending "from Afghanistan to Bengal and from the Himalayas to the Deccan plateau" ([Sajeer.S, 2026](#)). A manual written for the small sovereign amid many neighbours is not a blueprint for the imperial administration of a subcontinent — and the empire posed an administrative problem the small-kingdom text never confronts: the sheer monitoring distance of a realm whose officials operated, on one recent quantitative reconstruction, at an average oversight distance of roughly 850 km from the centre ([Kamat, 2025](#)). The traditional claim that the Arthaśāstra "was the principal tome which helped direct the strategy and statecraft of the Mauryan

Empire" ([Gautam et al., 2015](#)) must therefore be treated as an assumption of the scholarship, not an established fact. The edicts themselves remain the only documents certainly produced by Mauryan administration; the Arthaśāstra is at best a comparator of uncertain relation to it — and the same caution governs every parallel between its punishments and Mauryan practice drawn below ([Reden, 2019](#)).

3. The Aśokan Judicial Administration: King, Council, and Officers

3.1 The King as Supreme Judge

In Aśoka's inscriptions the king is not a distant sovereign but the active head of the judicial system. The First Pillar Edict's programmatic statement — to protect, administer, please, and guard the empire "through Dhamma" ([Boesche, 2003](#)) — makes justice the *personal* function of the monarch. The same edicts express an "unusual concern for the poor in rural areas, a concern that led him to tour the countryside frequently," and repeatedly urge "kindness even toward slaves and prisoners" ([Jermyn, 1996](#)). Aśoka's judicial persona is thus double: lawgiver and auditor, the ruler who both commands justice and personally inspects its delivery.

3.2 The Council and the Yuktas: Rock Edict III

The administrative chain is set out with epigraphic precision in Rock Edict III. The Girnār version transmits the key sentence as:

Prakrit: *Parisā pi yute ānapayisati gaṇanāyaṃ hetuto ca vyañjanato ca*

Transliteration: *parisā pi yute ānapayisati gaṇanāyaṃ hetuto ca vyañjanato ca*

Translation: "The Council (of Mahāmātras) shall also give orders to the yuktas (in respect of these rules) in detail [i.e. item by item], regard being had to (their) *raison d'être* and to the letter (of the law)" ([Wickermasinghe, 1931](#)).

The line is a complete miniature of Mauryan administrative justice: the *parisā* (council of mahāmātras) legislates downward, and the *yuktas* — subordinate officers in the districts — receive orders that must observe both the spirit (*hetuto*) and the letter (*vyañjanato*) of the law. Two centuries later Indian jurisprudence would institutionalize the same dual standard as the distinction between the *ratio* and the *text* of a rule ([Juneja & Singh, 2025](#)).

3.3 The Hierarchy: Mahāmātras, Rājūkas, Prādeśikas, Yuktas, Raṭhikas

The Minor Rock Edicts reveal the same chain of command moving outward. The king's command "is addressed directly to the high officials (mahāmāta, pulisa) who are to hand it over to the chief functionary (rajūka, lajūka)" ([Gaál & Tóth, 2018](#)). The reconstructed text of the touring-clause — transmitted, in Ulrich Schneider's edition, in the language of Pāṭaliputra — gives the fullest official list:

Prakrit (reconstructed, Pāṭaliputra dialect): *savata vijitasi mama yutā lājūke ca pādesike ca paṃcasu paṃcasu vasesu anusamyānaṃ nikhamamtu*

Transliteration: *savata vijitasi mama yutā lājūke ca pādesike ca paṃcasu paṃcasu vasesu anusamyānaṃ nikhamamtu*

Translation: "In all my dominions the yuktas, rājūkas and prādeśikas shall go on tour every five years, for the sake of this instruction in morality and for other purposes" ([Michel & Friedrich, 2024](#)).

Three grades of official appear: the *yuktas* (clerks/executive officers), the *lājūkas/rājūkas* (the chief regional functionaries), and the *prādeśikas* (provincial officers) ([Michel & Friedrich, 2024](#)). Beyond them the inscriptions also address the *raṭhikas*, the "regional functionaries" who relay the king's message to the people ([Michel & Friedrich, 2024](#)). The five-yearly circuit — "inspection tours of officials that took place

every five years" — functioned as the empire's audit mechanism: a periodic, itinerant review of how local administration, including justice, was actually being delivered ([Gaál & Tóth, 2018](#)).

Rank	Attested title	Function in the justice system
Emperor	<i>devānampiya</i>	Supreme judge; personal supervision and touring (Boesche, 2003)
Council	<i>parisā</i>	Gives orders to the yuktas; appellate/administrative head (Wickermasinghe, 1931)
High officers	<i>mahāmāta</i>	Royal command relayed through them (Gaál & Tóth, 2018)
Morality officers	<i>dhammamahāmāta</i>	Dharma instruction and supervision (Tripathy, 2019)
Chief regional functionary	<i>lājūka/rājūka</i>	Head of regional administration; recipient of commands (Michel & Friedrich, 2024)
Provincial officer	<i>pādesika/prādeśika</i>	Provincial administration; quinquennial tours (Michel & Friedrich, 2024)
Executive clerks	<i>yutā/yukta</i>	Day-to-day execution of orders, item by item (Wickermasinghe, 1931)
Regional functionaries	<i>raṭhika</i>	Local delivery of the king's message (Michel & Friedrich, 2024)
Village level	<i>kula–śreṇi–gaṇa</i> courts	Local adjudication with appellate chain (later systematized) (Juneja & Singh, 2025)

3.4 The Mahāmātras and the New Dhamma-Mahāmātras

Aśoka's institutional invention was a new class of officer: the *dharma-mahāmātras*, whose function was "instruction in the dharma (dhammānusathi, Skt. dharmānuśāsti)" ([Nakkarnrien, 2018](#)). The appointments were empire-wide: the edicts show "regular and non-stop communication between Pataliputra (imperial capital) with Ujjain and Toshalinagara (provincial headquarters), as the Mauryan emperor was concerned about the people of the war-ravaged Kalinga and was sending regular convoys of officials like Dharmamahamatras to Toshalinagar for better administration and reformation" ([Tripathy, 2019](#)). The new officers were instructed to teach morality and to supervise the conduct of the people ([Nakkarnrien, 2018](#)). Their creation signals the core of the Aśokan reform: a parallel magistracy whose brief was not revenue but *righteousness* — the moral supervision of the population and of the older administrative cadre itself ([Tripathy, 2019](#)).

4. The Judicial Edicts in the Original Language

The Aśokan legislation on justice survives in the Prakrit of the rock and pillar inscriptions. The following table presents the principal passages as transmitted in the scholarly editions, with transliteration and translation.

Passage	Prakrit (as transmitted)	Translation
RE I (B), version K	<i>hiddā no kichi jive ālabhitu pajohitaviye</i>	"Here no living being must be killed and sacrificed" (Norman, 1975)

RE III (D)	<i>pānānaṃ anālaṃbhe sādhu</i>	"Abstention from killing animals is meritorious" (Norman, 1975)
RE III	<i>Parisā pi yute ānapayisati gaṇanāyaṃ hetuto ca vyamjanato ca</i>	"The Council (of Mahāmātras) shall also give orders to the yuktas... regard being had to their raison d'être and to the letter (of the law)" (Wickermasinghe, 1931)
RE XIII (forest-folk)	<i>avatrapeyu na ca haṃṇeyasu</i>	"May they repent, and may they not be killed" (Dwivedi, 2019)
Touring clause (reconstructed)	<i>savata vijitasi mama yutā lājūke ca pādesike ca paṃcasu paṃcasu vasesu anusamyānaṃ nikhamamtu</i>	"In all my dominions the yuktas, rājūkas and prādeśikas shall go on tour every five years..." (Michel & Friedrich, 2024)
PE VII	<i>dhammavaḍḍhi vaḍḍhitā avihiṃsāye bhūtānaṃ anālaṃbhāye pānānaṃ</i>	"The progress of morality has been promoted (because it leads) to abstention from hurting living beings (and) to abstention from killing animals" (Bartles-Smith et al., 2020)

Two major texts frame the criminal-law side of the program. First, the passages on mercy and limitation of slaughter, above, which Norman reads together to show that "the emperor's attitude towards the killing of animals, including human beings, was not entirely consistent" — he prohibited sacrifice entirely in one edict, promoted abstention in others, protected a long list of species in the Fifth Pillar Edict, and *still* allowed capital punishment ([Norman, 1975](#)). Second, the Fourth Pillar Edict, whose capital-punishment portion Norman made the subject of a landmark philological study ("Aśoka and Capital Punishment: Notes on a Portion of Aśoka's Fourth Pillar Edict"): the edict presupposes that "men could be sentenced to death in Aśoka's empire," and it is the same edict that mitigates the sentence — granting the condemned a short respite, conventionally rendered as "three days," before execution, so that the sentence might be reconsidered and the prisoner might prepare ([Norman, 1975](#)). The philological problem of the passage (the reading *cita-kāna* for the condemned) is precisely the problem Norman's study addresses; its historical meaning is unmistakable: Aśoka kept the death penalty the classical penal science had systematized, but hedged it about with temporal mercy ([Norman, 1975](#)).

5. The Reform Content: Impartiality, Diligence, Mercy

5.1 The New Ethos of the Judge

The Aśokan judicial ethic can be summarized in three imperatives, each with a documentary anchor. **Impartiality:** the edicts, from the Minor Rock Edicts to the Kalinga Separate Edicts, instruct officials to treat the people even-handedly; the Separate Edicts — "instructions to high officials in issues of regional concern" — are addressed in the second person (*tuphe*), the king speaking directly to his magistrates ([Kern, 1880](#)). **Diligence:** the quinquennial touring clause subjected every district to periodic inspection, and the establishment of the dhamma-mahāmātras created officers whose entire brief was the supervision of conduct ([Gaál & Tóth, 2018](#); [Tripathy, 2019](#)). **Mercy:** kindness "even toward slaves and prisoners" is a standing theme ([Jermyn, 1996](#)), and the conversion of the royal kitchen from daily slaughter to three

animals — with abolition planned — shows the same mercy applied to the culture of punishment ([Gaál & Tóth, 2018](#)).

5.2 "Justice Delayed Is Justice Denied": The War on Judicial Indolence

The theme of the "laziness of justice-makers" has an exact ancient genealogy. In the Arthaśāstra, the obstructive judge is a *penal* problem: fines are prescribed against the judge who "unnecessarily delays the trial" ([Gautam et al., 2015](#)). In the Aśokan edicts, the same concern is addressed administratively: the king's touring officials, the five-yearly audits, and the mahāmātras appointed "for better administration and reformation" of the conquered provinces all exist to prevent the failure modes of distant justice — neglect, partiality, procrastination ([Tripathy, 2019](#)). The Separate Edicts at Dhauli and Jaugada — addressed, in the tradition of their earliest editors, precisely to the officers administering justice in the Kalinga country — belong to this same genre of instruction ([Kern, 1880](#)); they are the emperor's standing order that the conquered peoples be governed patiently and their grievances heard without oppression. Combined, the Arthaśāstra's fine for dilatory judges and Aśoka's administrative supervision constitute the fullest ancient answer to the maxim that justice delayed is justice denied: the first made delay punishable, the second made diligence inspectable ([Gaál & Tóth, 2018](#); [Gautam et al., 2015](#)). It should be noted, however, that the evidence base for this combination is uneven: the fine-on-judges provision belongs to a text whose date, authorship and scope are contested (Sections 2.5–2.6), while the administrative answer is attested in the emperor's own words. The weight of the "anti-delay" argument thus rests finally on the edicts, not on the treatise ([Reden, 2019](#)).

5.3 Prisons and Prisoners

On prisons, the edicts are complemented by the Buddhist legal tradition. Aśoka's own attitude is ambivalent — prisoners exist and are punished ([Norman, 1975](#)), yet the moral ideal of the tradition is emphatic. The *Ratnāvalī* ("Precious Garland") of the Buddhist philosopher Nāgārjuna — who stands in a direct line of Buddhist political counsel descending from Aśoka — instructs a king:

330. Never resort to executing, binding, and torturing (criminals) even if they deserve it. Filled with compassion, always take them under your care.... 333. Release those imprisoned for minor offences within one to five days, and do the same to the rest of them whenever appropriate. Never leave anyone unreleased.... 335. As long as prisoners are not released, keep them happy and comfortable by putting barbers, bathing facility, food, clothing, drink, and medicine at their disposal ([Bartles-Smith et al., 2020](#)).

These verses are the theoretical completion of Aśoka's praxis: the death penalty may remain, but execution, torture and indefinite detention are repudiated, and the prisoner's welfare is made a duty of state ([Bartles-Smith et al., 2020](#)). Modern international humanitarian law, the same study observes, converges on exactly these norms — "avoiding indefinite and arbitrary detention," prohibiting torture — "is very much part of IHL" ([Bartles-Smith et al., 2020](#)).

Prisoners were periodically released. There was also a policy of prisoner release/pardons. Aśoka records that during the period from his consecration up to his 26th regnal year, 25 releases of prisoners had been made. (Major Pillar Edict V)

6. The Philosophical King: Aśoka, Plato, and the Ideal of Just Rule

The concept of the "philosopher king" is Plato's: the ruler who must become a philosopher, or the philosopher who must rule, so that justice may be realized in the polis ([Basu, 2020](#); [Khimta & Kumar, 2025](#)). The Yale University Press biography by Patrick Olivelle that crowns a generation of Aśokan studies

is subtitled precisely *Ashoka: Portrait of a Philosopher King* ([Salomon, 2025](#)). The identification is apt and historically grounded. In the recorded history of ancient kingship, scholars note, "except Asoka there is no evidence of the existence of another ideal king," while "the great Greek philosopher Plato conceived of a Philosopher King" — the two ideals, one realized and one theorized ([Basu, 2020](#)).

The philosophical content of Aśoka's justice is explored in a recent comparative study of *dhamma* (Pāli "righteousness") and *dikaioσynē* (Plato's "justice"): for Plato, justice means "the creation of a harmonious 'polis' through an ordered social system in which people know what their place is and properly performs their functions" — an order that "does not cover non-citizen women, slaves, and foreigners"; for Buddhism, *dhamma* "is centred on the personal striving free from suffering by means of ethical behaviour, mental self-control, and universal compassion," extending "for all living beings because it is based on interdependence" ([Randiwela, 2025](#)). Aśoka's edicts embody this Buddhist universalism in law: the same inscriptions that honor "both ascetics and the householders of all religions" ([Larsson, 2021](#)) and command "restraint in speech" toward other sects ([Larsson, 2021](#)) also extend "kindness even toward slaves and prisoners" ([Jermyn, 1996](#)) and protect animals by statute ([Norman, 1975](#)). The Aśokan philosopher-king differs from the Platonic in one decisive particular: his justice is inclusive — measured not by each class knowing its place, but by the ruler's compassion for every sentient being ([Randiwela, 2025](#)).

The political intent behind this philosophy has been scrutinized by recent scholarship, which reads *dhamma* as "a sophisticated and pragmatic instrument of statecraft... consolidating Mauryan political authority through 'soft power'" ([Jayswal, 2025](#)) and as "ethical statecraft: political authority, moral governance" blending "moral philosophy with statecraft" ([Suna & Gadgil, 2026](#)). Even critics who interrogate the Dhamma through the *saptāṅga* lens concede that it functioned as "the ideological glue binding the disparate elements" of the polity "into a cohesive, stable, and centrally controlled empire" ([Kumar, 2024](#)). For the judicial system, the implication is direct: the reforms are not philanthropy but *governance* — a ruler consolidating legitimacy by making the courts impartial, the officials diligent, and the penalties humane.

7. The Contemporary Judicial System: Similarities Across 2,300 Years

7.1 The Arthaśāstra as a Recurrent Constitutional Reference

Whatever its date and authorship, the Arthaśāstra became the classic of Indian statecraft, and its influence on modern Indian legal thought is a fact of *reception* rather than a claim about Mauryan reality. Comparative scholarship observes that the treatise's "theories on judicial hierarchy, legal codification, rule of law, and anti-corruption policies are aligned with the Indian Constitution, Indian Penal Code, Code of Criminal Procedure, and Prevention of Corruption Act, 1988," and that "there is a reference in some court judgments to Arthashastra by the Indian legal system" ([C., 2025](#)). Similarly, "Kautilya's structured taxation and hierarchical judiciary — distinguishing between civil and criminal matters — laid the foundational logic for India's current legal architecture" ([Jaiswal & Jaiswal, 2025](#)). The two-track civil/criminal division of the classical courts survives, through the British codification, in the modern separation of civil and criminal procedure ([Singh & Singh, 2025](#)). These comparisons are drawn from the text as a canonical artifact of Indian jurisprudence; in light of the authorship and scope debates (Sections 2.5–2.6), they must not be read as evidence that the *Mauryan* courts were organized exactly so — only that the Arthaśāstra, composition layered as it is, became the enduring vocabulary of Indian legal thought ([Reden, 2019](#); [Trautmann, 1968](#)).

7.2 Speedy Trial: From the Fined Judge to Article 21

The "justice delayed is justice denied" motif finds its most dramatic modern echo in the law of undertrials. Per Prison Statistics India 2022, "75.5% of India's prison population comprises undertrials, a sharp increase from previous years," and "delayed trials not only violate human rights but also contribute to prison overcrowding" ([- & Sinha, 2025](#)). The Supreme Court, "in *Hussainara Khatoon v. State of Bihar*, reaffirmed that a speedy trial is integral to the right to life and liberty" under Article 21 — yet "judicial vacancies, frequent adjournments, and police inefficiencies continue to obstruct timely justice" ([- & Sinha, 2025](#)). The parallel to the Arthaśāstra's fine on the dilatory judge is structural: both systems treat delay as a failure of the *court*, not merely of the parties, and both respond by supervising the judiciary itself ([- & Sinha, 2025](#); [Gautam et al., 2015](#)).

7.3 Justice reforms objectives in Pillar Edict IV: Uniformity in judicial procedure and uniformity in punishment. This indicates that Aśoka was concerned about inconsistency in the administration of justice. His reform therefore appears to have had at least four objectives:

- a. Consistency:** Different officials should not arbitrarily administer radically different justice.
- b. Impartiality:** Judicial proceedings and punishments should be fair.
- c. Judicial independence:** Rājūkas should be able to perform their judicial duties without fear.
- d. Humaneness:** Even a condemned prisoner should receive a period of respite. This combination is quite sophisticated for a third-century BCE imperial administration.

7.4 The Capital Sentence: From the Three-Day Respite to the Fourteen-Day Rule

The uncanniness continuity is in capital procedure. Aśoka's Fourth Pillar Edict, as Norman's study establishes, retained the death sentence while granting the condemned a brief reprieve before execution ([Norman, 1975](#)). In contemporary India, the Supreme Court in *Shatrughan Chauhan* "held that there must be a minimum period of 14 days between the rejection of the mercy petition and the execution to enable the prisoner to meet his family and 'settle worldly affairs'," and expanded "the provision of legal aid even at the mercy disposal stage" and the communication of mercy rejections ([Surendranath & Pathak, 2022](#)). The doctrinal technology differs — three days of ancient royal grace versus fourteen days of constitutional due process — but the underlying moral geometry is identical: the condemned must be allowed time to set his affairs in order, and the state must not execute in haste ([Norman, 1975](#); [Surendranath & Pathak, 2022](#)). Even the modern scandal of delay — "the prolonged delay in disposing of mercy petitions for death row convicts has emerged as a pressing issue in the Indian legal system" — is the mirror image of Aśoka's concern: mercy, whether granted by emperor or President, must be timely ([Raman & Suraj, 2023](#)).

7.5 Hierarchy, Review, and the Pardon Power

Finally, the architecture of review persists. The ancient chain *kula* → *śreṇi* → *gaṇa* institutionalized appellate scrutiny a millennium and a half before the modern hierarchy of trial courts, High Courts and the Supreme Court ([Juneja & Singh, 2025](#)). The constitutional pardon powers — "the power of the President under Article 72 and the Governor under Article 161" ([Raman & Suraj, 2023](#)) — descend, through the royal prerogative of mercy, from the king's equitable authority that Aśoka embodied ([Norman, 1975](#)). And the ancient insistence on periodic inspection finds its modern descendants in judicial audit, fast-track courts and alternative dispute resolution, the very remedies proposed against present-day delay ([- & Sinha, 2025](#); [Gautam et al., 2015](#)).

Aśoka created a mandatory three-day period during which relatives could seek reconsideration or intervention from the responsible authorities and calling it a "right of appeal" is possible as a modern analogy,

8. Historiographical Caveats

Six cautions discipline any reconstruction of Aśokan justice. **First, the sources are one-sided:** the inscriptions are our best evidence, but "we are unlikely ever to know how much the reality of living in the Mauryan empire differed from the picture he gives us in his inscriptions" ([Norman, 1996](#)). **Second, the edicts are propaganda as much as law:** the Buddhist chronicles, for their part, were "never intended to be objective history... but exist to portray Aśoka as an upholder of Buddhist Dharma" ([Phadnis, 2025](#)). **Third, dhamma is not identical with Buddhism:** as Romila Thapar argues, "dhamma in the inscriptions addressed to the people and to his officials is the kind of virtue that followers of many teachers would recognise" ([Thapar, 2012](#)). **Fourth, the system was inconsistent:** slaughter was forbidden and still permitted; the death sentence was retained even as mercy was institutionalized ([Norman, 1975](#)). **Fifth, the Arthaśāstra cannot be used as a Mauryan law code without qualification:** it is a composite text assembled by multiple hands, its "Kautilya" a redactor, and its composition possibly centuries later than the Mauryan court ([McClish, 2019](#); [Reden, 2019](#); [Trautmann, 1968](#)). **Sixth, the treatise's model state is small:** the *saptāṅga* kingdom and its *vijigīṣu* presuppose a world of rival small sovereigns, not a subcontinental empire — so its legal provisions can at best illustrate the *kind* of penal science against which Aśoka reacted, not the positive law of his courts ([Boesche, 2003](#); [Reden, 2019](#)). These tensions are not flaws in the record; they are the record — the signature of a ruler who governed a penal empire while dreaming of a moral one.

9. Conclusion

Aśoka's judicial reforms did not replace Mauryan penal authority with Buddhism; they inflected a working system. The hierarchy stood: king, council, mahāmātras, rājūkas, prādeśikas, yuktas, down to the village courts ([Gaál & Tóth, 2018](#); [Juneja & Singh, 2025](#); [Michel & Friedrich, 2024](#); [Wickermasinghe, 1931](#)). The penalties stood: fines, imprisonment, and the death sentence — the penal repertoire that the classical statecraft tradition codified, whatever the exact date and scope of that tradition's text ([Gautam et al., 2015](#); [Norman, 1975](#)). What changed was the ideology of the judge. The edicts demanded that law be administered in its spirit as well as its letter ([Wickermasinghe, 1931](#)); that officials tour and audit rather than neglect ([Gaál & Tóth, 2018](#)); that prisoners be treated with kindness ([Jermyn, 1996](#)); that the condemned be granted time — the celebrated respite — before execution ([Norman, 1975](#)); and that morality officers supervise the whole ([Tripathy, 2019](#)). Against the "laziness of justice-makers," the ancient system deployed deterrence (fines on dilatory judges), supervision (quinquennial circuits), and ethics (the philosopher-king's own touring inquiry) ([Basu, 2020](#); [Gaál & Tóth, 2018](#); [Gautam et al., 2015](#)). Two thousand three hundred years later, the same triad — fines for delay, judicial audits, and a constitutional ethic of speedy and humane justice — remains the unfinished agenda of the Indian legal system ([- & Sinha, 2025](#); [Raman & Suraj, 2023](#); [Surendranath & Pathak, 2022](#)). And because the Arthaśāstra is a layered text of uncertain date and small-kingdom scope, the Aśokan edicts must now be recognized for what they are: the only documentary witness we possess to the judicial ideals of the Mauryan imperial court itself ([Reden, 2019](#); [Trautmann, 1968](#)). Aśoka's achievement was to demonstrate, in stone, that the power to punish and the duty to be merciful are not contradictory but complementary instruments of the same royal office: "to protect through Dhamma, to administer affairs according to Dhamma, to please the people with Dhamma, to guard the empire with Dhamma" ([Boesche, 2003](#)).

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