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A SOCIO-LEGAL HISTORY OF THE LAWS OF WAR

Constraining Carnage

Christopher W. Mullins

A Socio-Legal History of the Laws of War

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A Socio-Legal History of the Laws of War: Constraining Carnage

BY

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About the Author

Christopher W. Mullins, PhD, is Associate Dean of Academic and Student Affairs for the College of Health and Human Services and Professor in the School of Justice and Public Safety at Southern Illinois University, Carbondale, USA. His research focuses on the structural, cultural, and legal aspects of violence, especially mass atrocity. He has published four books, one coedited volume, and over 60 peer-reviewed articles and book chapters in a variety of outlets.

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Preface

This book examines how over the course of centuries different human societies and cultures have structured and enclosed their war making with norms that are designed to either maintain good military order or to reduce the impact of the violence inherent in warfare on soldiers and citizens. This book has attempted to survey and analyze values that address the root problem of warfare: that its effects go well beyond those actively engaged in hostilities. Most societies looked at in this volume have norms and practices which attempt to curtail the damage caused by warfare in various ways. Of course, what is important varies in time and place and earlier concerns do not always mirror later concerns. Yet all societies acknowledge the inherent danger in allowing war to be uncontrolled. What is perceived as needing control and what sort of controls are needed vary widely, especially early on. By the tenth century CE in Europe we see the emergence of attempted theological control of warfare for humanitarian reasons by the medieval Catholic church.

Through the thirteenth and fourteenth centuries we would see armies adopting formal articles of battle which dictated the behavior allowed and not allowed of troops in battle, camp, or on the march. While rarely followed to the letter, they were enforced. The fifteenth through nineteenth centuries saw an increase in the use of formal articles which proscribed certain behaviors and prescribed others. Later articles begin to contain procedural law aspects as well as substantive law. They become longer, come complex, and more legalistic. During the nineteenth century, we will see these codifications of norms become more extensively used by militaries and we will begin see a strong civilian push for humanitarian law, a social movement that lay dormant since the Church's ninth- and Tenth-century campaigns. This book stops at end of the eighteenth century. At this historical juncture we see fully codified articles of battle that are law in all but name (i.e., the Continental Congress' articles of 1775 and 1776). The nineteenth, twentieth, and twenty-first centuries see proliferation of military law, both domestic and international; it is a story that requires its own book.

The main assumptions behind my analyses here come from social science approaches to understanding law by placing it in its sociohistorical context. As a scholar, I come out of anthropological and sociological theoretical worldviews and traditions, and thus look at both macro and micro level forces shaping behavior. My thinking is driven from a cultural materialist standpoint (See Harris, 1968) that sees nonmaterial culture, such as norms and laws, as deriving from the material conditions of a society's existence. Economics, in the

anthropological sense, drive social structure and some aspects of cultural norms. These norms will frame certain phenomena as "problems" to be solved, and other norms and cultural forces will influence how those "problems" are approached, if they are dealt with at all. Existing elements of material and nonmaterial culture will influence formation or transformation of norms and laws. As will broader contexts, including interactions with other societies or communities.

As examined early on in the book, war is an inversion of daily social norms of interaction. The central acts of war – injuring and killing people and the destruction of property – are typical prohibited by mores and ordinary law. The fundamental aspects of the social contract that focuses on peaceful coexistence and cooperation are abandoned and a new set of rules adopted: the laws of war, whatever they may be in the given context. Often symbolic and ritual observances mark the beginning and ending of a war, to mark the transitions between norm sets. It also makes war an isolated social space, a liminal space where warfare can occur without the total elimination of civilian and international rules. It is a social space that both belligerent parties agree to create and enter, though the closing of the space may depend more upon one belligerent party than the other. All social spaces and contexts have rules, be they formal or informal (see Goffman, 1959). Warfare is not an abandonment of rules. Armies couldn't function without them, as our early chapters here show. But entering the liminal space of war indicates that different rules apply. While this gives soldiers permission to violate central social mores around the harming of others, all conflicts appear to have norms designed to reduce the harm caused by war and by the armies. They create boundaries to reduce and constrain carnage. As with any law, they are not always going to be successful in every case. Yet historical evidence shows that strong rules can keep armies behaving appropriately toward citizens, property, and the like most of the time (i.e., Gustavus' Swedish Army of the Thirty Years' War) (Macmunn, 1920).

This book follows the evolution and codification of norms surrounding the behavior of soldiers on the battlefield in the western context. Its analysis is limited to the west and what is often seen as the cultural roots of the west (i.e., the Levant and Mesopotamia). This is done for a number of reasons. First, while there are cultural differences across the societies examined, there are strong similarities in the way they approach war, especially by the first century CE. There is a traceable tradition of military norms, values, tactics, and attitudes from the Ancient near-east through eighteenth-century Europe and her colonies. This does not mean there is not a rich tradition of military norms and laws in other cultural traditions. The Laws of Manu as presented in the Upanishads form the foundation of a South Asian military tradition that could similarly be traced forward. The same could be done for China and east Asia, or Africa. Doing so is beyond the scope of this book; each of those traditions deserves their own in-depth analysis and exploration. They are also regions of the globe that, while I do not lack interest, I have less ability to work in due to languages, source

availability, and deep familiarity with the historical-cultural background. Also, this book will not cover military behavior in European colonies directed at indigenous populations. The rules for colonial warfare are highly different than those for noncolonial warfare, especially in terms of the treatment of prisoners of war and civilians. It too deserves its own treatment (see volume two). This book ends as the European colonial push is occurring in the New World and the Indian subcontinent.

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Chapter 1

The Rules of Warfare

> But in the cities of these peoples that the Lord your God us giving you for an inheritance, you shall save alive nothing that breathes, but you shall devote them to complete destruction, the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites, as the Lord your God has commanded that they may not teach you to do according to all their abominable practices that they have done for their gods and so you sin against the Lord your God.
>
> (Deuteronomy 20:16–18)

> Thus says the Lord of hosts, "I have noted that Amalek did to Israel in opposing them on the way when they came up out of Egypt. Now Go and strike Amalek and devote to destruction all that they have. Do not spare them, but kill both man and woman, children and infant, ox and sheep, camel and donkey."
>
> (1 Samuel 15:2–3)

> But when they [the Romans] went in numbers into the lanes of the city [Jerusalem], with their swords drawn, they slew those whom they overtook, without mercy, and set fire to the houses wither the Jews were fled, and burnt every soul in them, and laid waste a great many of the rest; and when they were come to the houses to plunder them, they found in them entire families of dead men, and the upper rooms full of dead corpses, that is of such as died by the famine; they then stood in a horror at this sight, and went out without touching anything. But although they had this commiseration for such as were destroyed in that manner, yet had they not the same for those that were still alive, but they ran every one through whom they met with, and obstructed the very lanes with their dead bodies, and made the whole city run down with blood, to such a degree indeed that the fire of many of the houses was quenched with these men's blood
>
> (Josephus, 2001, pp. 8.404–8.406)

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Most Nations and Nation-States have found themselves as perpetrators of atrocity violence as well as the victims. The first two quotes show Israel committing atrocity violence at the bequest of their god in the claiming of their "promised land." They are only two scriptural passages in the Judeo-Christian tradition of many that remind us that the original founding of Jerusalem and Israel were bloody, violent events. The Jewish forces intended to occupy the land and decided to remove the current inhabitants to prevent future conflicts or contesting of their claims. As Deuteronomy recounts, people were killed simply for not being Jewish and out of fear that the worship of their deities would be adopted by some Israelites. Josephus describes the behavior of Roman legionnaires engaged in total war against the Jewish people for their resistance to the Roman Empire. While they too were imposing rule on a foreign land, they did not seek to populate those lands with Romans, as the Jewish exodus did. Theirs was a pacification mission, catalyzed by the actions of the Zealots, aimed at ending resistance.

All three examples provided above would be considered atrocity violence by criminologists, historians, and lawyers. Atrocity crime is an umbrella term used to capture a variety of mass violence events, especially crimes against humanity, genocide, and war crimes under a single term and concept. Its use avoids legalistic arguments over the terms "genocide" and "war crimes" and provides an academic over legal conceptual reference point (Holá, Nzitatira, & Weerdesteijn, 2022). All three show genocidal intent and action. The first two examples would be considered legal under Hebraic law as they are presented as direct orders from their God and law-giver. Failing to engage in the violence at the level ordered would be a crime and a sin. If the destruction of Jerusalem by Rome would be considered legal under Roman law or generally accepted by rules of war in the ancient world is a more complicated question. As we will see in Chapter 3, Roman soldiers operated under strict discipline and supervision. Specific standards of behavior and punishments were codified in the army. Such regulations do frequently suggest leaving civilians alone. As mentioned above, the Romans sought to rule the Jewish people in Israel, not empty Israel for Roman settlers. Such motivations typically result in less civilian violence, but here the long terror campaign of the Zealots against the Roman Empire was a critical factor in the order to destroy the city. Zealots did not wear uniforms or have matching tattooed insignia. Rome was facing the problem all nations fighting insurrections face – discerning the enemy from the civilians. Rome chose eradication of all to ensure eradication of the Zealots. Unfortunately, this is a choice many states will make over the eras when faced with populist insurgencies. Under the laws of war shared by most nations in the period, a total sacking was a potential fate of any city lost in warfare. Not pillaging and murdering the inhabitants of conquered cities is often lauded through the period, taken as a sign of the beneficence of the ruler in question. But it was in no understanding forbidden or chastised, except in its most extreme forms, i.e., Rome's destruction of Carthage. The Ancient and Roman worlds placed a fairly low value on human life, especially the lives of Others (non-group members) (Bédoyére, 2020; Coleman, 1918). A thorough burning and pillaging of a conquered city and its people were the expectation,

mercy was the exception. Thankfully, in the ancient world man rulers liked to be seen as merciful and just; thus, the pressures of public image could act as a control and limit the amount of atrocity violence engaged in.

Wars are a common facet of human civilization. Scholars place the earliest wars as occurring before written human history. Archaeologists have found evidence of large-scale prehistoric out-group violence in practically every large, settled nation. Twentieth-century ethnologists reported on the war behaviors of tribal peoples globally. Many of the earliest historical records and monuments deal with war. When the typical person thinks of war, images of chaos and mass destruction being carried out by both sides come to mind; most people view military violence as unconstrained and uncontrolled, if not uncontainable and uncontrollable. Yet even in our earliest records of warfare are preserved examples of norms and rules that controlled soldiers and their violence. While the Old Testament depicts the God of the Israelites commanding his people slaughter enemies to the last, the same verses in Deuteronomy also contain proscriptions against destroying fruit trees or despoiling water. Indeed, the Roman army committed many atrocities over the ages, the slaughter in Jerusalem discussed by Josephus and the eradication of the city of Carthage being two prominent examples. Yet, the Roman Legions were the most disciplined, most rule-bounded army in the ancient and classical world. In cases like Carthage and Jerusalem, such rule-produced cohesion catalyzed atrocities (while today, more rule-bound cohesive armies are less likely to commit atrocities).

This book explores the core social, cultural, and legal principles at work behind the conduct of warfare, and the behavior of those who waged war in the ancient world through the early modern era. It will examine how soldiers are governed and controlled across contexts and eras. Warfare presents specific and universal potentialities and problems, especially those relevant to the conduct of soldiers before, during, and after hostilities. How opposition soldiers, civilians, and property are treated during these times is also a universal concern, but how these issues are conceived of and addressed will vary by culture and society. I will explore norms, rules, laws, and penalties used over the centuries that were designed to do what many feel is not possible: constrain the carnage associated with warfare, while keeping warfare as a viable political tool when wanted or needed.

The earliest instances of war show norms and practices which are intended to reduce suffering of both armies. In Mesopotamia, North Africa, and Europe, multiple warrior cultures evolved whose norms inculcated a sense of honor and other internal social controls into troops based on their behavior (or at least their commander's responses to their behavior). As war cultures developed, norms diffuse between nations and combatants. This allows some predictability of the enemy's actions, but it also allows a commander to hold his troops to a disciplinary standard and thus make their behavior more predictable to him and his superiors.[1] For example, a shared culture norm of not fighting on certain shared

[1]I will use the male pronouns throughout when referring to military commanders. This is simply reflective that until the contemporary era, there were few cultures with a tradition of female soldiering (the Scythians are an exception) and few examples of female military leaders. Jean D'Arc and Boudica are anomalies.

holy days reduces violence and warfare by reducing the number of days on which it can occur (see Chapter 4 for a discussion of the medieval catholic church's attempts at this). Ancient Greek armies generally appear to have been satisfied to allow a defeated enemy to escape instead of running the broken army down and destroying it piece meal (Coleman, 1918), reducing the number of fatalities in battle. A losing side could expect to survive as long as they fled. The same has been observed by ethnologists studying warfare among horticulturalists and pastoralist societies (Heider, 1977; Keeley, 1996; LeBlanc, 2003; Otterbein, 2009; Rutar, 2022). From its earliest occurrences, warfare, or violent intergroup conflict in general, has been bounded by cultural norms and expectations. These cultural artifacts change through time and place, though, as we will see, many of the core concerns remain the same. From the fourteenth century, Kings or other Sovereign routinely produced articles of war setting the boundaries for a given conflict, but they were typically only applicable for that conflict. Though, as seen in the articles of English Kings from Richard II through Henry V (see Chapter 5), specific items were recycled from article to article, with changes occurring due to contexts of the war (Curry, 2008, 2011; Martinez, 2017). Eventually, these articles would transform into laws, mostly at the organizational or national-level. International law, what we will eventually call IHL, develops separate from the articles of war evolution. It is driven by civilians, not the military, and places greater emphasis on civilian protections than most national military codes do. Law is the state-level codification of norms; war is the state-level codification of intergroup dispute resolution.

Law, Norms, Institutions, and Values

A typical definition of law identifies law as the codification of prescriptive and proscriptive norms. It is the formalization of a behavioral code that both prohibits and compels individual behavior, which includes detailing of specific negative sanctions applied due to a lack of compliance (typically called substantive law). Further, processes of adjudication are specified (typically called procedural law). Systems of law have both components, even if the latter is simply specified as the exercise of the Sovereign's opinions. A system of laws holds an elevated position in a society's social control institutions as it is, ideally, applied universally and uniformly within the jurisdiction it covers. Conceptually opposed to folkways and other norms, while laws may not bear greater personal or moral weight, they carry specified consequences and established mechanisms for adjudication of accusations and determination of sanctions (Bracey, 2006). They are backed by, and enforced by, the state as an institution. Humans are norm-bound creatures, guided by nonmaterial culture through the interpretation of and interaction with their physical and social worlds. Possessing a unique level of sentience and self-reflection, by our nature we create meaning out of our lives, or acts, and our desires. Hard writ into these processes are norms, base rules for human social interaction that simultaneously address universal concerns and emerge out of historical particularities (Bracey, 2006). To the best of our knowledge, all *Homo*

sapiens sapiens have possessed such cognitive abilities and concerns.[2] Violation of even informal rules has consequences, potentially severe. So how are we to distinguish among the various forms of behavioral constraints? How do we tell a norm from a law?

Natural law and legal positivistic views would have us look to extra-social universalistic principles that are understandable via observation but in essence outside of the realm of social creation which follow, respectively, innate natural or a priori logical principles. Such appeals to universality fail to account for the wide variation within and between legal systems in time and place. The approach taken here asserts the fundamentally social and cultural nature of law and thus its constructed nature out of specific cultural-historical processes and circumstances (Bracey, 2006; Harris, 1968; Keeley, 1996; LeBlanc, 2003). This is not to deny a degree of similarity between aspects of procedural and statutory law in various contexts. Similarities are inevitable as similarly situated societies are presented with a similar set of problems to be addressed. As with the natural world, parallel evolution occurs in cultures as well. Some of the oft cited universal particulars of law are a reflection of the more universal aspects of human social interaction and organization. Yes, prohibitions against murder, theft, and the like arise in most all legal systems (as well as in societies without codified law). But, the specified forms and definitions (i.e., the elements of the crime in common law terminology) of these crimes vary widely and are molded by the other social expectations and obligations that are defined with a time and place. How various social groups are defined and what the relationships are within and between these groups are more important shapers of the content of law, driven by the universal social problems of killing, or stealing from, in-group members at the least.

The laws and norms of interest here are mainly those focused on out-group members, often formally defined as enemies by political institutions (via a declaration of war or the like). Law in general is focused on the protection of people within the society through the prevention and punishment of social harm. The laws of war refer to those rules, often internal to a military and/or shared understandings of warfare between belligerent parties while IHL is focused on the protection of those people and places affected by war. National laws governing soldier's behavior have similar civilian protecting functions, but are more focused on maintaining an ordered and functioning military (Jochnick & Normand, 1994). This is part of the general dismissal of the idea of the validity, desirability, or possibility of having laws regulating war often encountered outside military and certain academic circles. As we will see, strong norms, if not laws, guide collective inter-group violence of all forms throughout history and prehistory. They are almost ubiquitously violated in modern conflicts, though at different rates and in different ways (see Mullins, 2011, 2016; Wood, 2006). One sees a similar pattern in premodern warfare, with numerous examples of violations of

[2]To the depth that a key question within bio and paleoanthropology is when the appearance of this aspect of culture in human, or primate, history, occurs and whether or not humans are the only creatures that possess such profound reflective and learning capabilities.

the laws of war (and sometimes their punishment) being recorded by chroniclers of the period. While we can't determine prevalence rates and the like for battles in these periods, we can look at what is in the extant record and that record's cultural-historical context to induce a general sense of the laws and rules at work in these periods.

Social scientists who study law argue over the precise definition of law; while there is general recognition of rules bounding conduct outside of the laws of modern nation-states, there is a hesitancy to open up the definition to *any* rule of behavior. The tendency to reify the concept of law as separate and distinct necessitated a rejection of the existence of law in a non-state context, something that did not sit well with socio-cultural anthropologists in the early and mid-twentieth century. The typical counter was to define all rules, norms, and customs as a form of law (see Hoebel, 1954, 1978). Taken at face value this overextends the concept, incorporating not only the identification, punishment, and hoped for deterrence, of behavior deemed wrong or problematic but also all social habits including those of diet, dress, humor, and medical care. Law bears a connotation of an elevated level of seriousness of daily concerns; an off color joke may draw negative sanctions, and such sanctions may reinforce what a given social actor sees as critical values, but such an act is less socially disruptive than a theft or assault. Common law has long held to the criteria of harm as a *raison d'être* of criminal law. Judges in the US have used this rationale repeatedly to strike down laws as unconstitutional as when there is no harm in the behavior there is no public interest in controlling it. *Oberfell* v *Hodges* (2015) and *Lawrence* v *Texas* (2003) are cases in point where an at best center-right court struck down laws prohibiting same-sex marriage and same-sex sexual activity, respectively. Moderate conservatives such as O'Conner and Kennedy joined the more moderate liberals to codify these precedents leading with the argument that there is no harm in these actions and thus nothing for the state to regulate. Still in the twenty-first century, common law adheres to this fundamental principle.

Xymologists, and some Criminologists, have advanced the idea that harm is the true umbrella concept of their discipline, as opposed to a more legalistic violation of criminal statute definition of crime. Seen especially in work done on the offending of elites, corporations, and states the inclusion of "socially analogous harms" with a more typical definition of crime highlights the political nature of law and law-making, while simultaneously being an assertion of criminological control of the definitional aspects of their own field of inquiry (Kauzlarich & Kramer, 1998; Kauzlarich, Mullins, & Matthews, 2003). Within the criminology of war, definitions emphasizing conceptual aspects of the phenomena over legal prohibition is also utilized (see McGarry & Walklate, 2019; Walklate & McGarry, 2015). This reminds us to not solely limit our notions and definitions of law to adjudicable statute. Historically and contemporaneously, this is not the case for the rules of warfare, especially considering the role of custom in modern international law. Even in the contemporary era, much of the laws of war are often referred to as norms even by those scholars who are strong advocates (see, for example, Bassiouni, 2008). Here, as with human rights law, one definitional

line is justicability – can these rules, in and of themselves, be brought into a court (of some form, including military tribunals or courts martial) and adjudicated?

A key theme of this work is the increased formalization of the laws of war. This is a topic that inherently exhibits a historical trajectory of increased formalization with a perception of legitimacy and efficacy coming from increased institutionalization and empowerment. The formalization of sanction application and the externalization of said processes are key aspects of a process that we see across the centuries. Militaries tend to implement codes of conduct that they believe will maintain order and discipline in camp, on the march, and on the battlefield. Yet, at certain points in history, various civilian bodies also engage with these rules to reduce the innate harm of military action. For example, as we will explore in Chapter 4, the church in the ninth to eleventh centuries went to great lengths to curtail the violence of the warrior classes of Europe. Through the declaration of the *Pax Dei* and the *Truega Dei*, they attempted to use clerical authority to impose order on a chaotic post-Roman Europe. Many of the ideas were adopted into the warrior code of Chivalry, potentially gaining more influence as the Crusades help thoroughly Christianize European knightdom (Gies, 1984). As feudalism in Europe collapsed, and chivalry faded into the realms of literary tropes, the church's influence on battlefield behavior would also decrease considerably. Large scale attempts to control soldiers would rest solely with the military they served within until the end of nineteenth century. A growing civilian and lawyer-driven attempt to make war safer for civilians as well as sick and injured troops, began to take shape. These humanitarian concerns, over obedience concerns, are first codified in US Army General Order 100, a.k.a, The Lieber Code (Witt, 2012). General Order 100 was the first piece of law as contemporarily conceived. It prohibited a range of behaviors which had long been tolerated if not accepted in warfare, and proscribed specific punishments for war crimes. It only applied to the US Army and was created out of Lincoln's understanding that if the Federals won the US civil war, the South would need to be reintegrated into the nation. This would be easier, he assumed, if the Union army was on its "best behavior" and didn't leave aggrieved and victimized citizens in their wake. In the later nineteenth century European civilian lawyers and rights advocates take up the issue and, slowly, generate what we now see as International Humanitarian Law. After World War II, these principles will be codified into international law as the Geneva Conventions and their four attendant protocols. The end of the cold war will facilitate the development of the long-worked for permanent International Criminal Court, opening the Rome Statute for signatories in 1999 and opening its doors in 2002.

The rules of General Order 100 (Witt, 2012) did not spring forth from Lieber's head like Athena from Zeus'. He drew heavily on extant laws, domestic and international, and custom when drawing up his regulations for the Union Army. The ideas that are codified within it arose and became normalized in certain circles well before the nineteenth century. While we do not know exactly what his direct influences were, it is clear the Lieber was familiar with much of the law and norms we will examine in the book and drew upon the rich tradition of military norms when conceptualizing the military code – both in terms of laws and rules to include and those to exclude.

Even as more formal rules are adopted to protect people and property during conflicts, they are still applied in a fairly ad hoc manner. Officers in the field have great discretion in their use of discipline and victor's justice is still more the rule than the exception. Historical debates over the "victors justice" nature of the tribunals after World War II remain (Minear, 1971). Even a cursory examination of contemporary applications of these laws by ad hoc and permanent courts suggest that, at least in the case of leaders and organizations – those most responsible – are only brought to justice once they are out of power or favor (Lutz & Reiger, 2009; Rothe & Mullins, 2006). This is a nigh across-the-board fact for those adjudicated by ad hoc tribunals in the second half of the twentieth and the start of the twenty first century. When the ICC issued an arrest warrant for a sitting head of state, Omar Al Bashir of The Sudan, little happened that diminished his domestic control. Internationally, several African states, and the Organization of African States, made it clear they would not enforce the warrant. Until his régime fell due to widespread protest and civilian unrest, Bashir had impunity for his actions in Darfur and the Nuba mountains (Totten, 2012). Once he was out of power, he was detained by the new Sudanese régime who have promised a trial.[3] This supranational legal order is still evolving, in principle and in practice, and its roots run deep in Western History.

The Monopolization of Violence

Most social scientists link the development of formal law with the development of states. Both being a product of the increased complexity of high population density and permanent settlement that co-evolve with agriculture, especially large-scale mono-cropping. Such systems create a plethora of new social problems whose solutions lie beyond a family network, but rather require community level solutions – politics in an anthropological sense (Harris, 1968). Horticulturalists, a subsistence pattern dependent on high biodiversity gardening, have mechanisms above the kinship unit of the lineage to solve community issues though they still tend to be kinship-tied.[4] Organizing lineages into clans and clans into moieties, especially where intermarriage is encouraged or, often demanded, creates networks of obligation between individuals across the lines drawn by the upper-level kinship divisions.[5] Here, informal social control powerfully exerts itself, especially as embodied in a corporate kinship system. Elders keep younger kinsfolk in line and negotiate settlements when their kin violate norms. Societies like the Nuer had semi-official dispute resolution agents, the Leopard-skin Chief.[6] If a young (or older) Nuer male would injure another, whether in a cattle raid or a personal

[3]As of this writing, he is awaiting trial in Sudanese custody. The UN has encouraged that he be turned over to the ICC.

[4]A lineage is a group of people who can trace their ancestry to a known ancestor. It is often the primary kinship and political unit is foraging, pastoralist, and horticultural societies.

[5]From the French for "half." In a moiety systems clans (groups of related lineages) are collected into two groups who claim a closer set of shared kinship than the opposite moiety.

[6]So-called due to the leopard skin they wore as a badge of office.