

GENOCIDE

Edited by
A. Dirk Moses

CRITICAL CONCEPTS IN
HISTORICAL STUDIES



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Critical Concepts in Historical Studies

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A. Dirk Moses

Volume III
Colonial and Imperial Genocides



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RAPHAEL LEMKIN AS HISTORIAN OF GENOCIDE IN THE AMERICAS

Michael A. McDonnell and A. Dirk Moses

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Introduction

That Raphael Lemkin (1900–1959) was keenly interested in colonial genocides is virtually unknown. Most commonly, and erroneously, he is understood as coining the term genocide in the wake of the Holocaust of European Jewry in order to reflect its features as a state-organized and ideologically-driven program of mass murder.¹ An inspection of his unpublished writings in New York and Cincinnati reveals that this is a gross distortion of his thinking.² In fact, the intellectual breakthrough that led to the concept of genocide occurred well before the Holocaust. Already in the 1920s and early 1930s, he had begun formulating the concepts and laws that would culminate in his founding text, *Axis Rule in Occupied Europe* (1944), and in the United Nations convention on genocide four years later.³ It is a signal failure of genocide studies scholars in North America in particular, where the field has been primarily based until recently, that they have neglected his manuscripts sitting on their doorstep, preferring to regard themselves as fellow “pioneers of genocide studies,” although there is surely one pioneer, namely, Raphael Lemkin.⁴ Rather than investigate what he actually meant by the term and its place in world history, the field has rejected or misunderstood his complex definition and engaged instead in comparative study of twentieth century mass killing and totalitarianism, all the while claiming Lemkin as a legitimating authority.⁵

Contrary to the weight of this scholarship, what Lemkin’s manuscripts reveal is that early modern and modern colonialism was central to his conception of genocide. Indeed, the very notion is colonial in nature because it entails occupation and settlement. The link is made plain by Lemkin in his description of genocide on the first page of the salient chapter of *Axis Rule*:

Genocide has two phases: one, destruction of the national pattern of the oppressed group: the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and the *colonization* of the area by the oppressor's own nationals.⁶

Mass killing, by contrast, is *not* intrinsic to genocide; it can occur without executions or gassings.⁷ The proposition that scholars who think that genocide is a synonym for the Holocaust need to entertain is that Lemkin regarded the latter as a consequence of Nazi imperialism and colonialism in Europe. The Holocaust and German *imperium* between 1939 and 1945 was for him a continuation of the genocidal occupations that have characterized colonialism through the ages—to be sure, in an extremely radicalized, bureaucratic mode.⁸ This viewpoint, reinforced by renewed attention to the section on imperialism in Hannah Arendt's *Origins of Totalitarianism*, is now finding support in the literature.⁹ To be sure, Lemkin conducted his systematic studies of colonial genocides in the later 1940s and 1950s, that is, after he had articulated the concept of genocide in 1944, but in all likelihood he was well aware of colonialism and critiques of it well before World War II.¹⁰ What is important to note, however, is that although Lemkin probably regarded the genocide of European Jewry as the most extreme genocide in history, he assessed the extra-European cases of colonial genocide in terms of that concept's *generic* attributes rather than project the Holocaust back into history as the ideal type with which to categorize previous genocides.¹¹

If Lemkin's definition of genocide as colonial has been studiously ignored by the literature, Australian, German, and English scholars interested in imperial history have now begun to implement it in their research on the destructive dimensions of colonialism.¹² But Lemkin not only provided conceptual guidance to later scholars; he wrote about these colonial cases himself. In "Part III: modern times" of a projected global history of genocide from antiquity to the present, he wrote, *inter alia*, on the following cases: "1. Genocide by the Germans against the Native Africans"; "3. Belgian Congo"; "11. Hereros"; "13. Hottentots"; "16. Genocide against the American Indians"; "25. Latin America"; "26. Genocide against the Aztecs"; "27. Yucatan"; "28. Genocide against the Incas"; "29. Genocide against the Maoris of New Zealand"; "38. Tasmanians"; "40. S.W. Africa"; and finally, "41. Natives of Australia."¹³ Then, in a "Report on the preparation of a volume on genocide," dated March–May 1948, a less ambitious project comprising ten chapters, two of which covered extra-European colonial cases: "2. The Indians in Latin America" and "10. The Indians in North America (in part)." The Holocaust, a term Lemkin never used, was not included, although the Armenians and Greeks in Turkey were, as well as the Early Christians, and the Jews of the Middle Ages and Tsarist Russia.¹⁴ To continue

to deny, as many “founders of genocide studies” deny, that he regarded colonialism as an integral part of a world history of genocide is to ignore the written record.

Unfortunately, this written record is incomplete. Although the unpublished manuscript that lists the 41 cases Lemkin examined contains handwritten notes indicating a “good,” “fair,” and sometimes even “duplicate” copy of the chapters listed above, only some of them are contained in the three Lemkin collections. Thus we only have the notes of Lemkin (or, rather, of his research assistant) on the “American Indians,” and the chapters on the New Zealand Maoris and Natives of Australia are nowhere to be found as yet.¹⁵ But we do have copies of his chapters, ranging between 17 and 32 double-spaced typed, unnumbered pages, on the Incas of Peru, the Mayas of the Yucatan peninsula, and the Aztecs of Mexico, as well as a general analysis he called “Spain colonial genocide.” We are in a position, then, to investigate how Lemkin worked as a historian for some of the Americas. What we find is that he regarded the concept of genocide as perfectly adequate to analyse the complex processes of colonialism, but that his adherence to certain sources and perspectives blinded him to aspects of the Spanish case. We conclude by highlighting the tension between genocide scholarship and modern historiography of Native Americans generally, and propose that the former learn from the latter’s insights.

Lemkin’s research

The notes Lemkin and/or his research assistant took—at least those that are extant—are uneven, even anecdotal, and drawn from a disparate and limited range of popular and scholarly sources. They follow no clearly discernible methodology. For North America, there are only note cards, which are scattered, and episodic—ranging from King Philip’s War in Massachusetts in 1676, to the battle of Wounded Knee on the Plains in the 1870s. For the most part, the notes are drawn from Edward Channing’s monumental, though very general work, *A History of the United States*, Vols I–V (New York: Macmillan, 1929). He also used John Halkett, *Historical Notes Respecting the Indians of North America* (London: A Constable, 1825) to compare British and French policies, Grant Foreman, *Indian Removal: The Emigration of the Five Civilized Tribes of Indians* (Norman: University of Oklahoma Press, 1932) for Indian removal, and John Collier, *The Indians of the Americas* (New York: W. W. Norton, 1947) on the nineteenth century Plains Indians Wars and on the treatment of California Indians. For primary sources, he drew on the extensive appendix of official documents in Charles J. Brill, *Conquest of the Southern Plains* (Oklahoma City: Golden Saga, 1938), as well as the treaties listed in James Truslow Adams, *Dictionary of American History*, five volumes (New York: C. Scribner’s Sons, 1940) and Charles C. Royce, comp., *Indian Land Cessions in the US* (Washington, DC:

Government Printing Office, 1899). Significantly, Lemkin and/or his research assistant took many notes from J. Clarence Webster, ed., *The Journal of Jeffery Amherst: Recording the Military Career of General Amherst in America from 1758 to 1763* (Toronto: Ryerson Press, 1931). Like contemporary scholars, Lemkin was clearly intrigued by reports that Amherst had authorized the deliberate distribution of smallpox infested blankets among Indians.¹⁶

For the Aztecs and New Spain, Lemkin took most of his notes from F. A. MacNutt, *Fernando Cortes and the Conquest of Mexico, 1485–1507* (New York: Putnam, 1909). George C. Vaillant, *Aztecs of Mexico* (Garden City, NY: Doubleday, Doran, 1941), and Collier's *Indians of the Americas*. For the Yucatan Peninsula and the Maya, Lemkin mainly consulted Arnold Channing and F. J. Tabor Frost, *The American Egypt* (New York: Doubleday, Page, 1909), and Frans Blom, *The Conquest of Yucatan* (Boston: Houghton Mifflin, 1936). For the Incas and Peru, Lemkin notes that his chief source was William H. Prescott, *History of the Conquest of Peru* (London: Dent, 1916; originally published 1847), and again, Collier's more general work. *The Indians of the Americas*.

For the essays he wrote on Spanish America, however, Lemkin drew mainly upon the work of Spanish witness Bartolomé de las Casas, derived mainly from Marcel Brion's, *Bartolomé de las Casas: "Father of the Indians"* (New York: F. P. Dutton, 1929), which Lemkin notes was his chief source for Spanish colonial genocide, and Francis Augustus MacNutt, *Bartholomew de las Casas: His Life, His Apostolate, and his Writings* (New York: Putnam, 1909). Indeed, for the bulk of his text on Spanish America in general, and the Incas, Aztecs, and Maya in particular, Lemkin cites Las Casas. For Lemkin, Las Casas was one of the few heroes of American colonialism and the sole authority on Spanish cruelties. As he wrote, Las Casas' "name has lived on through the centuries as one of the most admirable and courageous crusaders for humanity the world has ever known." "And in his famous work on conditions in the Indies," Lemkin concluded, "he has collected all the gruesome facts of genocide which he met with and bitterly indicted the vicious Spanish colonial administration." Lemkin let Las Casas speak for him: "[Las Casas' account] has come down to us as one of the most shocking monographs on genocide." His text thus follows Las Casas closely both in tone and evidence, although the structure and analysis is, in the last instance, his own.¹⁷

Lemkin's method and analyses

Because Lemkin regarded genocide as "an organic concept of multiple influences and consequences," he did not limit his investigation to "one branch of science."¹⁸ He proceeded interdisciplinarily, utilizing categories from sociology, political science, demography, economics, psychology, and law. Accordingly, the chapters are not descriptive narratives, but tightly

structured analyses organized under the following headings. Here is Lemkin's outline of the template he used in each chapter. These are his words:

1. Background-historical.
2. Conditions leading to the genocide: fanaticism (religious, racial), irredentism (national aspirations), social or political crisis and change, economic exploitation (e.g. slavery), colonial expansion or military conquest, accessibility [sic.] of victim group, evolution of genocidal values in genocidist group (contempt for the alien, etc.), factors weakening victim groups.
3. Methods and techniques of genocide:
 - physical—massacre and mutilation, deprivation of livelihood (starvation, exposure, etc. often by deportation), slavery—exposure to death.
 - biological—separation of families, sterilization, destruction of foetus.
 - cultural—desecration and destruction of cultural symbols (books, objects of art, loot, religious relics, etc.), destruction of cultural leadership, destruction of cultural centers (cities, churches, monasteries, schools, libraries), prohibition of cultural activities or codes of behavior, forceful conversion, demoralization.
4. The genocidists: responsibility, intent, motivation, feelings of guilt, demoralization, attitude towards victims, opposition to genocide within genocidist group.
5. Propaganda: rationalization of crime, appeal to popular beliefs and intolerance, sowing discord (divide and rule), misrepresentation and deceit, intimidation.
6. Responses of victims:
 - active: submission (suicide, hiding, etc), escape, disguise, (planned) emigration, political subordination, assimilation, resistance, demoralization
 - passive (emotional mental): terror, conceptions of genocidist and his crimes, submission, escape, resistance, attitude towards genocidists; disguise, demoralization.
7. Responses of outsider groups: opposition to genocide, indifference to genocide, condonement [sic.] of genocide, collaboration in genocide, demoralization (exploitation of genocide situation), fear as potential victims.
8. Aftermath: cultural losses, population changes, economic dislocations, material and moral deterioration, political consequences, social and cultural changes.¹⁹

The lead-up to genocide

In the event, Lemkin did not utilize every heading in each chapter he wrote, attending first and foremost to the historical evidence he found. He commenced each chapter with a brief survey of the indigenous peoples, describing their culture, society, and vulnerability to European penetration. Although not

blind to their faults—"Mexico was ruled by a covetous and tyrannical conqueror, Montezuma...[who]...had subjected many formerly independent people who served as oppressed vassals to the Aztec"²⁰—Lemkin generally praised the virtues of these American civilizations. Despite tyranny, the Aztecs possessed a "fairly democratic government," "Commerce was highly developed," "Much land had been reclaimed from the sea by careful water controls," they "were highly skilled in arts and crafts," and so on.²¹ The Incas received still further praise: their culture "is one of the most remarkable in history, both for artistic as well as socio-political achievement."²² For all that, the Mayas stood "on a higher plane culturally" because of their "picture writing which was highly stylized."²³ In the narrative structure of these chapters, these halcyon, introductory depictions are meant to stand in stark contrast to the abject condition of the surviving indigenous people in the sombre concluding section, the "Aftermath."

The attention then shifts to the Spanish conquerors. Lemkin described the sixteenth century expeditions in a page or two before proceeding to analyse the "Conditions leading to genocide." Lemkin himself generalized about them:

As for the conditions leading to the discovery and conquest of Yucatan by the Spanish, they are more or less identical with those leading to Spanish conquest elsewhere after Columbus. Desire for the riches of the new continent, for glory and adventure drew the conquistadors to the American shores.²⁴

The situation was exacerbated in Peru, "Because of the many hardships of the expedition and the unsurpassed riches which were eventually found."²⁵ Another common feature was the Spanish assumption that they had a right to the territory and its riches, so much so that resistance by the Indians was regarded as treacherous and thus crushed with brutal force. As we will see, the quelling of resistance was a major feature of what Lemkin called "physical genocide." Another feature that led to a radicalization of the Spanish was an honour code that did not countenance failure, and a "necessity to hold out despite almost insurpassable [sic.] difficulties": the conquerors exhibited "rapacity and ruthlessness against kindly natives" once they were "within reach of what they had striven for."²⁶

The Indians were no match for the conquistadors. The Aztecs had made themselves so unpopular by their tyranny that the Spanish—"after all a small troop of worn-out strangers in a rugged country full of enemy peoples"—could enlist the "active cooperation of Indian vassal tribes" against them.²⁷ More generally, superstition and religion issued in a dangerously welcoming attitude to the Europeans. Awe was inspired by their strange mode of transport (horses), steel armour, and arabesques. "Later this awe increased to stupefied subjection when the violation of the idols and

the emperor's person did not bring down the wrath of the gods."²⁸ The Mayan civilization was already in decline when the Spanish arrived, riven by civil war and economic difficulties, but Lemkin did not regard this weakness as decisive.

While conquest by the small Spanish forces was usually difficult and dangerous, it is most likely that the Spanish with their horses and superior weapons would eventually have conquered the country, whether it had been internally weak or not.²⁹

The genocides

Lemkin then laid out the "methods of genocide." The first was physical, typically massacres. These were of three sorts. Preemptive strikes were carried out by Pizarro in 1532 after he entered the city of Caxamalca, and by Cortes in Cholula, in order to intimidate the locals, and to forestall attack by them. Fear of being overwhelmed by the far more numerous Indian forces was an important factor, Lemkin observed.³⁰ The second sort of massacre was the putting down of rebellions. Killing took the form of reprisal actions: "For every Christian killed during the lighting brutal reprisals were taken and many hundreds of Indians were massacred. Some governors and captains simply had populations massacred without ceremony." Captured locals suffered a worse fate: "Indian captives of the Spanish were frequently tortured and killed. This was not the exception among the cruder soldiers but was looked upon as a matter of course by soldiers and officers alike."³¹ In form, such massacres resembled the third type: gratuitous exhibitions of violence for their own sake.

Massacre of defenseless Indians did not stop with the completion of the conquest. During the bloody days of Spanish colonial rule, Spaniards used to amuse themselves by hunting down the natives with bloodhounds for sport or to train their dogs for game.³²

Outright killing or murder was not the only physical method of genocide. Lemkin also counted the "deprivation of livelihood," by which he meant "genocidal slavery." In the case of the Incas, he identified the Spanish instrumentalization of indigenous practices of labour service to effectively work the locals to death. Or they taxed "the strength of the Indians to the utmost and beyond, and they did not afford them any protection whatsoever."³³ He was aware that the Spanish crown had attempted to protect the Indians by instituting a system of "encomiendas," but they became "a cloak for continual exploitation and slavery" because the stipulated conditions were ignored by colonial authorities.³⁴ Lemkin was appalled by the loss of life:

The population of San Juan and Jamaica fell from 600,000 to 200 in 40 years (op. cit. 118). In the Bahamas the population fell from 50,000 to nearly zero. The population of Nicaragua was almost entirely wiped out; In 14 years more than 600,000 had died as beasts of burden (op. cit. 121). The supposedly impartial historian Jomara claims that by 1553 there was not a single Indian left in Cuba. Another authority claims that 20,000 were wiped out there (op. cit. 23). Just within a few months, 7,000 children died of hunger. Las Casas claim the total Indians killed in Spanish America as more than 20 million (op. cit. 26). This number does not include those that died from overwork, the slaves who were killed in the mines, or the Indians killed during active combat, nor the caciques or prisoners who were executed (Ibid.).³⁵

The second method of genocide was biological. This is the method that had the most direct implications for women because it bore on the natural reproduction of family and therefore group life. Mass rapes and the separation of children from their parents fell under this rubric.

Indian women were not only violated indiscriminately but also carried off to fill the harems of the Spanish colonists (Brion, 39). The fact the exhausted slave mothers were often unable to nurse their babies, also contributed to the death of the race (Ibid). Children were not infrequently carried off by the Spanish (25).³⁶

Slavery also affected procreation and so was included as a form of biological genocide. "As the men were slaves were used as porters and miners, and the female ones as cooks and mistresses (op. cit. 54), the separation of families was concomitant with slavehunting."³⁷ The harems affected the Incas' ability to reproduce. "Between this forceful removal of Indian girls and the undermining of the health of the male slave, the biological continuity of the Peruvian people must have been greatly jeopardized."³⁸

Lemkin had more to say about the cultural genocide of the Indigenous peoples of Latin America. Since his thinking of this method of genocide has been widely misunderstood, it is worth attending to closely.³⁹ He identified six forms of cultural genocide: destruction of leadership, forced conversion, prohibition of cultural activities, destruction of religious and cultural symbols, destruction of cultural centres, and looting. The destruction of local elites, and indeed leaders like Montezuma, was designed to decapitate the enemy in order to render it more easily conquerable. The humiliating execution of such political rulers, such as the Inca emperor, "revealed to the people that a power stronger than that of the Incas had now control of their country and that the dynasty of the Children of the Sun with all its cultural and religious implications had now passed away for ever (op. cit. 302)."⁴⁰ Lemkin

summarized the situation by relying on Las Casas: "According to Las Casas, one chief after the other, one kind after the other was killed by the Spanish. Caciques were burned everywhere; the kings of Mabua, Buacagar and Darien, of Maguana, Xaragua and Higüey perished as a result of the Spanish genocide (120, Brion)."⁴¹ Religious leaders were also targeted: "In order to prevent the maintenance of tribal religion and culture, the Mayan nobles and priests were either killed outright by the Spanish military or forced to flee (Blum 83)."⁴²

Although Lemkin praised the efforts of the clergy to learn the locals' languages and protect them from the depredations of the Spanish soldiers, he held the latter responsible for "A subtle kind of cultural genocide" in the "Spanish missions which abounded in Mexico, California, Louisiana and elsewhere." Indians may not have been converted by force—conversion by coercion was a clear case of cultural genocide—but by virtue of baptism belonged to the Church and thereby became "virtual prisoners" of the missions and the violence enforcement of their discipline.⁴³ They were separated from their people and its culture. With the same logic, Lemkin suggested that Cortes' refusal to accept unbaptized girls as gifts by the Spanish was tantamount to cultural genocide because "Indian etiquette required the acceptance of gifts offered. The Indians could not take back the girls they offered as gifts without seeming offensive [sic.] according to their customs; thus they were obliged to consent to their baptism," although Lemkin speculated that Cortes may not have intended this outcome, concerned as he may have been with the Christian purity of this men.⁴⁴ Clearly, the intention rather than simply the effect mattered for Lemkin.

Closely related to forced conversion was the prohibition of cultural activities. In his only discussion of the method, Lemkin is not entirely clear on whether its effects must be physical to qualify as genocidal. Thus the substitution of the healthy Maya drink, the *balche*, with "Spanish intoxicants," which had the predictable effects on the health of the Indians, is a case of cultural policies having a biological consequence. No such effect was immediately obvious, although in retrospect predictable, from the manifold restrictive measures imposed by the friars on their unhappy "converts." Because these kind of regulations are so common in colonial contexts around the world, the proclamation of Tomas Lopez warrants reproduction in full. If they were culturally genocidal in nature, as Lemkin suggested, then many of the heavy handed assimilation policies of policies of colonizing powers fall under this rubric.

The control of residence and travel (to facilitate indoctrination)
 Prohibition of native rites and assemblies
 Establishment of one church in each town within 2 years
 Establishment of a school for the teaching of the catechism and the
 necessity for baptism to be built by the town; attendance required

The punishment of the relapsed converts
 The control of marriages (none to marry more than once; no native marriage customs, no secret marriages, monogamy)
 Children not be given heathen names
 All to attend church regularly and to follow all Christian rites
 No tattooing, devination
 Command to care for the sick, "so lacking in charity are the Indians"
 No slavery allowed for the Indians; caciques (chiefs) may have accredited servants
 No banquets to be held of more than 12 persons and then only on special occasions such as weddings
 Dancing only in the daytime
 Ancient drinks prohibited
 Towns to be built in Spanish style with a market place and racial segregation
 Dress regulated
 All bow and arrows burnt to prevent hunting; caciques were allowed some for emergencies.⁴⁵

The next method of cultural genocide was the Spanish violation of cultural symbols, by which he meant the plundering of sacred sites out of greed. "In the capital of Peru, Cuzco, the Spanish soldiers stripped off the rich ornaments from the royal mummies in the temple of Corichancha. They even violated the sepulchres and deprived them of their dead and their wealth (Prescott, 316)."⁴⁶ Christian outrage at heathen practices was also a factor. Thus

Cortes was the idol smasher par excellence. He ordered crosses to be erected in the villages. In one city he commanded his soldiers to ascend the temples and cast down the idlos [sic.] which were then burned in the public square under protest of the governor.
 (MacNutt, 100, also 30)⁴⁷

The destruction of cultural centres entailed both the laying waste of villages, towns and cities, as well as the despoliation of temples and pyramids. "At Kalisco, the Spanish boasted of having burned 300 villages to the glory of God and kind (op. cit. 123)." In both cases, he emphasized that Spanish institutions replaced the Indigenous ones. They destroyed Aztec cities "and built Spanish cities on their ruins." In Peru, "The Spanish friar of the expedition, Father Valverde, began his career as Bishop of Cuzco by erecting a monastery on the ruins of the House of the Sun, the great temple." With perhaps unintended irony, he observed that "The former House of the Virgins of the Sun was transformed into a Catholic nunnery."⁴⁸

Only the Incas receive a separate section on loot. Lemkin appeared to want to make two points; that the looting impoverished the country and