

Reframing the Debate: Spain's Colonization of the New World as Genocide

KRISTINA CHARLESTON

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ABSTRACT: This paper is a detailed approach to the application of the term genocide in regard to the depopulation of the numerous native populaces of Mesoamerica in the first century after the arrival of Europeans. The factors considered for the application include the original definition intended by Raphael Lemkin, the legal definition adopted by the United Nations, and the popular understanding and use of it. Sources include multiple primary accounts from the perspective of both the Europeans and the indigenous peoples, as well as their contemporary legal documents used to justify their actions. Contemporary sources range from Raphael Lemkin, The United Nations, and Mesoamerican Colonial historians. While unintentional disease epidemics were the primary source of depopulation, genocide simultaneously occurred with the intent and understanding that it was transpiring, despite the lack of a proper name for it at the time. By focusing on the term's origin, influence, and intended application in relation to historical documents, the goal of this paper is to highlight the alignment of the term genocide and the events that took place shortly after the European arrival in the Americas, thus turning the controversy that surrounds the sensationalist oversimplified application of the term genocide into a leveled and scholarly approach that examines multiple perspectives and intents.

REFRAMING THE DEBATE: SPAIN'S COLONIZATION OF THE NEW WORLD AS GENOCIDE

When debating the meaning of a new word, what definition matters most? The intended meaning by its author? The legal definition? Or how society adopts the concept into their lexicon? One could make a case for any of the above, and while the overlap is of significant value, knowing each of the nuanced meanings is essential for avoiding conflict and supporting claims that may not fit every version. Arguably, there is no word in the modern vocabulary that simultaneously evokes such raw imagery and visceral condemnation as the word genocide. Along with the revolting images of emaciated corpses, concentration camps, and fragmented skeletons, there is a seemingly definitive line on what is and what is not “genocide.” The scrupulous, and often confusing, application of the word often perplexes scholars when it’s not made clear which definition was intended for the application. One debate over the application of genocide is Spain’s colonization of Mesoamerica, with its brutal treatment of the indigenous populations, which was at the time dubbed “The Black Legend,” their “depopulation” (the preferred euphemistic scholarly term), and subsequent evaporation of culture and identity through both destruction and adaptation into a Westernized way of life. Exploring the “Black Legend” by evaluating primary sources, applying the multiple definitions of genocide, and taking into account the various reasonings of scholarly interpretations, will provide a more complete assessment and a definitive answer to the complicated question, is it *genocide*?

A simple answer to the application of genocide is impossible due to the variations of its numerous definitions. While there are obvious overlaps within these definitions, what we now understand genocide to be was not how it was originally defined and the loss of key pieces and delineations of the types of genocides in both the legal and societal definition of genocide severely affect the

outcome of the debate. Most focus on the word “intent” from the legal and societal understanding of genocide as the focal point, but that’s only a piece, and one that is not necessarily required in Raphael Lemkin’s original and lengthy three-part definition. So, the reliance and hair-splitting over singular words in our more current applications are a completely different debate than applying Lemkin’s nuanced and categorized definition of genocide. To make informed assessments on the technicalities of genocide, a firm understanding of Lemkin’s original definition, the legal definition, and the societal definition of genocide is mandatory.

It’s important to begin with the coining of the term genocide. Raphael Lemkin first used the word genocide in his book *Axis Rule in Occupied Europe*. Lemkin spent an entire chapter defining the term, breaking it down into pieces that would help to clarify what genocide is, how it evolves, and the various forms that it takes on. Lemkin laid out multiple conditions that may lead to genocide, which included Colonial expansion, three method types (physical, biological, and cultural), each with multiple techniques (only the first two of those types would end up in the legal definition—causing the bulk of this debate), two phases—genocide as an event as well as genocide as an ongoing process, and multiple other facets and considerations for each genocide such as information on the “genocidists,” propaganda, victim responses, outsider responses, and the aftermath.¹ While it’s easy to assume that as a Polish Jew publishing the definition in a book about the Axis powers during the Holocaust would imply its reason for the definition, it was published before the horrors of the Holocaust were fully exposed. His biography reveals his fascination with historical examples (dispelling the arguments of the cultural relativists since he was technically basing the term on historical examples, thus making it relevant to discuss applying it to them), and a video 1949 interview of him still exists of how the Armenian genocide contributed to his complex concept. What’s more, Lemkin’s unpublished notes and essays show that he also based his original definition on the colonization of the Americas, and specifically Spain’s notorious treatment (otherwise known as the “Black Legend”) of the

1. Lemkin, Raphael. “Revised Outline for Genocide Cases.” *Raphael Lemkin Collection: Box 8, Folder 10*. Accessed December 1, 2014. <http://is.gd/cm0SvM>.

numerous tribes that used to occupy Central and South America.² It becomes a bit hypocritical to deny the label of genocide to the events responsible for its creation, yet that continues to be the case. It's important to deconstruct the term genocide to figure out its evolution and to understand the impact that has been created by the truncated legal and societal definitions.

Lemkin breaks genocide into three types: physical, biological, and cultural. He recognized that the events and processes of genocide, which culminate in the loss of a national, racial, religious, ethnic, or political group in whole or in part, could manifest in multiple ways, for different reasons, and include multiple modes of destruction of the group and its members besides the loss of life. Each type manifests differently, but the end result of each is the same: an irreparable and tragic loss of a culture that carries further implications of their shifted future. The gruesome and violent physical forms of genocide raise the hairs on our sensibilities, and the biological forms tug on our heartstrings with broken families and mistreatment of women, yet both of these horrible forms of genocide occur as events making them both identifiable with an end. The process of cultural genocide, the grouping left out of the legal definition, is a large scale deletion of a culture. The impact of a cultural genocide is the permanent inability to continue as a group by wiping out its identity and structure. The loss of language, history, leadership, religion, important locations, and oftentimes even their homeland, have far reaching effect on the future, and its unlikely possibility, of the group. Yet when Lemkin presented his ideas and definition to the United Nations, they chose to leave cultural genocide, the largest of the three types, out of their new legal definition. Why did the UN leave a third of the definition out, when it was so important? The answer is likely an insidious one—leaving it in would implicate the major powers (ones drafting the law, no less) in the largest genocide in the history of mankind.³ Leaving it out scales the genocide of the New World back to separate

2. Docker, John. "Raphael Lemkin's History of Genocide and Colonialism." *United States Holocaust Memorial Museum*. February 26, 2004. Accessed December 10, 2014. <http://is.gd/skH5AJ>.

3. Raphaël Lemkin. "Totally Unofficial Man." *Pioneers of Genocide Studies*, edited by Samuel Totten and Steven Leonard Jacobs. New Brunswick, N.J.: Transaction Publishers., 2002.

(yet related) events scattered across two continents, questionable documentation, and the larger question of intent, thus creating the problem of labeling the event, in its entirety, as genocide.

Lemkin left behind copious notes, outlines, and unpublished articles on the indigenous Inca, Maya, Aztec, Caribbean peoples. While each of their physical and biological genocide components varied, the cultural genocides are all remarkably similar. Lemkin, in any of his notes that have been made available, does not acknowledge the component of disease responsible for killing the vast majority of the population; however, there is no real need to since he is not claiming physical genocide (which relies on violence and death-tolls to be measured) outside of some documented events of massacres and shifting populations around for the encomienda communities that the Spanish set up. Disease may have hastened the loss of cultural identity, but the fact remains that the indigenous populations were forced into encomiendas/haciendas, had to give up their religion and language, and had their sacred artifacts and locations desecrated. This had little if anything to do with rampant disease (aside from workers in encomiendas being relocated to replace communities wiped out by disease) and cannot be ignored.

Lemkin re-proposed making genocide an international crime after the horrors of the Holocaust were widely known (he had a similar proposal to the League of Nations in 1933, but was turned down). The Convention on the Prevention and the Punishment of the Crime Genocide was convened in 1948 where the international treaty was signed by 41 countries (and is now up to 146).⁴ The major differences from Lemkin's original definition to the laws adopted at the convention were the omissions of cultural genocide (in its entirety), the deletion of political groups (a significant elimination for later genocides such as Pol Pot's Killing Fields and the multiple junta genocides of the Americas of the 1970-1980's), and slavery.⁵ Much later the International Criminal Court was later established to oversee the prosecution of these crimes, which

4. General Assembly of the United Nations. 1948. "Convention on the Prevention and Punishment of the Crime of Genocide." December 9, 1948. Accessed December 1, 2014. <http://is.gd/n2a66W>.

5. *ibid*

have continued to occur despite the adoption of international laws (with numerous signatory countries committing them despite their participation in the treaty). Most significantly, the adoption of genocide into the legal code has made it technical, and often it results in splitting hairs over the wording of the law, working more into the favor of the perpetrators (as laws often do), thus leaving helpless victims in its wake.

Even when applying physical and biological genocide to an event, the looming totality of cultural genocide is relevant. By requiring intent to the act of genocide (that is requiring proof that there was a premeditated plan to commit genocide), the UN considered the cultural genocide's erasure of identity to be sufficiently covered. For, if there was no specific intent, the liability of the perpetrators becomes debatable. Still, one should consider the weight of liability. Negligence and forced assimilation surely carry more culpability than unfortunate happenstance. Yes, disease claimed the lives of many of indigenous people, yet what of those that it did not? Massacres, forced wars, enslavement, forced (or at the very least coerced) conversion to Christianity, and numerous other physical and biologically genocidal acts occurred in the process. Our obsession with numbers has muted this argument; we've become more concerned with death tolls and an explicitly stated intent than the denial of humanity and the forced assimilation of what remained.

These issues are not sufficiently handled by disconnecting the intent of the definition to its fragmented legal adoption; the inclusion of cultural genocide in the larger definition is essential to understanding both its complexity, as well as its overall effect on humanity. Without it, genocide becomes isolated and easily covered up in the guise of war. The loss of a culture, however, is such a large scale event (and is the true ultimate aim of genocide) that it cannot be euphemistically re-appropriated into terms like "ethnic cleansing." One could go back and re-examine every recorded genocide; at the heart of each one is cultural genocide. Really, physical and biological genocide could be seen as pieces of cultural genocide, as opposed to its counterparts. It's literally that massive, and that integral, of a concept.

What is important to know about genocide is that it has occurred throughout our recorded civilization, is still occurring, is rarely punished, and is predicated on the desire to take over another group of people by either elimination or assimilation. In other words, colonization and imperialization are the poster children for genocide. Merriam-Webster defines genocide as “the deliberate killing of people who belong to a particular racial, political, or cultural group.”⁶ The word genocide is often misappropriated to add weight to an argument or statement, much like the word Nazi. Many equate genocide with mass murder, with the Holocaust as their prime example, unaware that murder is not a prerequisite even in the legal terminology. The problem with the societal understanding of genocide is really that it doesn’t really understand it. It’s the antithesis of humanity, and the plague of mankind. Some mistake it as inevitable; it’s not. Some assume that it is only committed by evil people. That’s a loaded assumption, beside the point, and merely a judgement statement. Genocide is not rare. As Lemkin states “. . . genocide is not an exceptional phenomenon . . . it occurs in intergroup relations with a certain regularity like homicide takes place in relations to individuals.”⁷ Yet, one might think that it is rare if looking at the sparse legal use of the application of genocide or historical examples accepted as genocide.

The events of the conquest and colonization of the New World are rife with examples of genocide, most notably cultural genocide. All three-forms of genocide are apparent, no matter which definition is used, and are documented through multiple primary sources. Where Lemkin’s definition really surpasses the legal definition is his outline of all of the other factors to look for in a genocide such as the specific behaviors of the genocidists, propaganda, the responses of the victim group, responses of the outside group, and arguably most importantly, what can be judged from the aftermath. Now that history has played out for five hundred years, the population dwindled, cultural losses relegated

6. 2015. “Merriam-Webster Genocide.” January 1, 2015. <http://is.gd/wfKVSb>.
 7. Lemkin, Raphael. “Correspondence Between Raphael Lemkin to Paul Fejos.” *Raphael Lemkin Collection: Box 8, Folder 10*. July 22, 1948. Accessed December 1, 2014. <http://is.gd/fRtGj4>.

to the lost history, and the proverbial dust settled, determining many aspects of genocide become easier. What tells the most though, are the words left by those who were there.

The primary sources detailing genocide are rather lopsided; most come from the conquering Spanish. The voices of the indigenous peoples have been largely lost with their legacy, another victim of the cultural genocide. What remains of them came years after conquest and with the bias of hindsight and affiliation. While the notions of torture, slavery, and religious superiority were viewed differently by the Western society as a whole, there were those who saw the unfair treatment as we are now able to see today. The “father of human rights”, Bartolome de las Casas was a staunch advocate for the indigenous people of the Americas, and eventually all who suffered under the inhumane system of colonization. His writings inspired Raphael Lemkin⁸ to even come up with the term genocide and are at the crux of understanding it. De las Casas’ writings extend beyond his own prolific body of work; his accounts of other speeches and Columbus’s diary make him one of the most important figures because of his graphic depictions of human rights abuses.

Arguably one of the most paradoxical subjects in history—symbolizing the birth of the modern era and the destruction of the untouched societies spanning two enormous continents—Christopher Columbus is, on the one hand, a revered discoverer, and on the other hand, a slave-trading nefarious murderer. Much of what remains of his life is not from him, but copies and reworked journals, letters, and a biography from his son. His original journal disappeared in the sixteenth century⁹ and it was not until recently that scholars came upon a copy of his letter detailing his “discovery” of the New World.¹⁰ Regardless of how we see Columbus, the effects of his legacy are clear. He is the beginning of the modern

8. McDonnell, Michael, and A. Moses. “Raphael Lemkin as Historian of Genocide in the Americas.” *Journal Of Genocide Research*, 7, no. 4 (December 2005): 501-529. *Academic Search Premier, EBSCOhost* (accessed December 1, 2014).

9. *The Original Log Of Christopher Columbus*. Accessed December 1, 2014. <http://is.gd/dUSuuE>.

10. “Christopher Columbus’s ‘Letter to the Sovereigns’ Announcing the Discovery.” *New World Encounters*, edited by Stephen Greenblatt, by Zamora Margarita. Berkeley: University of California Press, 1993.

world, and the end of another.

History is fortunate that Spain had an affinity for documentation. A key piece to unlocking genocide is its relation to the government, or group in control of the affected area. Was it “state-sponsored?” The key documents of the time lend credence to the claim. Early documents such as the papal bull “Inter caetera” of 1493, granted Spain the right to overthrow non-Christian lands to the West as “that barbarous nations be overthrown and brought to the faith itself.”¹¹ In a slightly euphemistic approach to slavery, the Spanish instituted *encomiendas* in 1512. “Under the *encomienda* system, conquistadors and other leaders (*encomenderos*) received grants of a number of Indians, from whom they could exact ‘tribute’ in the form of gold or labor. The *encomenderos* were supposed to protect and Christianize the Indians granted to them, but they most often used the system to effectively enslave the Indians and take their lands.”¹² While designed to take the place of slavery, its system did little more than to rebrand it.

A year after the *encomiendas* came into existence, *El Requerimiento* was issued, and the hostility towards the native populace increased. It’s foreboding tone was more than a threat; it was a promise written directly to them (not that they had the English language abilities to understand its message):

Wherefore, as best we can, we ask and require you that you acknowledge the Church as the ruler and superior of the whole world, But if you do not do this, and maliciously make delay in it, I certify to you that, with the help of God, we shall powerfully enter into your country, and shall make war against you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their highnesses; we shall take you, and your wives, and your children, and

11. Pope Alexander VI. “Inter Caetera.” *Papal Encyclicals Online*. May 4, 1493. Accessed December 1, 2014. <http://is.gd/7cqptv>.

12. *Encomienda System Established*. January 1, 2015. <http://is.gd/nnWpus>.

shall make slaves of them, and as such shall sell and dispose of them as their highnesses may command; and we shall take away your goods, and shall do you all the mischief and damage that we can, as to vassals who do not obey, and refuse to receive their lord, and resist and contradict him: and we protest that the deaths and losses which shall accrue from this are your fault, and not that of their highnesses, or ours, nor of these cavaliers who come with us.¹³

Spain was in a tough predicament—Queen Isabella urged her people to act with humanity (ironic considering her and Ferdinand’s recent genocide against the Moors and Jews); nevertheless, she and King Ferdinand had difficulty controlling their public in the New World. Fighting them too much could cause anarchy, and the money funneled in from the Americas was needed. Multiple accounts exist of this “Requirement” not being properly enacted, but there was little for the monarchy or Vatican to do about it. Spain had unleashed its citizens and lacked the power to properly control them. That does not negate Spain’s responsibility or their intention; it only highlights its ineptitude in governance. Simply stating that they could not have foreseen the genocide is akin to saying that a drunk driver could not foresee getting into a car accident. There is a matter of culpability that must be claimed by the government responsible for sending its citizens to these new lands with little governance. The matter of intent may matter for the sake of legality, but there is obvious intent to cause harm in The Requirement, which had the approval of the king and queen. As Lemkin warned, those who hold the power to stop genocide and do not, are not only complicit, they are culpable. “The royal administrators of the Spanish colonies were perhaps the most responsible for the crimes, since they had the power and duty to interfere on the basis of royal orders. However, they were slaveholders themselves and thus did

13. Rubios, Palacios on behalf of King Ferdinand V and Queen Juana. “El Requerimiento.” *U.S. National Library of Medicine*. Accessed December 1, 2014. <http://is.gd/KWWJbt>.

more than merely condone genocide.”¹⁴ If this were a murder trial, it may lessen the charge, but it would not negate it. The conquistadors and settlers were operating under the assumption that their actions were legally supported, and moreover, that compliance was a matter of free will.

Breaking the tenuous laws, especially in the beginning, was not enforced, though accounts such as “The Laughter of Dr. Palacios Rubios” by Gonzalo Fernández de Oviedo y Valdés, *El Requerimiento* was not only not enforceable, it was a joke. As the conquistador explains, “. . . I gave the general the requirement, and he took it, amid the hearty laughter of all who were there.”¹⁵ He later goes on to explain his position on the matter, “I should have preferred to have that requirement explained to the Indians first, but no effort was made to do so, apparently because it was considered superfluous or inappropriate . . . I could laugh much harder at him [Palacios Rubios, author of the Requirement] and his learning (for he was reputed to be a great man, and as such had a seat on the Royal Council of Castile), if he thought that the Indians were going to understand the meaning of that Requirement until many years had passed.”¹⁶ So, it is not just the hindsight we have now to know that the Requirement was only there as a technicality; it was understood then just as it is now. It was a way to shirk the responsibility and negate culpability. The idea was that if the natives were “warned,” well then, the Spaniards were not at fault. Other documents outlining culpability and intent exist, but the papal bull “Inter Caetera” and “The Requirement” show that from the outset Spain was intent on claiming the lands, converting and subverting its people, and in the process committing what we now know to be called cultural genocide, along with other incidents of physical and biological genocide.

The father of human rights, prolific writer, and the

14. Lemkin, Raphael cited in McDonnell, Michael, and A. Moses. “Raphael Lemkin as Historian of Genocide in the Americas.” *Journal Of Genocide Research* 7, no. 4. (December 2005): 501-529. *Academic Search Premier, EBSCOhost* (accessed December 1, 2014).

15. Oviedo y Valdes, Gonzalo Fernandez (translated by Benjamin Keen). “The Laughter of Dr. Palacios Rubios (Historia General y Natural De Las Indias).” *Keen’s Latin American Civilization: Chapter 4: Colonization*, 2009, 78-79.

16. *ibid*

“whistleblower” of the “Black Legend” to the rest of Europe, Friar Bartolome de las Casas was the advocate for the indigenous peoples of the New World, and the main source of what we know of the atrocities committed. His “Brief (also translated as “Short”) Account of the Destruction of the Indies” is a detailed and thorough account of multiple acts of physical genocide in the New World. Europe’s curiosity of this new place became tainted by what de las Casas wrote in his new book, and this became the birth of the “Black Legend” of Spain’s notorious treatment of these foreign people. He cites the huge death toll and annihilation of many groups of peaceful natives at the hands of greedy and cruel Spaniards. Even if his general description of the massacres is exaggerated, as some claim, even a partial truth would still lend credence to describing it as genocide:

And the Christians, with their horses and swords and pikes began to carry out massacres and strange cruelties against them. They attacked the towns and spared neither the children nor the aged nor pregnant women nor women in childbed, not only stabbing them and dismembering them but cutting them to pieces as if dealing with sheep in the slaughter house. They laid bets as to who, with one stroke of the sword, could split a man in two or could cut off his head or spill out his entrails with a single stroke of the pike. They took infants from their mothers’ breasts, snatching them by the legs and pitching them headfirst against the crags or snatched them by the arms and threw them into the rivers, roaring with laughter and saying as the babies fell into the water, “Boil there, you offspring of the devil!” Other infants they put to the sword along with their mothers and anyone else who happened to be nearby. They made

some low wide gallows on which the hanged victim's feet almost touched the ground, stringing up their victims in lots of thirteen, in memory of Our Redeemer and His twelve Apostles, then set burning wood at their feet and thus burned them alive. To others they attached straw or wrapped their whole bodies in straw and set them afire. With still others, all those they wanted to capture alive, they cut off their hands and hung them round the victim's neck, saying, "Go now, carry the message," meaning, Take the news to the Indians who have fled to the mountains. They usually dealt with the chieftains and nobles in the following way: they made a grid of rods which they placed on forked sticks, then lashed the victims to the grid and lighted a smoldering fire underneath, so that little by little, as those captives screamed in despair and torment, their souls would leave them . . .¹⁷

De las Casas was not perfect, nor innocent. He was initially interested in converting the natives, an act that falls under what Lemkin describes as cultural genocide. He was also guilty of initially encouraging the transportation of African slaves to free the Indians (which he later recanted, finally coming to the conclusion that all slavery is inherently bad). Without the intervention of de las Casas, the treatment of the natives could have easily been far worse. He was responsible for swaying the king to implement the New Laws of 1542 which lessened the control of encomenderos. His debates with Juan Gines de Sepulveda argued for the humanity of all men, and his arguments were way before their time and a precursor to human rights and the proclamations set forth by the United Nations. In his debate in 1550 in Valladolid, Spain he said:

17. De Las Casas, Bartolomé. "Brief Account of the Devastation of the Indies." *Three Sources on the Conquest of Mexico*. January 1, 1542. Accessed December 1, 2014. <http://is.gd/TlGrbF>.

For all the peoples of the world are men, and the definition of all men, collectively and severally, is one: that they are rational beings. All possess understanding and volition, being formed in the image and likeness of God; all have the five exterior senses and the four interior senses, and are moved by the objects of these; all have the natural capacity or faculties to understand and master the knowledge that they do not have; and this is true not only of those that are inclined toward good but of those that by reason of their depraved customs are bad; all take pleasure in goodness and in happy, and pleasant things; and all abhor evil and reject what offends or grieves them [. . .]. Thus all mankind is one, and all men are alike in what concerns their creation and all natural things, and no one is born enlightened. From this it follows that all of us must be guided and aided at first by those who were born before us. And the savage peoples of the earth may be compared to uncultivated soil that readily brings forth weeds and useless thorns, but has within itself such natural virtue that by labor and cultivation it may be made to yield sound and beneficial fruits.¹⁸

De las Casas defends all of humanity here, and that is important to the application for genocide in multiple ways. It is when this is not understood that genocide takes root and is committed. It is with this understanding that we know that genocide is inherently wrong. And, finally, it is with this explanation that Lemkin and the UN were able to enact laws against genocide in our society.

There are not many indigenous accounts of life after the

18 De Las Casas, Bartolomé. "Las Casas, Apologetic History of the Indies." Accessed December 1, 2014. <http://is.gd/WMXrTd>.

fateful collision of worlds, and what we do have is convoluted at best. The two most well known accounts are both from the Aztecs and were collected by the friar Bernardino de Sahagún in what is now known as *The Florentine Codex* and Miguel Leon-Portilla's collection of accounts known as *The Broken Spears*. Issues with both are concerned with translations and specifically whose accounts they were since so many separate groups were involved in the conquest in various contexts (some groups having fought alongside the Spanish with the conquistador and captain Hernán Cortés). What stands out the most is the cultural loss of the groups and how that was beginning to affect them when these accounts were transcribed. The night that Cortés' men under the guidance of Pedro de Alvarado (who was in charge as Cortés had to briefly leave the city) there was a massacre which was recounted in the collection published as "The Broken Spears" edited by Miguel Leon Portilla as such:

During this same time, The Sun commanded that Motecuhzoma and Itzcohuatzin, the military chief of Tlatelolco, be made prisoners. The Spaniards hanged a chief from Acolhuacan named Nezahualquentzin. They also murdered the king of Nauhtla, Cohualpopocatzin, by wounding him with arrows and then burning him alive. For this reason, our warriors were on guard at the Eagle Gate. The sentries from Tenochtitlan stood at one side of the gate, and the sentries from Tlatelolco at the other. But messengers came to tell them to dress the figure of Huitzilopochtli. They left their posts and went to dress him in his sacred finery: his ornaments and his paper clothing. When this had been done, the celebrants began to sing their songs. That is how they celebrated the first day of the fiesta. On the second day they began to sing

again, but without warning they were all put to death. The dancers and singers were completely unarmed. They brought only their embroidered cloaks, their turquoises, their lip plugs, their necklaces, their clusters of heron feathers, their trinkets made of deer hooves. Those who played the drums, the old men, had brought their gourds of snuff and their timbrels. The Spaniards attacked the musicians first, slashing at their hands and faces until they had killed all of them. The singers- and even the spectators- were also killed. This slaughter in the Sacred Patio went on for three hours. Then the Spaniards burst into the rooms of the temple to kill the others: those who were carrying water, or bringing fodder for the horses, or grinding meal, or sweeping, or standing watch over this work. The king Motecuhzoma, who was accompanied by Itzcohuatzin and by those who had brought food for the Spaniards, protested: "Our lords, that is enough! What are you doing? These people are not carrying shields or macanas. Our lords, they are completely unarmed!" The Sun had treacherously murdered our people on the twentieth day after the captain left for the coast.¹⁹

The fact that the celebrants were unarmed and were led to believe that they were being allowed to celebrate, when in fact the Spanish used the opportunistic moment to massacre them in a probable planned fashion, shows the base intent with which this was done. Even Spanish accounts of the event show the unprovoked attack on unarmed people in the midst of a cultural celebration.

19 "An Aztec Account of the Conquest of Mexico, Excerpt from *The Broken Spears* (1520s)." *Three Sources on the Conquest of Mexico*. Edited by Miguel Leon-Portilla. Accessed December 1, 2014. <http://is.gd/TLGrbF>.

While there are definite instances and accounts of genocidal acts, such as the massacre during the celebration, there are issues when taking into account their retelling by the indigenous victims. The most notable issue that must be accounted for is the way that “history” is kept within these groups is not the linear fact-telling of Western society, but rather one that seeks answers to the current situation by re-inventing the past to fit the present. With that in mind, the usefulness of these accounts to applying the term genocide is thereby limited and at times unstable. It does not negate their historical importance or suggest that they are wrong in any way, just that many facets do not help in the labeling process of affixing the term genocide to the events especially when the rigidity of the definition requires a scrupulous application.

Applying the term genocide seems obvious to some, and too liberal to others; all debatable points aside, it becomes the most clear when delineated between the various definitions and sub-definitions within that. The initial period of conquest provides the most examples of physical genocide with documentations of multiple massacres, torture, and the deprivation of livelihood. Biological genocide is apparent through the initial examples of slavery and encomiendas that dislocated groups of people in order to “assign” them to a work group. Though, it’s cultural genocide that thoroughly and systematically can be applied from the moment Christopher Columbus came ashore and stuck the flag of Spain into the ground²⁰ to the more recent history where the remaining Mayan descendants were again targeted by their government in another attempt at truly wiping them off of the map in present day Guatemala.²¹ Traces of cultural customs can still be seen in Mexican traditions, but they are altered, blended, and disconnected from their origin. In reality, the de las Casas books and essays, indigenous accounts, conquistador retellings, and official documents all show the depravity of the situation as well as the intent. The entire event also falls squarely into the legal definition:

20. Columbus, Christopher, and Bartolome De Las Casas. *Christopher Columbus, Journal, 1492*. Accessed December 1, 2014. <http://is.gd/5XWg7P>.

21. “Guatemala Silent Holocaust: The Mayan Genocide.” *The Center for Justice and Accountability*. Accessed December 1, 2014. <http://is.gd/8gd0Ny>.

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such : (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part...²²

The first three stipulations are clearly met in the conquest period of the colonization. And, while some may doubt the culpability of the crown, it is important to remember that even the truncated legal definition includes “complicity in genocide”²³ as a punishable offense. Judging by the reaction that the conquistador Gonzalo Fernández de Oviedo y Valdés had to the superfluousness of The Requirement, complicity is not difficult to prove.

Aside from the numerous notes and essays that Lemkin wrote detailing all of the ways that colonization, and particularly the colonization of the New World by Spain, fit into each area of genocide, it would only take his skeletal outline of genocide and basic knowledge of its historical events to easily, and liberally, apply the term genocide to the events that transpired. When the application of genocide is viewed from a sociological, rather than legal, standpoint, its intended definition, with all of its nuances, fits into place.

While applying the constrained and limited legal definition of genocide to the events takes a more technical application, it can be applied to the colonization of the New World without taking too many liberties. Every single article can be applied (even without cultural genocide) to the numerous events of colonization. It’s only when scholars pick apart individual words of the definition such as “systematically” and “intent” that we reach a grey area. It’s still

22. General Assembly of the United Nations. 1948. “Convention on the Prevention and Punishment of the Crime of Genocide.” December 9, 1948. Accessed December 1, 2014. <http://is.gd/K3qv76>.

23. *ibid*

arguable, but without an explicitly worded statement that lays out intent, it will always be a point better left for lawyers. “Systematic” is perhaps less fuzzy than “intent;” nevertheless, it still requires qualifiers to signify and delineate the exact parameters by which to judge the evidence. Given the reasons for the omissions of Lemkin’s definitions, the fact that a historical case does not require a legal standard to be met, and the overwhelming evidence we have in the aftermath of the hostile takeover of indigenous lands for imperialistic reasons, I contend there is no good reason not to apply the term genocide as it was intended to be.

Society’s connotation of genocide must not be confused with its denotation; unfortunately, that is usually the case. Its overuse in our lexicon cheapens the true gravity of the word. The hyper-saturation of violence and death in the media and popular culture only further divide the reality of genocide since its depiction is often used to evoke emotion in an opportunistic grab for a headline or an Oscar. Genocide demands outrage and victim advocacy from society, not pity in a cheap grab for our attention. It’s use in popular culture and the media needs to shift to reflect that. This sentiment is probably most true in America with our privileged lifestyle. For even those at the bottom echelon of our society are safer than those who have suffered from genocide. This is not meant to state that as Americans we cannot know or understand suffering—of course we can. Rather, genocide’s gruesome reality is very far from our own.

Plenty of scholars agree with my assertion that Spain perpetrated a genocide, but it is not the common understanding or consensus. Most likely, it’s a matter of semantics, which definition is being used, and what evidence is being used to support it. Basic research into the history of the word genocide and the various accounts from the era support my claim. Moreover, one need only look at the societies populating “New Spain” today to see that their native languages are nearly gone. Religions? Almost wiped out. Traditions? Re-appropriated. Cultural landmarks? Ruins. Artifacts? What’s left is in museums (that for the most part are not run by or accessible to the descendents). That is what remains after a cultural genocide.

While society must be informed of genocide to help prevent its reoccurrence and to honor its victims in remembrance, it is a thin line between that and emotional indulgence. One way for society to understand genocide is to equate it to our country's own past. The final stage of genocide is denial, and it's time we stop aiding in that process by acknowledging the genocide that occurred in our own land. We must start using the term genocide—both in our speech and the portrayal of the word by the media and filmmakers—in a way that conveys respect to the long history of examples we have to draw from. We must clear the confusion associated with the word genocide, which usually stems from the successive narrowing of the term from its broadest definition given by its creator Raphael Lemkin, to the lengthy, yet significantly truncated, legal definition, all the way to society's abbreviated definition lacking the legalese. Must we always specify which version? Unless you're an international court lawyer, it's unlikely that you would need to refer to articles and bullet points within it. That leaves the option between Lemkin's broad and encompassing original definition and Webster's version of a version of that definition. Exploring the claim of colonization, specifically of Mesoamerica by Spain, begun in the fifteenth century with Lemkin's original definition of genocide, produces a different outcome than what is normally agreed upon by scholars, and it's a path down our history we must be willing to explore. It is not enough to echo the hollow phrase "Never Again." It is not enough to recognize genocide, but remain unmoved to act. Genocide threatens humanity because it is a dividing force that deletes what embodies our identity and robs us of our connections to each other and our environment. Genocide requires us to understand human nature and allow for its diversity. As Paul Rusesabagnina stated, "Kindness is not an illusion and violence is not a rule. The true resting state of human affairs is not represented by a man hacking his neighbor into pieces with a machete. That is a sick aberration. No, the true state of human affairs is life as it ought to be lived."²⁴ We cannot undo the past, but we can seek to acknowledge it. It requires acknowledging the genocides of the past that still haunt its descendants. Columbus is

24. Rusesabagnina, Paul. *An Ordinary Man: An Autobiography*. Penguin Group, 2006.

the starting point of the New World, but it's time to really examine what the "new" replaced. To deny their genocide is to deny their right to humanity. It was taken from them then, and it is up to the current society to give it back by acknowledging the cultural genocide that took it away in the first place.