

CHAPTER V

ARE THERE PARALLEL CASES ?

ARE there any cases known to history of Broken Men living outside the village? To this question it is possible to give an affirmative answer. Fortunately for us we have two reported cases which show that what is said to have occurred in India particularly has also actually occurred elsewhere. The countries wherein such a development has actually been reported to have taken place are Ireland and Wales.

The organization of the Irish village in primitive times can be seen from the Brehon Laws of Ireland. Some idea of it as revealed in these Laws may be obtained from the following summary given by Sir Henry Maine. Says Sir Henry Maine¹ :-

“The Brehon Law discloses a stage when the tribe has long been settled, in all probability upon the tribal territory. It is of sufficient size and importance to constitute a political unit, and possibly at its apex is one of the numerous chieftain whom the Irish records call kings. The primary assumption is that the whole of the tribal territory belongs to the whole of the tribe, but in fact large portions of it have been permanently appropriated to minor bodies of tribesmen; A part is allotted in special way to the chief as appurtenant to his office, and descends from chief to chief according to a special rule of succession. Other portions are occupied by fragments of the tribe, some of which are under minor chiefs while others, though not strictly ruled by a chief, have somebody of noble class to act as their representative . All the unappropriated tribelands are in a more special way the property of the tribe as a whole, and no portion can theoretically be subjected to more than a temporary occupation. Such occupations are, however, frequent and among the holders of tribeland, on these terms, are groups of men calling themselves tribesmen, but being in reality associations formed by contract, chiefly for the purpose of pasturing cattle. Much of the common tribeland is not occupied at all, but constitutes, to use the English expression, the ‘waste’ of the tribe. Still this waste is constantly brought under tillage or permanent pasture by settlements of tribesmen, and upon it *cultivators and servile states are permitted to squat, particularly towards the border*. It is part of the territory over which the authority of the chief tends

1 Early History of Institutions, Lecture HI, pp. 92-93.

steadily to increase, and here it is that he settles his 'fuidhir' or stranger—tenants *a very important class—the outlaws and 'broken men' from other tribes who come to him for protection, and who are only connected with their new tribe by their dependence on its chief, and through the responsibility which he incurs for them.*"

Who were the Fuidhirs? According to Sir Henry Maine the Fuidhirs were :

"Strangers or fugitives from other territories, men in fact, who had broken the original tribal bond which gave them a place in the community, and who had to obtain and then as best they might in a new tribe and new place. Society was violently disordered. The result was probably to fill the country with 'Broken Men' and such men could only find a home and protection by becoming Fuidhir tenants.

"The Fuidhir was not a tribesman but an alien. In all societies cemented together by kinship the position of the person who has lost or broken the bond of union is always extraordinarily miserable. He has not only lost his natural place in them but they have no room for him anywhere else."

II

Now as to Wales. The organization of the Welsh village in primitive times is described¹ by Mr. Seebhom. According to Mr. Seebhom a village in Wales was a collection of homesteads. The homesteads were separated into two groups, the homesteads of the Free-tenants and the homesteads of the Unfree-tenants. Mr. Seebhom says that this separation in habitation was a common feature of the primitive village in Wales. Why were these Unfree-tenants made to live in a separate and detached place? The reason for this separation is explained² by Mr. Seebhom in the following terms :-

"At first sight there is a great confusion in the class of men mentioned in the ancient Welsh Laws— of tribesmen, *Uchelore bryre* and *innate boneddings* : of non-tribesmen, *talogo Aillte*, *Alltude*, etc. The confusion vanishes only when the principle underlying the constitution of tribal society is grasped. And this principle would apparently be a very simple one if could be freed from the complications of conquest and permanent settlement of land from the inroads of foreign law, custom, and nomenclature. To begin with there can be little doubt that the ruling principle underlying the structure of tribal society was that of blood relationship among the free tribesmen. No one who did not belong to a kindred could be a member of the tribe, which was in fact, a bundle of Welsh kindred. Broadly then under the Welsh tribal system there were two classes, those of Cymric blood—and those who were stranger in blood. There was

1 The Tribal System in Wales p. 9

2 Ibid pp. 54-55.

a deep, if not unpassable, gulf between these two classes quite apart from any question of land or of conquest. It was a division in blood and it soon becomes apparent that the tenacity with which the distinction was maintained was at once one of the strong distinctive marks of the tribal system and one of the main secrets of its strength."

III

This description of the organisation of the Irish and the Welsh villages in the primitive times leave no doubt that the case of the Untouchables of India is not the only case of a people living outside the village. It proves that in it was exhibited a universal phenomenon, and was marked by the following features :

1. That in primitive times the Village Settlement consisted of two parts. One part occupied by the community belonging to one tribe and another part occupied by the Broken Men of different tribes.
2. The part of the settlement occupied by the tribal community was regarded as the village proper. The Broken Men lived in the outskirts of the village.
3. The reason why the Broken Men lived outside the village was because they were aliens and did not belong to the tribal community.

The analogy between the Untouchables of India and the Fuidhirs of Ireland and the Alltudes of Wales is complete. The Untouchables lived outside the village for the same reason for which the Fuidhirs and Alltudes had to live outside the village in Ireland and Wales. It is, therefore, clear that what is said about the Untouchables on the issue of their living outside the village is not without a parallel elsewhere.