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ARTICLE

Competing authorities and norms of restraint: governing community-embedded armed groups in South Sudan

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ABSTRACT

International humanitarian actors and academics continue to struggle to understand armed group conduct and how to restrain this conduct when it violates moral, legal and humanitarian norms. Armed groups that lack a visible, explicit formal hierarchical command structure, equivalent to those found in state militaries, have proved a particular puzzle. A growing body of scholarship on the strategic functions of patterns of violence and restraint has usefully moved beyond assumptions that extreme violence is indicative of an absence of authority over armed actors. However, literature has tended to ignore the potential plurality and complexity of authority figures that shape violence and the constraining, conservative nature of certain moral orders. This article makes use of qualitative and ethnographic research in South Sudan to understand patterns of restraint among the gojam and titweng cattle-guarding defense forces from 2014 to 2017. The analysis documents how public authorities gained legitimacy within these groups by renegotiating a group's social order, moral boundaries, and restraint through their own reinterpretations of meta-ethical ideals and histories. Cultural norms of restraint were manipulated by elites but were also remade into acts of creative refusal against these same elites. The article specifically focuses on how the life-giving work of children, women and old friends was used to protect life as well as incite violence. The article has implications for how international humanitarians can engage with the remaking of custom to enhance armed group restraint and better protect civilians.

Los actores humanitarios internacionales y los académicos continúan teniendo dificultades para comprender la conducta de los grupos armados y de qué manera contenerla cuando incumple las normas morales, legales y humanitarias. Los grupos armados que carecen de una estructura de mando jerárquica, formal, explícita y visible, equivalente a las que se encuentran en las fuerzas armadas estatales, han resultado un enigma particular. Un conjunto creciente de estudios sobre las funciones estratégicas de los patrones de la violencia y la limitación útilmente ha dejado atrás las suposiciones de que la violencia extrema es indicativa de una ausencia de autoridad sobre los actores armados. No obstante, la bibliografía ha tendido a ignorar la pluralidad y la complejidad potenciales de las

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figuras de autoridad que determinan la violencia y la naturaleza conservadora y restrictiva de ciertas órdenes morales. Este artículo hace uso de investigaciones cualitativas y etnográficas en Sudán del Sur para comprender los patrones de limitación entre las fuerzas de defensa protectoras del ganado titweng y gojam desde 2014 hasta 2017. El análisis documenta de qué manera las autoridades públicas obtuvieron legitimidad en estos grupos renegociando un orden social, límites morales y restricción del grupo a través de sus propias reinterpretaciones de los ideales y las historias metaéticos. Las normas culturales de la limitación no solo se vieron manipuladas por las élites, sino que también se convirtieron en actos de rechazo creativo contra estas mismas élites. El artículo se centra específicamente en cómo se utilizó el trabajo vital de niños, mujeres y antiguas amistades para proteger la vida, así como para incitar violencia. El artículo cuenta con implicaciones de cómo los humanitarios internacionales pueden comprometerse con el cambio de las costumbres para mejorar la limitación de los grupos armados y proteger mejor a los civiles.

Les acteurs humanitaires et universitaires du monde entier continuent de s'efforcer de comprendre la conduite des groupes armés et la manière dont ils se retiennent dans cette conduite lorsqu'elle enfreint les normes morales, légales et humanitaires. Les groupes armés ne disposant pas d'une structure de commandement hiérarchique officielle et clairement visible équivalente à celles des armées d'État se sont avérés comme étant un véritable casse-tête. Un corpus croissant de recherches sur les fonctions stratégiques des schémas de violence et de retenue est utilement allé au-delà des hypothèses selon lesquelles la violence extrême est indicatrice d'une absence d'autorité sur les acteurs armés. Cependant, la littérature a eu tendance à ignorer la pluralité et la complexité potentielles des figures d'autorité façonnant la violence, la retenue et la nature conservative de certains ordres moraux. Cet article exploite des recherches qualitatives et ethnographiques effectuées au Soudan du Sud pour comprendre les schémas de retenue des forces de défense des gardiens de bétail gojams et titwengs entre 2014 et 2017. Son analyze document la manière dont les autorités publiques ont acquis une légitimité au sein de ces groupes en renégociant l'ordre social, les limites morales et la retenue du groupe par le biais de ses propres réinterprétations des idéaux et histoires méta-éthiques. Les normes culturelles de retenue ont été manipulées par les élites mais également traduites en actes de refus créatifs contre ces mêmes élites. Cet article se concenter plus particulièrement sur la façon dont le travail de subsistance des enfants, des femmes et des amis de longue date a été utilisé pour préserver la vie, mais aussi pour inciter à la violence. Cet article a des implications relatives à la manière dont les humanitaires internationaux peuvent s'engager dans la refonte de la coutume afin d'améliorer la retenue des groupes armés et de mieux protéger les civils.

Introduction

In the wars in South Sudan since December 2013, over four million people have been displaced and well over 200,000 have died violent deaths (Checci et al. 2018). These South Sudanese wars broke out when violence in Juba prompted the division of the national army (then the Sudan People's Liberation Army) and sparked rebellions that expanded across the country over the following years (De Waal 2014; Johnson 2014; Pendle 2021). At the same time, armed conflict had been a feature of the lives of many South Sudanese during the previous eight years of apparent "peace". These conflicts continued as individuals and groups made competing claims over land and labor (Cormack 2016; Craze 2019; Kindersley and Majok 2019). During these various conflicts, armed groups have killed women and children, targeted civilians, mutilated the bodies of the dead, and killed humanitarian workers (Amnesty International 2014; Human Rights Watch 2015).

These wars in South Sudan could appear to be the epitome of violence that is neither legally nor morally restrained. Around the world, brutal violence against civilians has been understood as evidence of a power vacuum and lack of authority (Fearon and Laitin 2003; Humphreys and Weinstein 2006; Kaldor 1999; Manekin 2013; Muñoz-Rojas and Frésard 2004; Wood 2009). At the same time, a growing scholarship on armed group violence has highlighted rational incentives to engage in brutal acts; violence has a social and political function (Brownmiller 1975; Weinstein 2007;Kalyvas 2006; Pinaud 2020; Salehyan, Siroky, and Wood 2014; Collier and Hoeffler 2004; Narang and Stanton 2017; Stanton 2016). In the 1970s, Brownmiller was already highlighting that rape was not just a by-product of war and a lack of authority, but an expression of power and a weapon of war (Brownmiller 1975).

In South Sudan, scholars have highlighted that elites have manipulated conflict for their own strategic gains (De Waal 2015; Craze 2019; Ryle et al. 2001; Thomas 2015). Pinaud's recent discussion of violence in South Sudan contends that certain violence has been "a tool for social differentiation and group formation" (Pinaud 2020, 672). She claims that, in a context where women were often equated to property and capital, their rape or abduction resulted in a wealth transfer to the group of the attackers (Pinaud 2020, 687–692).

This article focuses on the *titweng* and *gojam*. *Titweng* in Dinka literally means "cattle guard" and refers to the groups of armed cattle keepers who provide a militarized protection force in Warrap State. The *titweng* were restructured in the 1990s when they acted as a local, proxy force for the then-rebel Sudan People's Liberation Army (SPLA). They continue to work with local government and have been a recruitment pool for national pro-government forces since 2012. The *gojam* are Nuer-speaking cattle guards in Unity State. They were named "*gojam*" and reordered by the rebel SPLA-IO in

2014 during the escalation of the wars across South Sudan. As loyalties shifted in the following years of conflict, *gojam* were found supporting both the SPLA-IO and government forces. Both the *titweng* and *gojam* remain embedded in their local communities and continue their cattle-guarding role.

The focus on the *gojam* and *titweng* allows us to move beyond the assumption that momentary elite intentions, functions and interests are always easily able to control violence and restraint. The article explores the much deeper normative, political and cosmological struggles that can both shape and resist violence. Armed groups embedded in the communities in which they fight draw upon and reshape cultural and political values (Bayart, Ellis, and Hibou 1999; Behrend and Luig 1999; Clapham 1996; Förster 2010; Hoffmann 2015, 160–161; Mampilly 2015). In South Sudan, Hutchison and Jok's work among the Nuer in South Sudan in the 1990s provided a pioneering example of the unraveling of ethical restraints (Jok and Hutchinson 1999). Deng (2010) had previously noted that by the 1970s, communities had started to shift their moral codes in response to their war experiences and incorporation into the Sudanese state. At the same time, elites cannot always instrumentalize normative orders. This elite engagement with interpretative labor around cultural and normative values also forces elites to become entangled with these moral debates and the limits of norms' elasticities. Social norms and habits can prove to be conservative and can challenge elites' authority, especially when those norms form structures and values that come to be seen as a natural and unquestioned (Bourdieu and Wacquant 1992; Hoffmann 2015; Mampilly 2015).

This article examines how armed combatants and other local authority figures themselves find ways to resist (or co-opt) elite demands for a lack of restraint. Kaplan's work has highlighted how communities can influence armed groups to curb their violence (Kaplan 2017). To explore this further, this article takes seriously the plurality of authority over those who implement violence in South Sudan. Public authority is not the exclusive possession of the state or state-like institutions (Evans-Pritchard 1940; Lienhardt 1963; Lund 2006), but instead can be found in religious leaders and traditional authorities as well as governments and rebel groups. The community-embedded nature of the *titweng* and *gelweng* allows us to see this more clearly. Through detailed examples, this article explores the actual workings of authority over these armed actors in everyday experience.

In the context of a plurality of authority, significant labor is invested in constructing authority and trying to achieve compliance. This is not simply achieved through force or economic reward, but also through claims of moral leadership (Anderson 2017: 13; Gramsci 1994; Kaufman 2001). Part of this moral leadership involves winning debates over the patterns of violence that *should* be used during conflict. Therefore, moral leadership is itself constructed and remade through asserting the authority to shape violence. This

article argues that patterns of violence are best understood when seen as part of a broader contestation of competing political imaginaries and associated forms of hierarchy and political community. Patterns of violence are expressions in larger political debates.

Specifically, this article argues that some political elites have tried to assert authority over the *titweng* and *gelweng* and have encouraged them to commit violence against women, children, and the elderly. For some of these elites, this has the function of creating endless conflict, remaking group identity and emphasizing divisions between groups, and providing elites with armed labor that can easily be mobilized to defend their lands, herds and political interests. To persuade the *titweng* and *gelweng*, elites have employed narratives that emphasize how a lack of restraint will protect future generations. This draws on ideas that life can be extended through procreation and through the practice of children carrying forward their father's name.

Alternative political imaginaries among the *titweng* and the *gojam* also include an emphasis on the importance of children. Despite elite efforts to discourage restraint by invoking the importance of future generations, this norm has also been interpreted by local leaders and combatants themselves to justify restraint. Crucial debates about norms of restraint are ongoing. These debates highlight elites' inability to consistently shape violence in all cases, as well as the existence of some space (however limited) for acts of creative refusal against demands to implement violence (cf. Graeber 2013).

Methodology and Its Dilemmas

The article intentionally focuses on violence that was intra-ethnic and against recent allies. This includes discussing the debates and restraint of pro and anti-government *gojam* during the wars between the government and the SPLA-IO since 2014 in central Unity State. For the *titweng*, the research focuses on intra-Dinka conflict in Warrap State over land and boundaries following the 2015 government decision that the ten states of South Sudan would be divided into twenty-eight states (De Waal and Pendle 2019). The article does not compare violence and restraint between these groups but does illuminate certain commonalities between them.

The article is based on qualitative interviews and participant observation carried out with the help of three South Sudanese researchers between July 2016 and August 2017 in Unity, Warrap and Lakes States.[1] Researchers produced accounts of ethnographic observations during this period, as well as conducting sixty interviews. As interviews were conducted near sites where violence had occurred, interviewees were limited to those who had felt safe enough to stay (or had been unable to leave) and excluded those who fled to IDP and refuge sites. Because of the sensitive nature of this research, researchers primarily drew on their existing social networks and contacts; all the

researchers were living in their research sites at the time. The article also builds on the author's previous ethnographic research conducted from 2009 until 2015.[2]

Researching during periods of conflict raises a series of ethical issues including the potential for harm to researchers and participants (Mazurana, Jacobsen, and Gale 2013; Nordstrom and Robben 1995a).[3] Violence transforms all who are proximate to it (Nordstrom and Robben 1995a), our research teams was drawn into a collective process of navigating the impact of this proximity on ourselves. Long-term collaborative relationships between the researchers and author made reflection possible and have allowed these reflections to continue after the completion of the research.

This article proceeds by first providing a detailed introduction to the *titweng* and *gojam*. It then explains the competition for authority over the *titweng* and *gojam*, making clear that there is not an absence of authority over these armed cattle guards, but instead a complex plurality of public authorities. The article then goes on to provide three examples of debates surrounding restraint and violence. These examples both illustrate elite manipulation of norms of restraint, as well as how compliance with these norms has contested elite commands. They highlight how public authorities build their legitimacy and power by winning moral debates. Central to these examples is a focus on violence against children and reproductive capabilities. Political visions that centralize clan and family leadership create a long-term political vision through the continuity of the community through future and past generations. In such a context, children have a moral significance that moves beyond the simple understanding that children are inappropriate victims because of their innocence or assumed civilian status. Instead, a clan's continuity and relevance rely upon children and their survival.

Introduction to the Titweng and Gojam

Both the *gojam* and *titweng* frame themselves as local defense forces that are primarily concerned with the protection of people and property (including cattle) in their home communities. The *"gojam"* and *"titweng"* refer to a category of armed men in specific communities but do not denote a single, coherent armed force. Nevertheless, groups of these armed actors unite to fight in numbers of hundreds and occasionally thousands.[4] While these larger formations often appear *ad hoc* and temporary, many of the smaller groupings

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[1]The author knew these researchers from periods when she lived and worked in these areas. Co-authorship of this paper was discussed but it was decided against because of the sensitivity of some material. At the same time, the author is still working with these researchers to support them to develop their own research agendas, experience and writing to ensure that they gain full recognition for their growing abilities to research.

[2]The author has continued to travel to South Sudan throughout the war years but reservations from the funder of this research prevented her travel to South Sudan for this specific piece of research.

[3]This research underwent ethical review.

have a permanence constructed around notions of clan-membership and sometimes age-sets. Since their shared childhoods, these young men have been exposed to debates about the norms and moral boundaries of armed conflict, as well as the spiritual and physical dangers of combat, through songs, stories, and observation.

At the same time, these *titweng* and *gojam* are neither ignorant nor distant from national politics. The cattle guard has repeatedly been a significant pool of militarized labor. In the South Sudanese context, command of such groups is politically significant (Kindersley and Majok 2019). If authority over this militarized labor is achieved, the groups can be used by elites to protect claims on property including land and cattle, provide protection to communities and political hierarchies, and fight national wars.

Since the 1980s, government and rebel groups in South Sudan have mobilized the armed cattle guards as proxy militia forces. The *titweng* and *gojam* specifically have national political significance as they operate in the homelands of some of the most senior politico-military elites in South Sudan, including President Salva Kiir and former rebel leader and now Vice President Riek Machar. These armed cattle-keepers have been used as proxy forces on both sides of the national civil war, with the *titweng* supporting government forces and the *gojam* fighting for both the government and the SPLA-IO. Furthermore, the *titweng* have been a pool for recruitment into pro-government national forces (Boswell 2019; Wild, Jok, and Patel 2018). These government-aligned groups have been accused of extreme violations of international humanitarian law, including in December 2013 and in the Equatorias since 2015 (Pinaud 2016; UN Security Council 2016).

The political and military leaders have often had an interest in inciting conflict to secure access to resources or to display their own military strength. In such contexts, a lack of restraint is strategic and helps elites construct clear constituencies of militarized support.

At the same time, these armed cattle guards of the *titweng* and *gojam* continue to live among their home communities and are closely embedded in the authority structures of the communities themselves. The main figures of authority are not necessarily among these arms-bearers, but instead include figures such as chiefs and religious leaders.

The *titweng* come from Warrap and Northern Bahr el Ghazal States. Since the 1980s, the communities within which these groups are embedded have had a history of supporting the SPLA – the rebel army that went on to govern South Sudan beginning in 2005. These armed, community defense forces have often served as temporary, proxy militias to support the SPLA itself. The ter *titweng* dates from the reconfiguration of the cattle guard under the influence of the SPLA during the government wars of the 1980s and 1990s.[5] In the 1980s,

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[4]For example, in 2014, the White Army apparently mobilized in numbers of 4,000–5,000 to march on Bor Town.

during attacks from Khartoum-backed northern militias, the SPLA facilitated the cattle guards' access to arms and used them as a proxy force for community defense (Kuol 2017; Nyaba 2001).

In the 1980s and 1990s, the SPLA restructured the order and authority of the *titweng*. For example, the SPLA explicitly banned initiation into age-sets among the *titweng* during certain periods in order to form a larger group that could act as a more efficient, brutal proxy force (Pendle 2015). Some *titweng* now describe being given a gun as the pivotal moment of initiation.

Since the 2005 CPA and the creation of a South Sudan government dominated by the SPLA, many *titweng* have remained armed and have worked closely with parts of the SPLA, individual politicians and the local and national government. At certain points, politico-military leaders have renegotiated the identity of the *titweng*, framing them as "community police" and part of the government (Pendle 2015). The *titweng* have also been a source of recruitment for national militia forces. In April 2012, many *titweng* were recruited to support southern forces in their defense of the contested Heglig region along the border with Sudan (Wild, Jok, and Patel 2018). By mid-2013 a specialized force originally recruited from the *titweng* and the President's home community were incorporated into the national presidential guard. They were known as the *Döt ku Beny* ("Rescue the President") (Pendle 2015; Wild et al. 2018).

During different periods, the *titweng* have been come together in different size groups, sometimes around a *wut* (cattle camp) but also sometimes around country-level notions of identity. In the *wut*, the *majokwut* (head of the cattle camp), has immediate authority (Mou and Madut 2020). He resolves small disputes, refers larger disputes to the chiefs, make decisions over the movement of cattle, and represent the cattle camp to chiefs and governing authorities.

The *titweng* have also developed different "uniforms" to identify each other as their group size increases. For example, some groups will take off their T-shirts and tie them around their arms (Pendle 2015).[6] Others have even had T-shirts made to act as a uniform. For instance, *titweng* from one clan wear t-shirts with the image of a lion.[7] Certain haircuts have also been used as an identity marker.

Since the CPA, some politico-military leaders with large herds of cattle have formed their own cattle camps by gathering specific, trusted *titweng* into a new peer-group unit to guard their cattle. In these camps, this militarized labor is individualized and not primarily based on clan or family membership. These large-scale owners often provide ammunition, animal vaccinations, and the promise of health care and food to the *titweng*, binding these young men to their service and challenging the primacy of previous groupings.[8]

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[5]*Titweng* can mean "wait for a cow" as well as "protect a cow." This ambiguity is why *gelweng* is preferred in southern Bahr el Ghazal. ICRC staff, e-mail correspondence, May 2017; Research assistant, e-mail correspondence, June 2017.

The naming of the "*gojam*" – the armed cattle guard near Ler – has a more contemporary history. They became known as *gojam* during attempts by the armed opposition to re-organize them in 2014. Immediately after the government violence in Juba in December 2013, the SPLA began to fracture, with many soldiers rebelling with the explicit intention of seeking justice and revenge for relatives killed in Juba (Young 2016; Pendle Forthcoming). For example, in December 2013, James Koang defected from the Juba government. He took the majority of his Fourth Division of the SPLA based in Bentiu (Unity State) with him. These narratives of revenge were ethnicized, with the Nuer being formed into a (temporary and incomplete) political community (Pendle 2021). As well as soldiers in the SPLA, many Nuer armed cattle keepers, including those near Ler, also took up arms against the government and assisted the rebelling forces, many of whom were their own brothers.

In early 2014, as the armed opposition was starting to gain coherence, Riek Machar and the emerging SPLA-IO leadership recognized the strategic significance of controlling the armed cattle guard and attempts were made to re-order these armed men into the emerging, formal structures of the nascent, rebel SPLA-IO. In Unity State, including near Ler, James Koang tried to formally organize the armed cattle guard into a new division of the armed opposition. The cattle guard became known as the "*gojam*," a term that some *gojam* believe vaguely references an Arabic word for army division. From 2014, the *gojam* were also armed by the emerging SPLA-IO[9] and began attending large SPLA-IO rallies. These rallies included the sharing of crucial information about where arms could be exchanged. They also generally included speeches about war strategies and the reasons to fight.

The *gojam* were ordered into an army-like leadership structure and were given ranks that resembled that of the SPLA and the new SPLA-IO.[10] During interviews in 2016, *gojam* repeatedly mentioned that they had ranks equivalent to the SPLA to eventually facilitate future processes of integration into a national, salaried army when there would be peace. As has been the case in other rebellions, government and state symbols, structures of power, and authority were still important among rebels. After the 2018 Revitalized Agreement on the Resolution of Conflict in South Sudan, *gojam* were able to be registered as part of the SPLA-IO.[11]

The *gojam's* new hierarchy allowed them new opportunities to formally incorporate members of the community. For example, a tea lady in Thonyor informally became a key mobilizer and advisor to the *gojam*. She also organized women to collect an informal tax on food items to support the *gojam*. In

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[6]Interview conducted by South Sudanese Researcher 2 with a *titweng*, Warrap State, 15th January 2016, in Dinka
[7]Interview conducted by South Sudanese Researcher 2 with a *titweng*, Warrap State, 15th January 2016, in Dinka; Interview conducted by South Sudanese Researcher 3 with a *gelweng*, Greater Rumbek, 12th February 2016, in Dinka.
[8]Interview conducted by South Sudanese Researcher 2 with a *titweng*, Warrap State, 15th January 2016, in Dinka.

recognition of these efforts, the *gojam* awarded her the rank of Major. At the same time, the *gojam* remained substantially different from the SPLA-IO.[12] The SPLA-IO struggled to assert consistent authority over the group.[13] There is similar ambiguity over the extent to which opposition commanders have control over the eastern white armies (Young 2016).[14] The *gojam*'s focus remained their people and cattle. They were often at a physical distance from the formal armed opposition, including during periods of combat. They continued to act as a home guard and remained close to figures of authority in the communities. Control over the *gojam* thus continued to be contested.

In early 2014, there was a short-lived period of political unity among the armed cattle guards in the former Unity State, with the exception of some forces in Mayom.[15] However, divisions quickly emerged among the newly-unified Nuer factions, with various groups, including groups of *gojam*, fighting both for and against the government.[16] "*Gojam*" therefore, for a time, came to denote armed cattle guards on both sides of the war and not simply opposition-aligned groups.

Competing Moral Authority over the Armed Cattle Guards

The ruling class of South Sudan has long needed to mobilize and control a militarized cohort of labor (Kindersley et al. 2019). In this context, a plurality of figures has competed for authority over the armed cattle guards to encourage peace, incite war, preserve or reshape spiritual and moral orders, and entrench or test their own authority. The armed cattle-keepers' proximity to and reliance upon their home communities has often meant that the dominant figures of authority over them are synonymous with the dominant authorities in the communities. The power and legitimacy of these various authority figures is not static but rather is constantly being renegotiated, including through their control of these armed men. Debates over norms of restraint are used to assert authority over armed young men. The salient authority figures who govern restraint therefore vary over time and between places and communities.

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[9]Interview conducted by South Sudanese Researcher 1 with *gojam*, Thonjor, 18th June 2016; Interview conducted by South Sudanese Researcher 1 with former *gojam*, Kakuma Refugee Camp, 6th February 2017.
[10]Interview conducted by South Sudanese Researcher 1 with *gojam*, Thonjor, 18th June 2016.
[11]Craze, Numbers, 73.
[12]Craze, Numbers, 73.
[13]Interview conducted by South Sudanese Researcher 1 with cattle camp chief, Cattle Camp near Thonyor, 4th June 2016, in Nuer.
[14]Discussions in Addis Ababa between the author and members of the SPLA-IO during the IGAD led peace negotiations, Addis Ababa, May-June 2014.
[15]Interview conducted by South Sudanese Researcher 1 with cattle camp chief, Cattle Camp near Thonyor, 4th June 2016, in Nuer.

Since the early twentieth century, chiefs have held formalized roles in relation to the *wuts* (cattle camps), including through their power to re-distribute cattle after court rulings and their prominence in peace meetings. These institutions have cemented the daily interaction with the armed cattle guards. In Warrap State, some chiefs' courts annually move, following the movement of the cattle camps, and creating proximity between chiefs and these youth. Chiefs also rely on these cattle guards to protect the property and land of the chiefdom, with chiefs being active in organizing the supply of food and ammunition to the cattle guards.

Chiefs partly gain their legitimacy by their ability to "deal with government" and to negotiate between government-like forces and the community (Leonardi 2013). They are expected to push back against higher levels of government, as well as act on their behalf. For the *titweng* and *gojam*, a significant demand from their chiefs has often been for them to resist and control forced recruitment by the army and the rebels.

Chiefs' court cases have been a common way for chiefs to assert the moral limits of certain patterns of violence. For example, in 2012, an *ad hoc* chiefs' court was formed and headed by a chief from Gogrial (Warrap State) to end ongoing, lethal cattle raiding between armed cattle-keepers near Rumbek. In an effort to promote restraint and the continuity of pervious norms of restraint, the chiefs ordered a more severe, punitive response for those who had killed in raids without prior warning, as compared to those who killed in raids with prior warning. The chief described how giving prior warning allowed noncombatants, such as women and children, to flee from the cattle camp and escape injury. As South Sudanese statutory law did not make such a distinction, the chief interpreted the failure to warn as indicative of an intention to kill, allowing punishment for murder to be given.[17]

The politico-military leaders' growing influence over the *titweng* has challenged the chiefs' authority, as has the acquisition of guns by the cattle guard (Pendle 2015). Jok describes how community leaders can no longer reign in the self-defense groups that they created (Jok, Wild, and Patel 2018). One elder argued that cattle keepers "of our time [the 1970s] feared government so much because we only had spears while government soldiers were armed with guns. We could not joke around because they were more powerful. But now they are soldiers. If they carry the same weapons as the government, how will they respect them?" In this context, the most powerful chiefs over *the titweng* gained authority, in part, by their experience and skill in directing military offensives and by their willingness to support the *titweng*'s efforts, including through the supply of ammunition.

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[16]Riek Machar and SPLA-IO commanders never achieved political homogeneity among a Nuer community as Nuer commanders sided with the government from the outbreak of violence in December 2013.

In Ler, since the 1990s, the fast-shifting government figures in power have also repeatedly brought in their own chiefs in an attempt to gain control. This practice has highlighted chiefs' reliance on government and weakened their authority among the community, including over the armed cattle guard. Additionally, some of the more powerful chiefs have been targeted in armed conflict. For example, in 2015, one of the key chiefs that had retained authority for over two decades and who was respected by the *gojam* was killed during a government raid.

Divine authority figures also continue to have influence over the armed cattle keepers and their conduct during combat. These authority figures threaten divine sanction, offer resolution to spiritual pollution, or promise divine blessing for those who adhere to certain norms of restraint (Hutchinson 1996; Pendle 2017b).

Many *titweng* still spend time and resources seeking the protection and advice of the *bany e bith*. Historically, the *bany e bith* (master of the fishing spear) displayed considerable authority among the Dinka cattle guards because of the spiritual protection they could offer in times of war and the solution they could offer for spiritual pollution. It was the *bany e bith* who would also widely dictate norms of restraint and the consequences of their violation, such as pollution. However, over the last hundred years, the power of the *bany e bith* has waned through their recruitment into positions of government power such as chiefships and through their inability to protect the community during times of government war (Cormack 2014; Pendle 2017a).

New patterns of trade also contributed to new figures of influence among the *titweng*. For example, in 2017, four prominent *titweng* had built their individual authority on the purchase of protective magic that they sourced from the west (possibly Congo).[18] They claimed this magic made them immune from bullets, giving them a power that confronted one of the main dangers of the government and its wars. Their authority had been established through displays of their ability to avoid death and achieve other magic feats, such as invisibility. This magic that is purchased with money does not come with the same demands for moral restraints associated with other spiritual protections provided by the ancestors and *bany e bith*. Yet, some *bany e bith* have now also purchased powers, increasing their popularity and combing the magic with moral demands.

Since the late nineteenth century near Ler, Nuer Prophets (*guk*) have been the most powerful spiritual authority, including among the cattle guard. These "owners of divinity" claim power over life and death and the ability to bless and curse. Nuer prophets have long played an important role in promoting a moral community amongst the western Nuer (Johnson 1994). They

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[17]Interviews with Dinka chiefs, Kuajok, 2012.

reference prophetic idioms that date back to the late nineteenth century, but renegotiate their powers in shifting contexts of control and legitimacy (Evans-Pritchard 1940; Hutchinson 1996; Johnson 1994). Among the Western Nuer, the prophets of the divinities of MAANI and DENG have held most authority since the late nineteenth century. A key contest in the late nineteenth century in which MAANI established his authority was his assertion that he, not others, had the right to decide the timing and naming of the next initiation of a new age-set of the cattle guard. Control of the cattle guard even then was crucial for their authority.

Since the 2005 CPA, prophetic figures claiming to be seized by DENG and MAANI have competed for influence, including over the armed cattle guard. Gatdeang Dit became a prophet of DENG in the 1980s. His vision of peace has prevented many Nuer armed cattle keepers from engaging in violent raids against their Dinka neighbors (Hutchinson and Pendle 2015). Other Nuer prophets have used similar Nuer idioms to invoke armed conflict, but without the same restraint. In 2010, Nyachol was seized by the divinity of MAANI. Nyachol's metaphorically "hotter" vision of peace enabled her to mobilize hundreds of armed cattle keepers to carry out raids against neighboring Dinka communities. The raids were explicitly in retaliation for raids against her home village that had involved the killing of children and women in their homes (Hutchinson and Pendle2015).

Whatever their vision of peace and moral restraint, the prophets have played an important role in contesting perceptions that the moral order is completely ruptured. Areas such as Ler have experienced three decades of government wars that have divided the Nuer, the sections of the Nuer, and even the families of the Nuer. For decades, men have fought knowing they might kill their brother. Therefore, many *gojam* know they have already violated Nuer norms of restraint and are already deeply polluted by the deadly spiritual pollution of *nueer*. With dangers of *nueer* already engulfing them, there is little fear left of further moral rebuke. Prophets have played a key role in providing resolution to this pollution, reasserting the possibility of purity and, therefore, reinstating the relevance of a moral order.

Since the *gojam*'s formation in 2014, Nuer prophets have offered the *gojam* protection in times of war, displaying the continuity of the *gojam*'s relationship with the prophets. At the same time, the authority of each of the prophets, including over the *gojam*, largely relies on an ongoing empirical verification of their divine powers. Visible demonstration that the prophet has been seized by a divinity is necessary to initially establish authority. As a divinity can depart from a prophet, an ongoing display of powers is also necessary.

For example, a Nuer prophet in Ler became famous and trusted for his protection of cattle. In raids in 2012, many Nuer took their cattle to him.

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[18]Interview conducted by South Sudanese Researcher 2 with a *titweng*, Warrap State, 17th January 2016, in Dinka.

However, in 2015, a government raid into the area captured all his cattle, and his authority immediately declined. In mid-2016, he traveled by boat from Panyijar to near Adok. As a figure of authority, before exiting his boat, he wanted the local community to sacrifice a bull to him as a sign of welcome and respect. He refused to get out of his boat until this sacrifice was made and ended up waiting in his small canoe for three days as the community debated whether it was worth sacrificing even a goat for this prophet of diminishing powers.[19] The untamed military might of the government has challenged the ability of all prophets to protect their property and people, and therefore to maintain local authority.

Some Nuer prophets have nevertheless remained influential and even challenged the forms of power promoted by government elites (Hutchinson et al. 2015). Some prophets have even worked alongside government elites, making use of their power over the *gojam*. In an interview with a former senior SPLA-IO commander in the western Nuer in 2014, he described how, when he was commanding opposition forces in the Western Nuer, "All I had to do was send the prophetess some cattle. In return, she sent me many young men [*gojam*]." The Nuer Prophetess of MAANI had been instrumental in the mobilization of *gojam* for the armed opposition.

Debates About Restraint

To claim authority over the *titweng* and *gojam*, different authority figures sought to shape moral orders. Debates about the moral justification and ideological basis of violence have been prevalent among the *titweng* and *gojam* in recent years. New weapons, new experiences of violence, and new political influences have all prompted shifts in patterns of restraint and debates about what violence is legitimate.[20] Contemporary debates among these armed cattle guards about norms of restraint highlight how various figures of authority attempt to assert their influence over these debates and, hence, their authority over these young men during combat. The following examples illustrate the complex relationships between authority figures at various levels, from the local to the national.

Central to many of these political visions and connected moral orders has been the question of children and their moral and political meaning. Chiefs and Nuer prophets have often pushed against ideological visions associated with centralized state power and urban centers that diminish the centrality of clans and family in politics. Various moral debates include resisting the morality of markets but remaking moral notions of family and social obligations, including the centrality of children in creating inter-generational social

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[19]Interview conducted by South Sudanese Researcher 1 with cattle camp *gojam*, Cattle Camp near Thonyor, 14th June 2016, in Nuer; Interview conducted by South Sudanese Researcher 1 with former *gojam*, Kakuma Refugee Camp, 6th February 2017.

obligations. Childbearing and those who facilitate it, including women and those who have given cattle for marriage, gain a new social significance.

Example 1 – Revenge for the Killing of Women and Children

In 2016 and 2017, the focus of moral debates among the *titweng* was over whether to kill children and women in revenge. Revenge is not a static norm, but instead is remade through political and social contestation (Pendle 2018; Stewart and Strathern 2002). The underlying, meta-ethical notion that allows the killing of children and women is based on shifting interpretations of the importance of family and the promise of immortality through future generations. Life post-death can be established through children and the continuity of family. Therefore, there is a recognition that lasting death is brought not only by the death of the individual himself but also of future generations, including through the killing of children and the killing of women who would give birth. The targeted killing of children therefore implies the killer's intention of total death. However, different authorities have interpreted this norm in contrasting ways to both encourage and discourage restraint.

An intra-Dinka conflict in 2016 and 2017 marked shifting patterns of violence among the *titweng* in relation to women and children. Local discourse highlights that women and children were previously not intentionally killed in intra-Dinka fighting, even as recently as in conflicts between 2005 and 2009. But this is no longer the case, and women are now being knowingly killed and targeted.

Experience from other conflicts has already introduced the targeting of women and children into the *titweng*'s imaginings of possible repertoires of violence. During the 1990s, women and children were targeted in the militarized, ethnic violence that followed the 1991 split in the SPLA (Jok and Hutchinson 1999). In her research among the Nuer, Hutchinson argues that it was Nuer fighters' adoption of more "primordialist" ideas of ethnic "essence" in the 1990s that made it possible to twist the intentional killing of children into something justifiable (Hutchinson 2000, 10). When a child's ethnic identity became perceived as something fixed from birth, children could be conceived as legitimate targets of revenge (Hutchinson 2000, 11).

In the post-CPA era, the *titweng* engaged in armed conflict with groups based in Mayom, including Peter Gadet's South Sudan Liberation Army. Battles involved dawn raids into cattle camps. The poor light at dawn meant that children and women were foreseeably killed. Therefore, patterns of killing

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[20]While there are clear accounts of these various patterns of violence, it has been harder to establish the frequency of these patterns. The warring parties have heavily censored the media and limited journalist reporting. The international community has very minimal presence, especially at times of violence. Some organizations do have a more detailed perspective on violence and its frequency but they are careful about reporting such violence in case it undermines their ability to operate in an area and deliver humanitarian assistance.

children were not new in and of themselves, but were described as unprecedented in local, intra-Dinka conflict.

Local explanations of this shift to an increased killing of children attribute it to an initial mistake. In 2016, the *titweng* of one side carried out their first offensive of the conflict at dawn. During that raid, the these *titweng* shot dead two people at the edge of the cattle camp and ran off with some cattle. The people they shot were a young boy and girl. The boy happened to be the nephew of a senior military figure in Juba. The *titweng* and their community rapidly and publicly claimed that it had not been their intention to kill children, and that it had been a genuine mistake because of the poor light at dawn. Many people in the children's community, including family members of the two children that had been killed, believed that it was indeed a mistake.[21]

These killings prompted public discussion among the community of the deceased children about the appropriate response and whether their own *titweng* should target the other community's children in revenge. In this moment of moral ambiguity, there was space for open discussion about norms of restraint. National politicians involved themselves in these debates in their home communities. Some, including a member of the national legislature in Juba, publicly argued that because the killing of children was a mistake, compensation or a peaceful redress of the grievance should be sought.[22] He argued that if they violently avenged the children's death by targeting the children of the other community, this would provoke a bitter war, encouraging further revenge and an unresolvable, endless feud.

Other national politicians and military leaders from the community of the deceased children instead insisted that the death of these children demanded a violent feud. They should not only seek revenge against the whole group, but should also target individuals who were equivalent to those killed. Therefore, they should target children. This demand for revenge was partly a way to assert the value of children and the serious consequences of the initial raid having not safeguarded children. Only extreme, brute violence could reassert children's protected status. Politicians also argued that the seriousness of the conflict meant that the *titweng* should no longer hold back from imposing a "complete death" as expressed through the death of children.

This elite interpretative labor also promised violence that would serve their strategic interests. Many of these politicians had private farming interests in grazing lands disputed between the two communities and they hoped that further violation of norms of restraint would deepen conflict and provoke a lasting war. The politicians feared that the other community would try to demand ownership of the grazing land by force and so they were eager to

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[21]Interview conducted by South Sudanese Researcher 2 with the family of the boy killed, January 2017.

create a pool of militarized labor among the that could be easily mobilized to defend land claims.

In these public debates, local public authorities were divided. Many chiefs feared that the intentional killing of any children would end all hopes of peace. Killing children as well as their fathers would bring a more complete death and leave no room for a return of human dignity upon which peace could be built. In 2016, one chief argued in a public meeting that only the government had the power to bring justice against those who killed women and children and that the *titweng* should act with restraint.

The competition between two national, political leaders from the community of the deceased children transformed *titweng* behavior into a test of their authority. It also left moral ambiguity over the correct response to the killings of women and children. As people's hearts ached from the loss of their own mothers and children, this moral ambiguity provided an opportunity for women and children to be targeted without social condemnation or sanction.

The *titweng* did not all show restraint. As the conflict grew, women and children were targeted in tit-for-tat revenge attacks. For example, in late 2016, in villages near the border between communities, local residents would move away from their villages every night to avoid nighttime ambushes. However, one old woman refused to go. She wanted to sleep at home to keep the goats safe and, as an elderly woman, believed they would not kill her. Her sons tried to persuade her, but she refused to leave. They stayed in a nearby cattle camp. That night five *titweng* from the opposing community came to her *luak*. They realized someone was inside. They knew the old woman, so they called out to her by name to come out of the *luak*. She came out. They broke her legs and then shot her dead. Her sons heard of the events and wanted revenge immediately, but their peers persuaded them to exercise restraint because, at the end of 2016, there was a promise of peace. However, when the peace broke down in 2017, they sought to avenge their mother's death through the targeting of a woman from the other community.

A customary court case was held at the end of 2016 to end the conflict. Compensation was to be exchanged between the two communities for the total of 118 people that had been killed that year. In South Sudan, the reinstating of a relationship of compensation and judicial justice has long been a way to create peace (Johnson 2003: 171; Pendle 2018). The government ordered that a flat rate of forty cattle be paid in compensation for each person killed. However, this flat rate failed to reflect the additional legal and moral violations involved in the killing of women and children. The chiefs in the court also failed to solve the moral ambiguity over the additional dangers of killing women and children. Fighting resumed in 2017.

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[22]South Sudanese Researcher 2 observations of public meetings, in Dinka.

Example 2 – the Morality of Violence against Mothers

Since 2014, conflict in Ler saw an even more significant number of women and children killed. During interviews in 2016, *gojam* maintained claims that killing women and children was morally repugnant.[23] In interviews, *gojam* emphasized that, in the past, women had traveled with young cattle keepers to battles not to participate in combat, but to offer protection. The women's role was to cover those who had been speared to death and to tend to the wounded.[24] Women had the ability to avoid being captured because women were "universal" as they do not have a fixed, bounded, immutable identity, and can instead belong anywhere through marriage.[25] As one *gojam* claimed, "I cannot kill a woman because woman is the home."[26] Social norms have been naturalized that have made the woman a representative of the safety of the home and the promise of a future home, even for the attacker himself. This social potential provided woman protection. Historically, women were often taken by attackers but not killed since the attackers could make them their wives. Even in recent years, pro-government *gojam* have taken Nuer girls to be their wives (Ibreck and Pendle 2016; Pinaud 2020).[27]

The SPLA-IO-government war has created a context of repetitive and extreme violence against women (Pinaud 2020). Yet, this has never meant that all armed men act in violation of previous normative orders. For example, one female interviewee described how government-aligned *gojam* had found her but had not threatened her life or abused her. Instead, they told her to hide deep inside the weeds for safety. In the midst of the battle the *gojam* said to this woman, "Even an aggressive woman cannot be killed by a Nuer, since how can you kill your mother?"[28] The *gojam* evoked notions of reproduction but interpreted them to highlight the common nature of motherhood and his own debt to his mother.

Despite the consistency of claims of moral restraint, in practice restraint has not been consistent. Opposition-aligned *gojam* under the influence of armed opposition commanders have legitimized the targeting of certain women and children by re-defining their identities as "government" and ignoring their identities as women and children. Opposition leaders at the local level have challenged the universal nature of women by claiming that some women in government-held towns such as Ler are no longer women in a morally-significant sense. Instead, they are stigmatized as being part of the government and therefore not eligible for enjoyment of the same benefit of restraint. This chimes with long-term patterns in South Sudan in which governments and

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[23]Interview conducted by South Sudanese Researcher 1 with elder, Gill near Ler, 13th June 2016, in Nuer.
[24]Interview conducted by South Sudanese Researcher 1 with elder, Gill near Ler, 13th June 2016, in Nuer.
[25]Interview conducted by South Sudanese Researcher 1 with elder, Gill near Ler, 13th June 2016, in Nuer.
[26]Interview conducted by South Sudanese Researcher 1 with 17-year-old *gojam*, near Thonyor, June 2016, in Nuer.
[27]Interview conducted by South Sudanese Researcher 1 with educated *gojam* initiated in 2001, Yang Cattle Camp, 17th June 2016.

rebels have mobilized community support and so blurred the lines between civilians and combatants (Kindersley and Rolandsen 2019).

The *gojam* have also witnessed and experienced extreme brutality by government forces against woman and children in recent years, shifting the *gojam's* imaginaries of the choreography of war. For example, government raids in 2015 included the killing and mutilation of children. By seeing these extreme forms of violence used on their relatives, it became easier for the *gojam* to imagine these forms of violence as part of their own strategies of revenge.

Nuer prophets have tried to push back against these forms of violence by insisting on the continuity of norms of restraint and the spiritual consequences of their violation. For example, Nuer Prophet Gatdeang created a sanctuary around his *luak* that welcomed and protected any child seeking refuge irrespective of their possible political alignment (Hutchinson and Pendle 2015).

Nuer Prophetess Nyachol also explicitly rejected the killing of women and children, as she feared that it would create lasting divisions between Nuer-speakers in Unity State. As with elites trying to mobilize the *titweng*, she foresaw that the killing of women and children could produce an endless, intra-Nuer feud. She challenged this by insisting on the ongoing, potentially deadly spiritual consequences of such actions. This condemnation of violence and vision of intra-Nuer peace built her popularity and authority.

The debate among SPLA-IO sympathizers over whether norms of restraint should apply to those who are "government" continues. For example, in 2016, an elderly woman was living in Ler with two young girls to help look after her. She had a son who was a spokesman for the SPLA-IO and also had two sons who were serving as pro-government *gojam* in Ler. In July 2016, opposition-aligned *gojam* attacked this elderly woman's home, beat her, and raped the two young girls. The *gojam* described the attack as punishment for her sons' service in the pro-government *gojam* – they redefined this old woman and the young girls as government supporters and cast away any notion of restraint against women and children.[29] However, a few days later, the lead *gojam* attacker died of a sudden sickness. Some believed this was a curse, a divine sanction, for his aggressive actions against an elderly woman and children and violation of norms of restraint. This death is one of many examples that helped divine authorities such as the prophets to re-claim authority over these norms.

Example 3: Restraint against the Elderly and Givers of Life

Governing elites have repeatedly reinterpreted old meta-ethical idioms in order to argue for violence and a lack of restraint. However, the elasticity of

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[28]Narrated by the woman to South Sudanese Researcher 1, near Thonyor, June 2016, in Nuer.

these norms has its limits, creating restrictions on the ability for manipulation. Armed men themselves, as well as chiefs and prophets, continue to use these same idioms to restrain violence despite instructions from commanders to do otherwise.

For example, one old man recalled his own experience of restraint. In 2015, pro-government forces launched an attack from Koch into areas around Ler. This was led by pro-government *gojam* from Koch and commanded by a notorious government leader. Commanders explicitly encouraged their forces to attacks without restraint, killing those they found to ensure others left the land. As villages around Ler became aware of the approaching attack, they fled south and east into the swamps. As an older man, the interviewee ran more slowly and had to hide in a nearby area of swampy grassland. He was not able to flee further. The old man's dog stayed with him, despite his efforts to encourage the dog to leave. As the *gojam* approached the old man's hiding place, the dog barked in defense, giving away their position. The *gojam* dragged the man out to the dry ground, forced him to kneel on the floor, and one *gojam* pointed his gun at the man, as if to shoot him.

In an unexpected moment of hesitation, the armed *gojam* asked, "What is your name?" The old man answered, expecting a lethal shot to follow. After an elongated pause and no sound of a gun, the old man looked up to see the *gojam* also on hands and knees on the floor. The *gojam* was now begging his forgiveness.

The old man's name had revealed to the *gojam* his familial connection to the old man, who had been a friend of the *gojam's* father. When the *gojam's* parents had married, the old man had even given gifts of cattle to the *gojam's* father. Therefore, Nuer moral norms of exchange partly credited both the marriage and this *gojam's* subsequent birth to the old man. To kill the person who had given him life was utterly morally repugnant. While the commanders evoked historic ideas of family and revenge to drive violence, the importance of family also limited the violence of the *gojam*.

Conclusion

The wars in South Sudan have brought new weapons, patterns of violence, and forms of authority that have all challenged previous norms of restraint. The scale of armed conflict in South Sudan engulfed more and more people in personal experiences of violence, leading them to fear death or to feel sadness and outrage as they witnessed violence against their friends and family. These emotions

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[29]The elderly woman was the mother of the researcher. The attack happened a few days before he visited her in Ler. The woman survived the attack. She was later able to gain transport to Bentiu and her family eventually supported her to travel to her son's home in Nairobi. In Nairobi the publication of this story was explicitly discussed with her to gain her consent for it to be published.

appear to overflow into unrestrained violence. Supplies of new, more powerful weapons, such as mounted weapons, further facilitate large-scale violence.

At the same time, leaders and combatants have continued to debate the moral boundaries of violence during combat, and the physical, moral, and spiritual consequences of violating these norms of restraint. The *titweng* and *gojam* still frame their actions in moral terms and reference meta-ethical ideas learned in childhood and reshaped over the previous decades through debate and experience. The *titweng* and *gojam* are still actively involved in debates about the morality and spiritual implications of patterns of restraint, even in the heat of battle. The outcomes of these debates are still to be determined. The shifting patterns of violence therefore do not simply indicate warfare without restraint, but instead reflect shifting ideas about the very notions of humanity, dignity, life, and death.

In debates between community-based armed groups, a variety of leaders claim authority over conduct in combat and the legitimacy to dictate or abrogate norms of restraint. These often include authority figures external to the armed groups and in the communities themselves, such as chiefs and religious leaders. They also often involve political and military elites, especially those from the home areas of the combatants. For various public authority figures, interventions in debates about restraint during conflict are a means for them to assert and demonstrate their own authority.

As they build their public authority, figures and institutions often reference norms and moral boundaries as a way to cement their authority within preexisting ideas of community. At the same time, armed group members can use these norms to push back against orders and tactics of war that they discourage restraint. Armed groups and their members reinterpreted norms to allow restraint. The space for restraint can be limited, but showing restraint can amount to an act of creative refusal against the militarized leaders who seek to control them.

Many of the norms of restraint in South Sudan directly contradict norms of international and humanitarian law. The international community has the opportunity to participate in these debates while they are ongoing. For the international community to be taken seriously, however, there needs to be a continued investment in understanding the underlying logics that govern restraint among these armed cattle keepers, as well as the underlying struggles for authority that they embody.

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