JUSTICE WITHOUT TRIAL: NATURAL JUSTICE, STATE ACCOUNTABILITY AND MYTH IN THE TAMIL EPIC SILAPPADIKARAM

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ABSTRACT

Myth is a vehicle for exploring fundamental truths about human existence, and in regional literature it preserves cultural values. The *Silappadikaram*, by Elango Adigal is one of the earliest Tamil epics that comes under the category of "Aimperumgappiyam" or the five great epics shows how myth as a living narrative shapes history, culture and moral philosophy. This epic is built upon the three fundamental truths: For those who commit mistake in governance, justice serves the punishment. Actions in the past follows to give its consequences and the chaste and virtuous woman will be praised by the nobles. This paper reads the epic through the lens of law-and-literature. It argues that the Pandya king's execution of Kovalan, ordered without inquiry or hearing, is a failure of what modern law calls natural justice, and the rule of law. It further argues that Kannaki's confrontation with the king, the burning of Madurai and her deification as Pattini show a community supplying through myth the justice that its institutions prohibited. . Using Roland Barthes's idea of myth as a second-order sign system, the paper shows how the epic turns a political failure into divine justice. The study is based on selected episodes from V. R. Ramachandra Dikshitar's English translation of *The Silappadikaram*.

Keywords: *Silappadikaram*, natural justice, rule of law, myth, Kannaki.

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I. Introduction

Myth does not function merely as storytelling. It shapes moral consciousness, social values and collective identity. Writers have long drawn on myths, legends and folklore as reservoirs of symbol, archetype and allegory through which to explore universal themes, human nature and the mysteries of existence. Regional literature, which is rooted in a particular geography, captures the culture, customs, history and landscape of a place and reflects the social concerns of its people.

The *Silappadikaram*, attributed to Ilango Adigal, is one of the earliest surviving Tamil epics and belongs to the group of five great Tamil epics. It tells the tragic story of Kannaki and her husband Kovalan. The epic announces three truths as its foundation: that justice will punish a ruler who errs in governance, that past actions follow a person and bring their consequences, and that a chaste and virtuous woman will be praised by the noble men.

Scholarship has approached the epic mostly through literature, performance and the many variants of its story. This paper further adds a legal reading. The central event of the epic is a legal wrong: a man is sentenced to death by the state without a trial. Modern law has precise names for what has gone wrong, namely breach of natural justice, denial of due process, arbitrary exercise of state power and failure of the rule of law. The paper does not claim that the Pandyan kingdom adhered to these principles, which belong to a different legal order. It uses them as an analytical lens to present that the epic's moral vision constitutes an early and powerful critique of uncontrolled sovereign power.

The paper makes three arguments. First, Kovalan's execution is best understood as a failure of procedural fairness and state liability. Second, Kannaki's confrontation with the king and her deification show a community supplying through myth the justice that its institutions denied. Third, in the terms of Roland Barthes, the epic converts a political failure into divine or cosmic justice. The analysis draws on the law-and-literature approach, which proclaims that legal order is sustained by the narratives through which people understand it and that the literary imagination can pervade public reasoning about justice. The primary text is V. R. Ramachandra Dikshitar's English translation of *The Silappadikaram* and the discussion is limited only to selected episodes.

A word on method is necessary. Applying modern doctrines or principles to an ancient text

risks anachronism, and the paper therefore treats them as interpretive tools and not as claims about the law actually in force in the Pandya court. The question asked is what the epic's moral standards says when they are placed next to principles that modern legal systems have developed to protect against the same kind of offenses. Part II places the epic in its regional setting, Part III sets out the Barthesian framework, Part IV analyzes the trial that never took place, Part V considers kingship and accountability, Part VI studies Kannaki's justice and its deification, and Part VII is conclusion.

II. The Epic and Its Regional Setting

The epic is divided into three books, Puhar kaandam, Madurai kaandam and Vanch Kaandam, named after the capitals of the Chola, Pandya and Chera kingdoms respectively. It dates back to 2nd century CE and blends poetry and prose.. Its regional grounding is firm. The characters are placed in a realistic socio-economic framework, and the narrative is embedded in Tamil geography, social customs, trade, music and dance. What starts as a domestic tragedy gradually develops into divine justice and deification, yet the epic never loses this core.

The text records tribute paid in kind by subordinate kings to the Chera ruler, including elephant tusks, aloe wood, whisks of deer hair, honey, sandalwood, cardamom, pepper, coconut, mango, jackfruit and sugarcane. It speaks of the pearls of Korkai and of high ships carrying incense, silk, sandal, scents and camphor. The landscape is rich in flowers such as the mullai, the water lily and the neydal. The arts are equally present. The epic names the dancers called vettiyal and poduviyal, the eight-note songs of young women, and women trained in sixty-four arts, among whom Manimekalai, the daughter of Madhavi, is an expert. One could see the bangle breaking practice for the widow Kannaki. she broke the golden bangles at the korravai temple. Music and dance play significant role in the epic. The prince of the Chera heard the Vallai song and there are many other songs like Kunrakkuravai.

Place also has rich significance. In the episode known as *Urkankadai*, the seeing of the city, the flags of Madurai move in a westerly breeze, an omen that the traveller should not enter because worse awaits. The geography was so thriving. Madurai is therefore not only a prosperous city but the site of injustice and destruction, and the myth lifts the place to the level of the sacred.

III. Myth as a Second-Order Sign

In 'Myth Today', the final essay of *Mythologies*, Barthes describes myth as a second-order semiological system. Applying Barthesian idea, the first order of signification is that it is a tragic story of injustice. The second order signification is that chastity is equated to divine power and justice as the universe's inevitability. He emphasizes that myth works as a second order semiological system. According to Ferdinand de Sassure, signifier (material form) and signified (idea in mind) forms the sign. In the second order semiological system, the first sign becomes a new signifier which creates an ideological meaning. Kannaki is no longer a mere character but a mythic symbol.

Barthes's own illustration is a black pebble, which is a mere signifier until it is weighted with a definite signified, a death sentence in an anonymous vote, and so becomes a sign.[2] The anklet in the epic works in a similar way. Kannaki proves the innocence of her husband who has been accused of theft by breaking her anklet, which is filled with rubies, whereas the queen's anklet was filled with pearls. The anklet (*cilambu*) then ceases to be a mere object and becomes a sign of truth and of the monarch's moral failure. Kannaki's burning of the city of Madurai goes beyond human power, and fire becomes an epitome of divine justice. Her deification as the goddess Pattini marks the point at which history becomes myth. Barthes also calls myth "depoliticized speech", a way of taking something political and presenting it as natural, normal or eternal.[3] This idea becomes quintessential in Part VI, where a failure of kingship is portrayed as a matter for cosmic or divine correction.

IV. A Trial Denied: Natural Justice in the Epic

The legal core of the epic is a single act. Kovalan is accused of stealing the queen's anklet by believing the words of a goldsmith, and the king orders his execution. There is no inquiry, no hearing, no opportunity for the accused to answer the charge and no examination of evidence or proofs. The decisive evidence, the contents of the anklet that Kannaki later breaks open before the court, was available all along and was examined only after Kovalan was dead. The sentence was carried out at once and is not irreversible. So the damage is irrecoverable.

Modern law describes natural justice through two principles. The first, *nemo judex in causa*

[2] Ibid.
[3] Supra note 2 at 57-58.

sua, holds that no one should be a judge in their own cause. The second, *audi alteram partem*, holds that no one should be condemned unheard[4]. Indian courts have extended these principles from judicial to administrative action[5]. Both principles are engaged in the epic. The anklet belonged to the queen, so the king who ordered the punishment was the husband of the aggrieved party as well as the judge, a structure that modern law regards as paving way to biasness and Kovalan was never heard at all.

The constitutional position in India enhances the point. Article 21 of the Indian Constitution states that no person shall be deprived of life or their personal liberty except according to the procedure established by law. In *Maneka Gandhi v. Union of India*[6], the Supreme Court held that such procedure must be right, just and fair and not arbitrary, and it read Articles 14, 19 and 21 together. Earlier, in *E. P. Royappa v. State of Tamil Nadu*[7], the Court had described arbitrariness as antithetical to equality. Measured against this standard, the execution of Kovalan is the most extreme deprivation of life carried out with no procedure at all. It is also irrecoverable, that is why modern systems of government emphasises on procedural safeguards very strictly where life is at risk.

The epic also raises the question of proof. Kovalan was condemned on an accusation alone. A quintessential rule of criminal justice is that the burden of proving guilt falls on the prosecution and that the accused is assumed innocent until proved guilty[8]. Indian courts treat a fair trial as part of the guarantee of life and liberty and have stressed that a trial is meant to discover the truth, not to ratify an accusation[9]. In the epic, the burden was never lied on anyone. The king accepted the word of the accuser, took the anklet as proof of guilt and did not test either. When the evidence is finally tested, in the court scene where Kannaki proved that her anklet had rubies and not the pearls of the Pandyas, it shows the accusation to have been false. The lesson is the one that modern procedure encodes: an accusation that has not been tested is not evidence.

Even where a legal system allows capital punishment, it evades the penalty with precautions. In India the Supreme Court has confined the death sentence to the rarest of rare cases and

[4] Ridge v Baldwin, ([1964] AC 40).
[5] A.K. Kraipak v. Union of India, (AIR 1970 SC 150)
[6] 1978 AIR 597.
[7] 1974 AIR 555.
[8] Woolmington v Director of Public Prosecutions [1935] AC 462.
[9] Zahira Habibulla H Sheikh and Anr vs State Of Gujarat And Ors, 2004 (4) SCC 158.

requires that it follow a trial in which the accused has been heard on both guilt and sentence[10]. The sentence must also be confirmed by a higher court before it can be carried out. This type of review is there because a wrongful execution cannot be corrected or justified. The Pandya court had none of them: accusation, judgment and execution followed one another without pause, and the only review that came was Kannaki's, after the fact.

V. Kingship, Responsibility and the Rule of Law

The epic treats the execution not as a private tragedy but as a failure of governance. Because of improper governance, the sceptre of the Pandyan king, which had never been crooked, became crooked. The doom is foreshadowed by the dream of Queen Kopperundevi, in which the righteous sceptre and the white umbrella fall upside down to the ground. The unjust execution of Kovalan therefore becomes a moral allegory of ruined kingship.

The classic statement of the rule of law by Dicey has two relevant strands: that no one may be punished except for a distinct breach of law established in the ordinary legal manner, and that arbitrary power is incompatible with legal order. The Pandya king's power was personal and unchecked, and the epic's moral logic is that such power must be answerable to a higher standard of justice. This is clearest in the confrontation scene. The gatekeeper of the Pandyan court announces Kannaki as a woman whose rage resembles that of a goddess, though she is neither Korravai, the goddess of victory, nor Anangu nor Badrakali. The king himself addresses her as "Divine Lady". Kannaki then gets the hearing that Kovalan never received. The court becomes, too late, a court of inquiry. The king accepts the proof, admits his error and dies. The image is extraordinary: a sovereign who accepts that he is answerable to a woman who holds no office and no army, while she has only evidence and a moral claim. The king's death on learning the truth shows that, in the vision of the epic, nobody escapes justice, not even the formidable king.

VI. Myth Speaks Where Law fails: Kannaki and Poetic Justice

Kannaki's burning of the city of Madurai lies out of any legal remedy. From a legal perspective, it shows what a community may turn to when its administration fails: religion, ritual and myth. Nussbaum argues that literature cultivates the imagination needed for fair public judgment (Nussbaum). The epic works in this way. It invites its audience to sit in

[10] Bachan Singh vs State of Punjab, AIR 1980 SC 898.

judgment on the king, and it preserves a regulatory memory that rulers can be held to account. In Cover's terms, the narrative of Kannaki gives a community a meaning for justice that formal institutions had failed to provide.

The deification is prepared in advance. In the Puharkandam, Kannaki is described as a goddess: "She is Laksmi of praiseworthy form, seated on lotus".[11] Kovalan praises her modesty, good conduct and chastity[12].After fourteen days, the king of Gods Indra took her to heaven which is very rare and it is meant only for the chaste women and that day was regarded as suitable for worship. They praised the name of this famous woman, showered flowers upon her and revered her. In a divine chariot, at the side of her husband, she went up to heaven. Even the Gods worship her because Kannaki didn't worship God but her husband. The text says that "Kannaki that jewel among the women of the earth became a goddess and the guest of the ladies of heaven"[13]. She becomes a regional goddess as well, for the hill maidens liken her to Valli, the consort of Muruga, and worship her with raised hands and showers of flowers. The Chera king orders a stone from the Podiyil hills or the Himalayas, both held sacred, and the image of the goddess of chastity is carved and installed in the shrine called Pattinikottam, with guardian deities at the entrance and regular worship announced. Senguttuvan sees a lightning-like figure with golden anklets, bangles and gold earrings. A common woman who sought a hearing is delegated as a deity of justice, and a legal wrong is transformed into ritual.

The Silappadikaram's explanation of Kannaki's autonomy raises an additional question. Her power to demand justice, to burn a city and to be worshipped is tied to her chastity. The epic treats chastity as a moral force that compels even gods and kings to take notice, and this is how it makes sense of a woman's voice in a world where she holds no autonomy. A contemporary reader may observe that the claim to be heard in a court should never ever depend on the virtue of a woman and that the right to a hearing must be same for all. The epic's tradition of regional worship nevertheless shows how a community, lacking a formal avenue of redress, translated a woman's moral standing into public authority. Chastity, in this reading, is the language in which the epic gives a woman the standing that the legal order did not.

Here Barthes's idea of depoliticised speech returns. The story takes the failure of kingship,

[11] Ilango Adigal. Translated by V. R. Ramachandra Dikshitar, *The Silappadikaram* 88 (Humphrey Milford, Oxford UP, 1939).
[12] Ibid note at 222.
[13] Ibid note at 271.

which is political, and presents it as divine justice and moral authority. Myth naturalises justice as cosmic correction instead of political reform. A legal reader may add that the epic offers no institutional remedy: there is no appeal, no court of review and no check on the king. Justice arrives as divine wrath. This is the gap that modern constitutional design tries to fill through independent courts and procedural guarantees. The myth consoles and warns, but it does not build the institutions that would have prevented the wrong.

Kannaki's behaviour in court is worthy of attention as a model of legal argument. She does not plead for mercy. She appears as the aggrieved party, states the charge against the state and offers proof that the king himself can test on his own. She was bold in her move. By breaking her anklet before the assembled court, she makes the evidence speak loud, and the contrast between rubies and pearls settles the question of fact. In modern terms, she acts as petitioner, witness and advocate in single person, and she succeeds because her claim rests on evidence and not on rank or position. From this, it is evident that mere revenge is not the idea of justice in the epic. It begins with the demand that a wrongful act can be examined openly and that the powerful answer for it.

The second foundational truth, that one's past actions bring their consequences, adds another complex layer. In his past life Kovalan was Barata, a servant of the monarch. He mistook Sangaman for a spy, brought him before the king and had him beheaded. Nili, the wife of the murdered Sangaman made commotion in the streets and courtyards for about fourteen days and ascended a cliff to rejoin her husband. Nili cursed before leaving by saying that he who has inflicted this injury upon us shall be overtaken by the same fate. In the same position of Nili, Kannaki ascended a cliff sacred to Neduvel probably Chengodu after 14 days. The epic thus portrays two parallel executions, each following a suspicion acted on by an official without proper inquiry. Read legally, the parallel strengthens the point that arbitrary punishment on suspicion is not an isolated lapse but a pattern that the epic condemns.

VII. Conclusion

The *Silappadikaram* is a living regional myth that naturalises chastity, justice and moral authority within Tamil cultural consciousness. Read through law, it is also an early literary indictment of power exercised without procedure. Kovalan's execution without a hearing, by a judge who was also the husband of the aggrieved party, expectss the concerns that modern law expresses through natural justice, due process and the rule of law. The king's acceptance

of error and death show that the epic holds even the sovereign answerable and accountable.

The worship of Kannaki shows how literature produces living myth that enters ritual practice, temple worship and regional identity. The epic builds its myth not from a divine framework but from lived human experience, from a wrongful death and a demand to be heard. Its limitation, seen through a legal lens, is that it relies on divine retribution in place of institutional remedy. Its enduring strength is the moral claim at its centre: that power which cannot answer for its errors has forfeited its authority. Thus, the epic continues to shape not only the cultural identity of Tamil but also the way a reader might think about justice.

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