Genocides of Coloniality: Power, Race and Genocide as a Foundational Practice in Colonial America

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Abstract

Genocide as a phenomenon has been widely studied, defined and policed, especially in the fields of political and justice studies. The general academic and legal consensus is that genocide is the attempted or successful annihilation of a people, based on a variety of factors and motivations - including race, ethnicity, religion and national origin. However, the existing literature fails to include the issue of colonialism in the discourse and genealogy of genocide. This article examines the issue of how and why genocides of conquest and coloniality are omitted from the record on genocide by analyzing and critiquing the current discourse, which will enable not only a broadening of the term but also a deconstruction of power as it pertains to what genocide is and its effects as an act of worldbuilding. In order to do this, the author will critically analyze the role that racism played in genocides of conquest - specifically those that took place in the Americas, using a decolonial, power/knowledge and critical race theory lens. Initially, the author hypothesized that understanding this morphing of power would make it possible to find a way to break the cycle of oppression that allows for these atrocities to be committed again and again. In reality, genocide gave power through colonial suffering and no morphing of this power was necessary because genocide gave power by fear, creating docile bodies out of the colonized and establishing the foundation of a new, hegemonic world order - what we now see as normal. The author recommends a revolution in genocidal discourse as an alternative that would allow a dismantling of colonial systems and cycles of oppression.

Keywords: genocide, colonialism, decolonial, race, discourse, power

Introduction

In 1492 Columbus sailed the ocean blue. This voyage is regarded as a pivotal moment in world history. A moment which opened what historians deem an era of possibilities, of global movement, trade and agglomeration of wealth. However, for the indigenous populations[1] of what would come to be known as the Americas, this moment would mean certain death, enslavement and/or a permanent change to the fabric of their daily life, their traditions, and sacred rituals.

From almost the exact moment Columbus stumbled upon the Islands of the Caribbean (what he would call the West Indies), there was bloodshed. The extermination of a people took place; a chain of events that, under definitions and characteristics currently set up by international law, would be considered genocide. However, the literature on genocide in the fields of international

[1] Acknowledging the impact of this moment and what would become the “Columbian Exchange” on people of all continents.

law and political science show a considerable gap when it comes to not only defining and naming genocides of conquest for what they truly are, but also as it pertains to including these colonial genocides in the mainstream narrative and allowing them to shape the definitions and impact of genocide in modernity. This gap can either be conceptualized as misunderstanding, negligence or purposeful erasure as it pertains to including genocides of conquest within the category of genocide. The purpose of this study is to understand why early genocides of conquest (specifically for the purposes of this study, the Arawak Taino genocide in the Caribbean) are effectively erased from history, especially genocidal discourse in academia and the international community in charge of classifying, policing, prosecuting and punishing the crime of genocide.

Literature Review

Definitions

The term *genocide* was coined by Raphael Lemkin, a Polish lawyer of Jewish descent, during the Holocaust. The word is derived from the Greek work *genos* and the Latin suffix *caedo,* meaning "race" or "people" and "to kill." Daniel Feierstein defines modern genocide as "any genocidal social practice related to the destruction of a human group since the late fifteenth century, especially those involving Europeans or European settlers" (Feierstein, 2009). It is interesting to note here that most academic definitions of genocide include genocides of conquest in a general timeframe, but judicial-legal definitions focus only on prosecutable instances that fall within a statute of limitations that is limited from the 20th century to the present. There are many different types of genocide. For instance, foundational genocide, which is aimed at destroying ideologically 'impure' populations and/or political opponents in an effort to create a new nation state (Feierstein, 2009). Reorganizing genocide refers to destruction aimed at transforming social relations within an existing nation state (Feierstein, 2009).

However, both of these examples refer to modern instances of genocide which occurred after the formation of the modern nation state. In this article, the author focuses on what has been called genocides of conquest, colonial genocides, and postcolonial genocides (Feierstein, 2009). More specifically, the author will focus on these genocides as they relate to colonization, race, and constructions of power/knowledge (Foucault, 1975). The author argues that race and racism are among the primary root causes that catalyzed these genocides, as this rhetoric allowed for dehumanization and deathly violence to be perpetrated against the colonized and justified in the eyes of the colonizer. The author hypothesizes that, by focusing on genocides of conquest, the perceived motivations and desired outcomes of genocide will shift. The gap this author hopes to fill in the literature would aim to recognize genocides of conquest as integral to not only how we understand genocides in modernity, but also how we understand the impact of colonial genocides - not as something that just "happened" a long time ago, but as criminal acts that are the foundation of hegemonic power structures.

The author will describe the existing literature on this topic as they fall in the following categories: first, on how the construction of race catalyzed and justified genocides in the Americas; then, the continuation of genocides of conquest in modernity; next, how discourse analysis reveals that this

continuation has been allowed by a failure to root genocidal practices in systems of colonial oppression; finally, an analysis of power and genocide. The author will critically analyze the literature from a decolonial and critical race theory framework. Decolonial theory not only reveals critiques of the ongoing legacy of colonialism and imperialism and details the human consequences of exploitation of colonized peoples, but also offers alternatives to hegemonic structures of power in society. Critical race theory (CRT) is a legal framework that looks at society in the context of race, the law, and power relations in the US. The CRT framework can also be extended to global contexts. The reason for the author's use of this dual lens is an observation of a significant gap in the literature that either completely overlooks or lacks an in- depth analysis of the colonial era and neo (ongoing) colonial era in its study of genocides of various indigenous peoples across the Americas at the hands of colonizers originating from various European states (Ostler et. al., 2021).

Applying this perspective to an issue such as genocide, which exists within the framework of international humanitarian law (IHL), will also be beneficial in the deconstruction of human rights as a Western project which allows for perpetuation of systems of oppression behind a liberal facade of the greater good. This deconstruction then opens a path for developing a new model for human rights in the context of all of world history, not just the history of the West. Jose-Manuel Barreto details this path in his article, *Decolonial Strategies and Dialogue in the Human Rights Field: A Manifesto.* He writes that a "Third World approach to human rights encompasses a different interpretation of the philosophy of history in which the human rights theory is based on, and gives birth to, a new paradigm in which the events of the Conquest of America and the colonization of the world are also recognized as key signposts of history" (Barreto, 2012). The ideas Barreto presents in his paper include "empire/suffering, modernity as crisis, the colonial origins of human rights, postmodernity as an epoch of moral sensibilization, power/epistemology, and critical dialogue" (Barreto, 2012) which fit well with the task of this study to critically analyze discourse in order to decolonize knowledge in the field of genocide.

Race

Racism is a common rationalization or justification for genocide. In *Scourge of Racism: Genocide in Rwanda,* Kenneth R. White outlines one of the major social problems of the 21st century as the problem of the color line. He goes on to describe racism as "any activity by individuals, groups, institutions, or cultures that treats human beings unjustly because of color, physical features, and/or ethnicity and rationalizes that treatment by attributing to them undesirable biological, psychological, social, or cultural characteristics" (White, 2007).

According to White, Rwanda is no exception to the effects of racism, even though the events that occurred there appeared to the rest of the world to be unaffected by race. More than 800,000 Rwandans were killed in the government-directed ethnic cleansing of Tutsis and moderate Hutus during 1994. It is considered this century's best organized genocide. It is also considered the greatest failure on the part of the international community to act in protection of human life and human rights. Further, though the article does a fantastic job of analyzing race as a factor in the Rwandan genocide, the author misses an opportunity to add necessary nuance by overlooking

the colonial context that set up the Rwandan nation-state for failure and the Rwandan genocide for success. This author would add that recognition of how a colonial past (involving Belgian control over what is now the nation of Rwanda) and the intervention of empire, also aided in the development of racial divides that allowed for the creation of genocidal conditions in the country.

Although the author of that article does not ignore the role of racial/ethnic divides in the case of the Rwandan genocide, failing to discuss colonial legacies that exacerbated political circumstances which led to genocide encourages (by way of passivity and negligence) the continued thought processes and practices that instigate prejudice and discrimination (Ostler et. al., 2021). For this reason, it is essential to look at the racial aspects of genocide through a colonial lens, as it could be argued that genocide is the most violent manifestation of prejudice and discrimination, and that it was a practice that was applied with precision during an era that killed millions of indigenous Americans (Wolfe, 2006).

It's important to parallel *why* they were annihilated - power, economic gain, etc. with the *rationale* behind the why: dehumanization via racism and animalization. European colonizers wouldn't have killed peoples indigenous to the lands they were 'discovering' if they didn't see them as a credible threat - whether in the near or far future, it doesn't matter. Savages can't rise against an empire - *equals can.* And that's what makes the race factor so important. So long as the people you kill are dehumanized there is no guilt, and racialization is a legitimate, logical and even scientific method of otherization. As long as they are dehumanized, even if some remain, there is no threat due to internalized oppression and the fact that the dominant group begins to believe that they are truly superior to the oppressed groups in society. "The Negro enslaved by his inferiority, the white man enslaved by his superiority alike behave in accordance with a neurotic orientation" (Fanon, 1952).

What happened in Rwanda is unique because the genocide was interracial but also occurred within a nation with a heavy colonial legacy. The divide between the Hutus and Tutsis was very real and was exacerbated by colonial meddling with indigenous structures that established Tutsis as governing elites, and further deepened the bad blood between the two groups that were forced to coexist within borders created by colonial powers in the first place. The conditions that allowed for Hutus and Tutsis to start killing each other were not created by Belgium leaving the colony - they were created as soon as Belgium, a colonial power, interfered and established itself as superior in a place it had no business governing. Therein lies the great contradiction of one of the pillars of our modern world - oppression and discrimination on the basis of race. Especially when the reality is that, not only are we all equal yet made unequal by the current world regime, but also that without European intervention/suppression, had Africa, Asia and America been left to their own devices, the world would undoubtedly be better than what it is now.

Colonialism and Neocolonialism

In *Genocide and Social Death*, Claudia Card argues that "social death, central to the evil of genocide (whether the genocide is homicidal or primarily cultural), distinguishes genocide from other mass murders" (Card, 2003). Social death is constituted by a loss of social vitality and a

loss of identity, and thereby of meaning for one's own existence. The author argues that seeing social death at the center of genocide takes our focus off body counts and loss of individual talents, directing us instead to mourn losses of relationships that create community and give meaning to the development of talents. Card not only looked at instances of genocide where the physical body count was high but also where little to nothing of a culture was left behind and argued that this cultural annihilation is what “distinguishes the peculiar evil of genocide from the evils of other mass murders” (Card, 2003). She found that only mass murders and other measures that have as part of their reasonably foreseeable consequence, or as part of their aim, the annihilation of a group that contributes significantly to the social identity of its members are genocidal (Card, 2003). Unfortunately, Card recounts no specific instance of colonial genocide in her account, demonstrating just how much these instances are lacking from dominant discourse shaping the concept of genocide.

Adding to what Card says, Isaac Kamola points out in *The International Coffee Economy and the Production of Genocide in Rwanda* that most academic work on the genocide in Rwanda uses either a methodologically social scientific or historical approach to explain the genocide's root causes. Quoting Louis Althusser, Kamola comes close to alluding to colonization as one of these root causes: “History ‘asserts itself’ through the multiform world of the superstructure, from local tradition to international circumstance...Like the map of Africa before the great explorations, this theory remains a realm sketched in outline, with its great mountain chains and rivers, but often unknown in detail beyond a few well-known regions” (Kamola, 2006).

However, he fails to follow through with a deeper analysis beyond modern economic and cultural driving factors. These causal stories most often focus on ethnicity and, in doing so, understate how structured economic-material relations made the conditions for genocide possible. This article forms an alternative method for narrating the genocide which treats the genocide as the result of highly complex and over-determined social relations. The author then re-examines the structural causality of the genocide, focusing on how the coffee economy intersected with the economic, cultural, state, and ideological registers at which the genocide was produced. Representing the genocide in terms of structural causality addresses how over-determined exploitative relationships between Hutu, Tutsi, colonizer, colonized, rich, poor, farmer, evolue, northerner, southerner, coffee producer, coffee consumer etc. produced the genocide (Kamola, 2006). At this point, this author would recognize the economic motivations behind genocides of conquest: land, gold and other natural minerals and resources motivated European colonizers to do the horrible things they did.

While some scholars, such as Patrick Wolfe, author of *Settler colonialism and the elimination of the native,* would claim that this phenomenon of genocides of conquest is simply a violent manifestation of the larger structure that is settler colonialism and should be distinguished from the modern, legal definition of genocide (Wolfe, 2006), this author refutes such claims. Colonization is an inherently violent endeavor and requires tools by which to exert power over the colonized. Genocide is one of those tools, a means by which the “complex social formation” (Wolfe, 2006) of settler colonialism has been able to establish dominance and maintain it through time. That said, this author does concur with Wolfe’s analysis that “racial regimes encode and

reproduce the unequal relationships into which Europeans coerced the populations concerned" (Wolfe, 2006).

Power and Accountability

This Age of Genocide: Conceptual and Institutional Implications by Peter J. Stoett seems to argue that it is the responsibility of the colonizers (in the case of colonial genocide) to give reparations. The author asks two very important questions: Should the prevalent definition of genocide be changing to reflect the expanded scope of human rights concerns? And, can justice be achieved while sovereignty remains the primary ordering principle of the nation-state system? This article also examines the concept of genocide, in part by contrasting the broader definition with the more limited legal one, and discusses some institutional implications for modern international organization (Stoett, 1995). However, Stoett fails to ground his contemporary analysis of genocide in past instances of genocide, going as far as to say that indigenous people can be "added" into this discourse - as if indigenous people should not be the very basis of genocidal discourse (Ostler et. al., 2021).

Nevertheless, the questions posed by Stoett are important in the context of this article for two reasons. First, this article is also concerned with deconstructing discourse surrounding genocide. Second, this article is also concerned with deconstructing how colonial genocide specifically was a tool used to lay the foundations for modern organizations of power. This author will take Stoett's questions one step further by asking not only if definitions of genocide should be expanded, but by showing how and why they need to be expanded.

Synthesis

The dialogue and literature on genocide tend to focus on the study of more "modern genocides" or "ancient genocides" in the old world. For instance, most of the literature on genocide focuses on the Holocaust, Armenia, Srebrenica, and Rwanda. Further, most of the literature in political science and international law does not analyze the genocide of indigenous peoples upon the colonization of the Americas at all (the new world). Certainly, the literature that does engage with this topic is lacking one essential piece: grappling with the issue of race in the context of coloniality. Feierstein quotes Lemkin when he writes that, "Those seeking to destroy both the group and its culture [constitute the third type of genocide]. *Lemkin considered the Nazi genocide as a prototypical instance of this third type"* (Feierstein, 2009).

This author must emphatically refute that point. If anything, the "prototypical instance" of this type of genocide is the massacre of indigenous people on the American continent, notwithstanding the significance of the Holocaust. While it is estimated that approximately 11-17 million were killed during the Holocaust, an estimated 55-65 million (Koch et. al., 2019) were murdered during colonial genocides in the Americas alone, from the 1492 to the 16th century AD. A number so great that ecological researchers show the planet's temperature cooled due to the drastic and sudden lack of carbon dioxide being released into the atmosphere. This shift, which "lowered surface air temperatures by 0.15◦C," was "a result of the large-scale depopulation of the Americas

after European arrival, subsequent land use change and secondary succession" (Koch et. al., 2019). The sudden lack of carbon dioxide that caused a global decrease in temperature was caused by the massacre of Indigenous Americans at the hands of European colonizers. In short, the planet cooled down because, all at once, a significant number of warm bodies turned cold, villagers stopped farming, people stopped living and breathing.

The ultimate purpose of this project will be to critically analyze the role that racism played in genocides of conquest - specifically those that took place in the Americas, although this argument could be extended to other places like Africa, Asia, and Australia. This in order to develop a new mode of looking at genocide not merely as a social practice (i.e., destruction and reorganization of social relations) but as an exercise of illegitimate power that somehow morphs into legitimate, real power and governments that people fear and respect (out of fear). While the purpose of colonial genocide was to gain control over the land and natural resources (including labor) of indigenous peoples, the root cause behind it was racism as a means to dehumanize native populations and therefore rationalize the use of violence and legitimize 'ownership' through legal means (if no one is alive to claim the land, or if the native population believes that the land should not and cannot be claimed, but you go ahead and do it anyway and file the necessary paperwork, it's yours, because, technically it's unclaimed).

The gap in the literature the author aims to fill by carrying out this study is what could be perceived as a deliberate omission of colonial genocides from the academic and international legal framework. If proven, this omission would be significant because colonial genocides were the first act that established Western dominance and laid the foundation for a new, hegemonic world order. This would mean that practices, such as dehumanization, that allow for justification of modern genocides find their origin in the genocides of conquest. Further, the erasure of colonial genocides could also be framed as an ethical allowance for continued oppression of indigenous subalterns, as current power/knowledge establishments are predicated upon this continued oppression.

Theoretical Framework

In order to examine the omission of genocides of conquest from the historical record on genocide and carry out a deconstruction of power as it pertains to both the term and consequences of this omission and exclusion, it is necessary to apply a theoretical framework that addresses colonialism, race and power. Therefore, the author will critically analyze the role that racism played in genocides of conquest - specifically those that took place in the Americas - applying a decolonial theory lens and using critical race theory to critique and fill gaps in how decolonial theory frames race in modernity. Finally, the author will apply a Foucaultian perspective to review the power structures that allowed these genocides to take place and subsequently be erased from history, replaced with a narrative of the progress and ingenuity of empire instead of the truth of its barbaric brutality and bloodshed.

Philip Spencer's definition of modern genocide is the most relevant to the aims of this study, given the emphasis it places on the importance of recognizing genocide as a colonial project. Spencer

describes modern genocide as, “a particular, historically located phenomenon. It goes back to the origins of the world order in which we still live (a world order dominated by western, imperialist states)...in many cases, conquest involved not only the subjugation of indigenous peoples, the theft of their land and… resources - but also the destruction of groups, in whole or in part” (Spencer, 2013).

Genocide is the basis of the current world order; Western, hegemonic civilization is founded upon colonial violence. Furthermore, racism and otherization also play a role in how genocides of conquest are erased and framed as less than what they were (i.e., not even defined, categorized, or remembered as genocides, simply a lot of people that just "died right as expansion of the world took place" not "were murdered at the hands of colonizers for the purposes of founding a new world order”). For this reason, in order to address this colonial violence and suffering inflicted upon the colonized, the author is applying decolonial theory as part of the theoretical lens.

Decolonial Theory formed in direct opposition to the dominant hegemonic system. The theory of decolonizing encompasses the intellectual work which articulates a broad rejection of Western European supremacy by colonial/racial subjects. The roots of decolonization can be traced to the first reactions made by colonial/racial subjects as early as 1492 to the violence wrought by Columbus in the Caribbean (Mignolo, 2018). It is also found consistently in revolts to colonial rule throughout the Americas for the next 450 years. An important turning point in the history of decolonization was the first revolution carried out by colonial/racial subjects: The Haitian revolution carried out by enslaved people -- of both indigenous and African descent -- which led to Haiti’s independence from the French in 1804. In the following century, decolonial theory and action took definitive form as colonial/racial subjects from around the world fought for their liberation. A rich intellectual tradition was born that made explicit connections between the experiences of different colonized groups. This tradition was developed by drawing on local Indigenous knowledge bases, while simultaneously and explicitly engaging Marxist, existentialist, phenomenological and other modes of analysis. Decolonial theory is successful at expressing the experience of so many because it points out each discourses' respective limitations while furthering their applicability to the conditions at hand, and the common goal of colonial/racial subjects to achieve liberation, autonomy, and sovereignty (Mignolo, 2018).

Its aims are to dismantle the oppressive world order established by the West and imagine a future in which indigenous peoples will have their sovereign lands back and complete autonomy over their bodies. The crisis of Western hegemony and of its coloniality of power (Quijano, 2000) has been framed in terms of the refusal of the West to acknowledge the degenerative effect its unsustainable way of life has had on the world’s ecology, economy, health, peace, and human civilizations. Jones writes, “The routine reproduction of Eurocentric forms of social inquiry is parasitic on widespread ignorance of world history, including the histories of colonialism and imperialism and, even more so, the histories of non-European peoples. These structures of ideology and ignorance are deeply embedded in historical process, in actual international relations" (Jones, 2006).

Decolonial theory is important for this study as it allows us to determine both the extent to which colonial violence and genocides of conquest are the basis of modern power structures, why genocides of conquest are omitted from modern definitions of genocide, and the consequences/impact of this omission. Decolonial theory also allows for an envisioning of a new start instead of the reimagining or restructuring that post-colonial theory would advocate for. Not to mention the fact that decolonial theory allows for a de-centering of Western, hegemonic experience and a centering of the histories of indigenous peoples.

Moreover, although Critical Race Theory exists in a space that aims to reform and improve the existing system whereas decolonial theory exists to change the system by means of radical thought and literal revolution, CRT is still in a position to bring value to this project by virtue of the fact that it allows us to explore the social construction of race, the subsequent emergence of whiteness as social capital and Blackness and/or indigeneity as a burden. “The racialization of identity and the racial subordination of blacks and Native Americans provided the ideological basis for slavery and conquest.” (Crenshaw et. al., 1996) Whilst it might seem counterintuitive, Kimberle Crenshaw’s CRT is truly important for this project as it simultaneously creates space for a critique of one facet of decolonial theory’s ousting of all non-indigenous peoples - even those who are mixed descendants of colonized and colonizer - from indigenous lands *and* fills that gap with proposal of intersectional ideology and presentation of duality, bifurcation and fluid borders that exist in the creation, definition and in living within racial identities. “The construction of white identity and the ideology of racial hierarchy were intimately tied to the evolution and expansion of the system of chattel slavery… It was their racial Otherness that came to justify the subordinated status of blacks.” (Crenshaw et. al., 1996) The same argument of otherization can be made for the indigenous peoples of the Caribbean, Mexico, Peru and other parts of Latin America, who were enslaved by Europeans and forced to mine gold (de las Casas, 1552).

The value of bringing in the narratives of African slaves brought to the Americas by colonizers to this project is three-fold: First, the “racial axis has a colonial origin and character, but it has proven to be more durable and stable than the colonialism in whose matrix it was established” (Quijano, 2000), which will prove useful in an analysis of the morphing of colonial power. Second, the African slave population (especially in the Caribbean) served to replace the cheap labor source that indigenous populations had provided even as colonizers steadily killed them off. This dichotomy is complex and worth exploring. Third, the African slave population was ripped away from a land that was also colonized and this population became a part of a diaspora - by taking these slaves from their mother land, from their native tongue, from their families, cultures, and traditions, colonizers were committing social genocide.

Both of these forms of genocide (physical and social/cultural) are means of exercising power over a population. These actions form a part of what Michel Foucault describes as a political anatomy of power that is the primary mechanism that assists in the creation and disciplining of docile bodies. These docile bodies are the source of cheap labor that colonialism and, later, capitalism would rely on to make empires rich and continue to accumulate power. “A ‘political anatomy’, which was also a ‘mechanics of power…’ defined how one may have a hold over others bodies, not only so that they may do what one wishes, but so that they may operate as one wishes, with

the techniques, the speed and the efficiency that one determines… Small acts of cunning endowed with a great power of diffusion, subtle arrangements, apparently innocent, but profoundly suspicious, mechanisms that obeyed economies too shameful to be acknowledged, or pursued petty forms of coercion… Discipline is a political anatomy of detail" (Foucault, 1975).

What's more, is that, as Spencer points out, colonial violence became the basis for the greatest power in world history: Western hegemony. These mechanisms have become entrenched not only in social structures and political institutions, but in the bodies of the colonized themselves. So, as time has gone on, colonial/racial subjects see less of a way to bring down the system of colonialism and even begin to oppress one another using these same tactics. Frantz Fanon wrote that, "The unpreparedness of the educated classes, the lack of practical links between them and the mass of the people, their laziness, and, let it be said, their cowardice at the decisive moment of the struggle will give rise to tragic mishaps" (Fanon, 1961). Educated classes or "colonial elites" have taken the tactics of the colonizer and turned them against their own people.

Colonial violence somehow became legitimate power, the concept twisting in such a way that colonial/racial subjects feel trapped. Thus, they act on notions of internalized oppression and take decisive action to end their wretched state by acting upon what they perceive as their only way out. This only option out? Repeat what worked for their oppressors in a quest for 'progress' or 'success,' and figure out a way to otherize/terrorize 'inferior' populations. Only, as the story of colonial power has persisted, and morphed into neocolonial, neoliberal, and therefore capitalistic forms of suppression, this otherization has become based in class (1) instead of race or (2) on top of race. Either way, violence towards a dehumanized other begets power. "Perhaps we haven't sufficiently demonstrated that colonialism is not satisfied merely with holding a people in its grip and emptying the native's brain of all form and content. By a kind of perverted logic, it turns to the past of the oppressed people, and distorts, disfigures, and destroys it" (Fanon, 1961). In short, destruction. For colonized peoples, this is all 'progress' leaves in its wake.

Lemkin defines genocide as "a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves" (Genocide Convention, 1945). This definition of genocide has informed the Western creation and codification of the term and action of genocide. However, this definition is lacking on several fronts, not the least of which include a listing of values/objects significant only in Western ontology (such as national feelings, destruction of personal property, and destruction of economic existence of nation-states). For the purposes of addressing these shortcomings as they relate to genocides of conquest, the author will now critique the inclusion of intent and a "plan" in the Western definition of genocide utilizing a decolonial framework in conjunction with a radical race theory - an idea derived from critical race theories but retrofitted to be able to intertwine with decolonial thought without a conflict of interest.

Colonial genocide is a composite act. It is composed of the cumulative effect of discrete actions, such as dispossession from land, neglect of and starvation of indigenous populations, and kidnapping of children. In the beginning (i.e., when the Tainos encounter Columbus on the island of Quisqueya), colonizers committed atrocious acts with no coordination or plan other than to

inflict pain: "...accounts of Spanish colonists (hidalgos) hanging Tainos en masse, roasting them on spits or burning them at the stake (often a dozen or more at a time), hacking their children into pieces to be used as dog feed and so forth, all of it to instill in the natives a 'proper attitude of respect' toward their Spanish 'superiors…' [The Spaniards] made bets as to who would slit a man in two, or cut off his head at one blow; or they opened up his bowels. They tore the babes from their mother's breast by their feet and dashed their heads against the rocks...They spitted the bodies of other babes, together with their mothers and all who were before them, on their swords" (Ward Churchill, 1994).

Unplanned and uncoordinated as they may have been, the effects of these reckless and violent actions would result in the near-complete annihilation of a people. This is genocide, but it is not recognized as such, especially not on any political platform or even on an international scale.

The United Nations claims to be the premier organization for fostering peace and defending so-called universal human rights in the world - yet it fails to include genocides of conquest in any legal precedent establishing regulations for the prevention and punishment of genocide. Thus, recognizing genocide first and foremost as a colonial project that preceded its use in modernity will play an important role in the development of this project.

The question now is: will the system ever accept this definition and use of the term genocide? What would a failure to do so mean for colonized peoples? What would a concession to do so mean for empire? The following sections are meant to take the reader through how the author attempted to find answers to these questions, utilizing the theoretical framework that has just been presented.

Methodology

Given the ideological, political and at times philosophical denseness of both the research question and the subject matter at hand, a qualitative study is the path this researcher will take. Secondary data collection will suffice for the purposes of this project. Most importantly, the author will carry out a critical discourse analysis of several United Nations documents. 'Most importantly' because critical discourse analysis will allow the author to establish the aforementioned link connecting past to present. As Foucault, this author sees that it is "fate to be redefined by knowledge," and that a genealogy of the present academic-legal complex from which the power to define, police, prosecute and punish genocide derives its foundations, also masks how these systems have managed to duplicate genocide as a foundational practice for colonizers and as a way to create docile bodies of the colonized (Foucault, 1975).

Discourse Analysis

Discourse analysis will allow this author to carry out this genealogy by way of examination of various official documents that make up the framework of the international body that is the United Nations. The author chose to study genocidal discourse through document analysis for the following reasons: First, document analysis is an effective way of gathering data because

documents are manageable and practical resources. Second, documents are commonplace and come in a variety of forms, making documents a very accessible and reliable source of data. Third, obtaining and analyzing documents is often far more cost and time efficient than conducting one's own research or experiments (Bowen, 2009). Finally, documents are "non-reactive" data sources, meaning that they can be read and reviewed multiple times and remain unchanged by the researcher's bias or changes in the research process (Bowen, 2009).

Discourse analysis is the most practical method for carrying out genealogical studies for the following reasons: First, "In order to interpret the research material, an appreciation of the embedded norms of social practices gained through being 'inside' the discursive field, is… required" (Hewitt, 2009). Critically analyzing the language and discourse surrounding genocide found in official UN documents will allow the author to reflect upon practices used by this body from the "inside" of this body. Language dictates norms, thus, by studying language, the author will be able to decipher how exactly genocide is defined, policed, prosecuted and punished by the United Nations. Second, "Analysis of discourses has the potential to show the link between political rhetoric, and how discourses are created and maintained. Foucault's concept of power acknowledges the diverse influences of social and political relations on policy, beyond the immediate political arena" (Hewitt, 2009). Third, discourse analysis will allow the author to further analyze what UN practices and discourse surrounding genocide mean within the theoretical framework proposed. Finally, discourse analysis is useful for researchers carrying out "time-limited academic research," (Hewitt, 2009) which applies to the context of this study.

Why the United Nations?

The United Nations has played a central role in the construction of the term *genocide*. It can very well be said that the organization created the term, or at least put their full support behind the person who did. At the very least, the UN plays a big part in legitimizing the word *genocide*. For example, until the UN recognized the Rwandan genocide as a genocide, it simply wasn't one in the eyes of the international community. It took 800,000 people being murdered, women and children being dismembered in the streets, for the Rwandan genocide to be graduated to "crimes of genocide" in the UN framework. The UN also plays a large role in deciding when to use and when not to use the term genocide, as evidenced by the Rome Statute of the International Criminal Court, the only international body equipped to appeal, prosecute, and punish the crime of genocide.

Meaning, the United Nations, as the premier authority in modernity and hegemony of international interaction and rule, has developed most of the body of work as it pertains to defining, regulating, policing, and prosecuting instances of genocide. In short, the UN wields immense power, especially on the topic of genocide, as evidenced by the UN charter wherein the majority of the countries of this planet pledge their support and give power to the UN to be an international force for maintaining peace and working towards a vision of the greater good. By studying this specific organization's literature, this author foresees gaining insight into power structures and relations that have allowed for an erasure of colonial genocides from informing the body of knowledge on

genocide in modernity, as well as how race as a specifically (ongoing) colonial project has impacted these structures.

The research sample consisted of four United Nations articles and guiding documents, including the *Convention on the Prevention and Punishment of the Crime of Genocide*, the *UN Declaration on the Rights of Indigenous Peoples*, Article 4 of the *Geneva Convention*, and the *Rome Statute of the International Criminal Court*. Using the UN's own documents to gain a sense of understanding for how the organization defines, regulates, polices and prosecutes genocide is truly only possible through discourse analysis (as demonstrated in the above subsection titled "Discourse Analysis"). The United Nations is viewed as the premier organization consolidating international authority and creating jurisprudential knowledge at this moment in world history, again, as evidenced by the sovereign nations that have ratified the UN charter, fund the organization for this very purpose and are participants to its functions. These documents have been selected because they are guiding documents of said organization, specifically as it pertains to defining/criminalizing/prosecuting genocide/genocidal acts.

The UN Declaration on the Rights of Indigenous Peoples is the only document included in this study that does not form a part of governing documents for the UN as a whole entity or even for branches of that entity. Nevertheless, the UNDRIP has been selected as part of this study because it was created in an effort to add nuance to the way the organization (UN) deals with matters that pertain to indigenous peoples. Moreover, the UNDRIP is the only document in the body of UN declarations that grapples *directly* with indigenous issues, and specifically addresses indigenous genocides (importantly, employing the term *genocide* in its description of events). In addition to specifying that genocide did occur in a colonial setting, the Declaration states the importance of sovereignty and self-determination for indigenous communities, and introduces communal rights as a rhetoric more fitting with indigenous life ways than a "traditional" international human rights narrative.

To reiterate, critical discourse analysis is the best methodological approach to analyze these documents for the following reasons. Firstly, discursive analysis works well with the heavy/dense theoretical framework being applied to/in this research study. Secondly, qualitative discourse analysis will help to break down the data collected and aid in organizing findings and inputting those into the theoretical framework. Thirdly, critical discourse analysis is an approach that will require the UN to look to instances of genocide that occurred before its creation. This final point is important in the context of this study because these genocides of conquest have shaped the world, and discourse analysis will reveal exactly how that shaping took place. Finally, seeing as the UN was founded in response to World War II, to prevent global conflict on that scale from happening again, and maintain the peace, critical discourse analysis will allow the author to evaluate the organization in relation to this goal.

Furthermore, because of the context in which the UN was founded, most of the early international guidelines passed by this body (specifically those concerned with protection of human life and human rights, especially during wartime) were those that attempted to understand, govern and prevent genocides like the Holocaust from happening again. However, though their quest to

understand this phenomenon was noble and necessary, this body failed to base their research on instances of genocide that were more far sinister than even the Holocaust. Was this because these instances were further back in time? Was it because of the hyper-racialized nature of colonial genocides? Was it because these instances were seen as essential to the founding of a modern world-order whereas the Holocaust was seen plainly as inhumane? Was the omission of colonial genocides from the creation of an international discourse of genocide a combination of all these factors? Critical discourse analysis applied in a Foucaultian context allows the author to decipher this complex puzzle.

Colonialism has influenced the creation of language/discourse. Discourse, in turn, shapes history; it shapes who is privileged, who is exploited, who is centered, who is otherized. Power is knowledge and knowledge is power (Foucault, 1975). Studying the language in each of the documents will allow this author to dissect *why* (1) neocolonial/neoliberal facade and progress over rights narratives exist in hegemonic discourse shaping definitions and consequences of genocide, (2) perpetuation of colonial oppression and colonial violence through a refusal to acknowledge genocies of conquest as exactly what they are (i.e., genocides) appears constantly within a hegemonic framework, and (3) anything that could be of substance/used for achieving some semblance of justice is automatically followed up with a fail-safe that protects the interests of empire.

Analysis

In the *Convention on the Prevention and Punishment of the Crime of Genocide*, drafted on 9 December 1948, the word genocide appears 19 times in the document as a whole (excluding titles). Out of these 19 instances, zero refer specifically to the Holocaust (though it can be inferenced by the date that the drafting of this document and others that followed were motivated and inspired specifically to prevent anything like the Holocaust from happening again) and zero refer specifically to colonial genocides in the Americas. Further, there is no mention of specific genocidal instances on any continent and obviously no mention of the Rwandan genocide as it had not yet occurred.

Article II of the Convention states that, “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” These acts include, killing, causing bodily harm, causing mental harm, sterilization, and/or forceful transference of children from one group to another (UN, 1951). Moreover, and perhaps most importantly in the case of this document and in the context of this paper, Article XII states that, “Any contracting party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible” (UN, 1951). Put simply, this states that control over non-sovereign territories (i.e., colonies) is left to the nation-state that has imposed itself as sovereign in those areas. However, looking at this from a decolonial and critical race perspective, this inclusion of a loophole through which colonizers can escape international justice on a technicality, shows how power in a colonial context has evolved and continues to impact/shape international relations. These are serious allegations which have

powerful implications for potentially proving claims that the UN is an inherently imperial institution, set up to protect the interests of colonial powers instead of the interests of all humankind, no matter their race or creed.

The UNDRIP is a non-legally binding resolution, presented at the UN General Assembly in 2007 to assert that indigenous peoples should be privy to the same rights as the rest of humankind. Article 3 of the UN Declaration on the Rights of Indigenous Peoples states: "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Parts II and III in Article 46 of the same Declaration read as follows: In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith (UNDRIP, 2007).

Even if a few powerful ideas are put forth in the Declaration as a whole, this conclusion completely counteracts the contents of the rest of the Declaration. Article 46 completely cancels out Article 3 (to name a specific clause, though the rest of the UNDRIP is also impacted) according to the repugnancy clause as detailed by Roger Merino Acuña in his article *Critical Human Rights and Liberal Legality* (Acuña, 2013). According to Acuña, self-determination is an incredibly important principle that must be put in practice if liberation of indigenous peoples from colonial structures is ever to become a reality. However, hegemonic legal structures are not equipped to conceptualize and allow implementation of autonomy for indigenous peoples, as evidenced by the inclusion of Article 46 which effectively absolves the UN and its parties of any action in addition to the fact that almost no imperial power ratified the UNDRIP.

Human rights, especially those applied in a genocidal context, are biased tools manipulated and made to appear universal but in reality, they provide “no platform to recognize a real indigenous autonomy” (Acuña, 2013). Historically, change must come from outside liberal legal systems because these frameworks are not equipped to advance the indigenous cause and cannot make a difference because these institutions are biased to begin with. This author wishes to respect the Declaration to recognize the work put in by leaders and lawyers of various indigenous communities around the world; *however*, does working within a framework as historically imperialist as the UN’s truly advance the cause/struggle of indigenous peoples all over the world? To be frank - no, it does not.

Further, the UNDRIP mentions the word genocide in an indigenous context only once in Artcile 7, Section II, stating that, “Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group” (UNDRIP, 2007). In

fact, when speaking of past injustices indigenous peoples have suffered vis a vis colonization, the UNDRIP again fails to mention genocide specifically: “Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests” (UNDRIP, 2007). Why would the one charter in the history of the United Nations that is focused on the life and rights of Indigenous Peoples decline to mention one of the most impactful, harmful and hurtful events in indigenous histories across the globe?

Frantz Fanon offers an interesting insight at this point. He wrote, “Sometimes people hold a core belief that is very strong. When they are presented with evidence that works against that belief, the new evidence cannot be accepted. It would create a feeling that is extremely uncomfortable, called cognitive dissonance. And because it is so important to protect the core belief, they will rationalize, ignore and even deny anything that doesn’t fit in with the core belief” (Fanon, 1952).

It’s obvious that mentioning genocide would completely undermine not only the United Nations as an institution, but the very hegemonic structures that uphold it. The reality is that this hegemonic world order is founded not only on genocide but also on the negation that they were capable of committing such atrocious acts. Without this negation their minds would rupture, so this premise is replaced with an alternative narrative. Genocide could not have been and cannot be committed against indigenous peoples in the mind of the colonizers because they have had to dehumanize them to the point that the life of an indigenous person is worth no more than the life of a pesky fruit fly. Now, after dehumanizing them, colonizers are able to frame themselves as white saviors, rescuing the “savage” from his terrible state of nature. “In the colonial context the settler only ends his work of breaking the native when the latter admits loudly and intelligibly the supremacy of the white man’s values” (Fanon, 1952). This way, the colonizer never has to see himself for what he is: a murderer.

Article IV of the Geneva Conventions (1949) sets rules that must be followed with regards to civilians in a time of war, presents a definition of who is a “protected person,” and stipulates how protected persons should be treated. Article IV of the Geneva Conventions contains zero mention of the word genocide, in any context. However, the Convention offers helpful context to how protected persons should be treated in a time of conflict. Moreover, although the law in this case cannot be applied retroactively, the fact that some or all of these protocols have been broken in colonial contexts (i.e., Syria, Yemen, Darfur, Iraq, Côte d’ Ivoire, and Afghanistan to name just a few) after the Conventions were ratified has a lot to say about the pervasiveness of otherization and dehumanization in the application of international humanitarian law.

According to Article IV of the Geneva Conventions, a protected person is someone who is taking no part in the hostilities of war yet at any given moment finds themselves, in the case of a conflict or occupation, in the hands of a party to said conflict or in the hands of an occupying power of which they are not nationals. This definition as set forth in the Convention includes “members of armed forces who have laid down their arms,” and it is expected that all protected persons be treated humanely under all circumstances, “without any adverse distinction founded on race,

colour, religion, or faith, sex, birth or welath, or any other similar criteria" (1949). In addition to requiring that all protected persons be treated humanely, the Convention also prohibits the following behaviors with respect to any and all protected persons: "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; taking of hostages; outrages upon personal dignity, in particular humiliating and degrading treatment; the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples" (1949).

Each of these prohibited acts was committed on Hispaniola, formerly known as Quisqueya, what is now the Dominican Republic and Haiti against protected persons (elders, women and children) taking no part in the hostilities of war, as shown by this account written by Bartolomé de las Casas, a Franciscan priest sent with the Spaniards to document the colonies: "A Spaniard...suddenly drew his sword. Then the whole hundred drew theirs and began to rip open the bellies, to cut and kill [a group of Tainos assembled to deliver encomiendas] men, women, children and old folk, all of whom were seated, off guard and frightened...And within two credos, not a man of them there remains alive. The Spaniards enter the large house nearby, for this was happening at its door, and in the same way, with cuts and stabs, began to kill as many as were found there, so that a stream of blood was running, as if a great number of cows had perished. Elsewhere, [de las Casas] went on to recount how in this time, the greatest outrages and slaughterings of people were perpetrated, whole villages being depopulated...The Indians saw that without any offense on their part they were despoiled of their kingdoms, their lands and liberties and of their lives, their wives, and homes. As they saw themselves each day perishing by the cruel and inhuman treatment of the Spaniards, crushed to earth by the horses, cut in pieces by swords, eaten and torn by dogs, many buried alive and suffering all kinds of exquisite tortures... [many surrendered to their fate, while the survivors] fled to the mountains [to starve]" (Ward Churchill, 1994).

The same pattern extends across time; we can see that the same is happening in Syria, Afghanistan, and Iraq. In Syria, cities are indeed being depopulated, people are being forced to flee their homes. In Afghanistan and Iraq, white phosphorus, a chemical weapon banned by the UN, has ravaged entire villages overnight (Meuse for NPR, 2017), tearing flesh from the bodies of women, children, men, and animals in the vicinity, incinerating the lungs on contact. Why did this happen? Why does this continue to happen? Power continues to be taken by fear mongering. Land continues to be stolen by wiping the original inhabitants off of it as if they never existed.

Just as gold was mined by working indigenous slaves to death, and Western wealth was accumulated by enslaving millions of Africans, oil has also been claimed at the expense of the sovereignty and stability of entire regions. Cheap labor and control over resources are apparently still more valuable than a human life. Dehumanization is evidently still enough of an excuse to reduce a human life to less than nothing. The cycle of colonial oppression established and legitimized by the genocide of millions of indigenous peoples in the Americas continues today. Is the prosecutorial body the UN created in the face of these "grave human rights abuses" equipped to prosecute crimes of genocide if they are committed by the very nations that founded the UN? Is something better than nothing? Or does the UN's judiciary structure simply serve to punish

those committing genocide on the periphery, while their examples in the center (such as the U.S., France and China) continue to get away with murder?

The Rome Statute of the International Criminal Court (ICC) was passed by the United Nations General Assembly and the Security Council in 1998 in Rome, Italy. The Statute established the ICC and gave the Court jurisdiction over grievous crimes “of concern to the international community as a whole” (Rome Statute, 1998). The Court is located at The Hague, Netherlands and is complementary to the International Court of Justice, with power to prosecute individuals and states accused of the following crimes: genocide, crimes against humanity, war crimes, and aggression (Rome Statute, 1998).

The word genocide is applied in six distinct instances in the document overall. The term genocide is employed zero times in direct relation to the Holocaust. However, the beginning of the Statute does read as follows: “during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity” (Rome Statute, 1998). The use of the phrase “this century” heavily implies that the atrocities responsible for shocking humanity include the Holocaust, which occurred in the middle of the 20th century, during World War II. The term genocide is used zero times in reference to conquest in the Americas. The term killing appears 4 different times in this document, each instance with no direct reference either to the Holocaust or genocides of conquest. It’s important to mention that only one of these instances in which the term killing appears occurs within the specified “Genocide” section of the Statute (Rome Statute, 1998). The term extermination appears twice: once to introduce the term as a crime against humanity, and the other to define the term (Rome Statute, 1998). There is no reference to any specific instance of genocide within the document as a whole. Finally, there is no specific mention of the Rwandan genocide or any colonial context, although the document could also be alluding to the Rwandan genocide when it mentions “atrocities” that occurred in “this [the 20th] century” (Rome Statute, 1998) as the Rwandan genocide occurred in the year 1994. Furthermore, the International Criminal Tribunal for Rwanda, set up by the UN Security Council in Tanzania under the auspices of the International Criminal Court, was the first international court to pass a judgement on genocide, setting important international, legal precedents (Leithead for BBC, 2015). That tribunal ran for 21 years, finally adjourning in 2015.

In the preamble of the Rome Statute we read, “Recognizing that such grave crimes threaten the peace, security and well-being of the world,” (Rome Statute, 1998). Why are we only mindful of the unimaginable atrocities that occurred in “this” century (i.e., the 20th century)? Why do those crimes shock the conscience of humanity so deeply? Why did the Holocaust shake western civilization to its very core? Because never before had a people with such proximity to whiteness been subjected to the atrocities mentioned in the Rome Statute. Never before had a people with such proximity to whiteness been victims of genocide after colonization and the Columbian encounter/exchange. The former threatened the well-being of structures of power beneficial to hegemony and the West, while the latter is responsible for the successful creation of these structures of power that have persisted into modernity.

This begs the question: On the other hand, why is it that a genocide that literally changed the course of the ecology of the planet (Koch et. al., 2019) and laid the foundations for Western civilization and dominance in modernity is rarely mentioned? Why is it that this genocide has not been utilized to shape discourse surrounding genocide in both domestic and international contexts? The answer is simple: If the barbaric, systemic and heartless killings of indigenous peoples of the Americas, starting with the genocide of Tainos on Hispaniola, on to the ones that followed (including massacres of Arawak, Inca, and Maya; Apache, Cherokee, and Mohawk), were to be used in the formation of genocidal discourse, Western civilization would face a crisis of cognitive dissonance, as has previously been established in this section (Fanon, 1952).

Findings

We owe our current world system to the millions of murdered Indigenous women, children and men upon whose mutilated bodies settlers founded a ‘brave new world.’ What these settlers did was truly revolutionary - it had never been done before - and it is the basis of the current Western-centric, capitalist, hegemonic order. But, in order to uphold the myth of white supremacy and the structure of Western societies, and in order for the system of humanitarian justice that allows for countries that have placed themselves in the political center to continue to exploit countries they have placed in the periphery, the colonizer cannot see himself for what he is - a murderer, a rapist, a cold-blooded killer - and must paint himself as a liberator. The first step to dismantling oppressive systems of power, then, is to break this myth, to shatter it into a billion pieces.

Jose-Manuel Barreto writes about the colonizer as he is, directly complicit with the suffering he has caused the colonized, and helps us understand the link between power in modernity and genocides of conquest, using Foucault’s theory of power/knowledge. He writes, "There is an immediate and inexorable link between the power of empire and the suffering of the colonized. The development of the concept of empire/suffering can benefit from revisiting Foucault's dyad 'power/knowledge,' focusing on its idiosyncratic structure. There exists a causal relation between power and knowledge: 'There is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.' The counter-intuitive notion according to which knowledge is always the product of the operation of power is 'paraphrased' here by the notion of empire/suffering, which encapsulates the all too obvious but neglected historical fact that the deployment of colonial violence was and continues to be followed by pain and anguish in the bodies and minds of the victims of imperialism. In every deployment of imperial power there has been, as an unavoidable consequence, a causation of suffering. Empire and suffering are inextricably and necessarily linked. Empire/suffering does not enshrine another modern binary opposition; rather it highlights an amalgam of two inseparable sides: suffering is a potency residing in imperial power, and the consequence of the materialization of power. In the context of modern colonialism this translates into the cruelty of empires which may extend as far as exterminating their victims en masse, and into the suffering of the colonized" (Barreto, 2012).

Empire has been built upon the graves of indigenous peoples and on the backs of slaves. Genocide in a colonial context was used as a new politic - that of worldbuilding as requiring a new

and radical act, such as murdering 55-65 million people (Koch et. al., 2019) to agglomerate wealth for the motherland. Sinisterly, and to impede the colonized from turning around and employing that same politic of worldbuilding but as a foundational revolution and resistance to the system, genocides of conquest had to (of course) be erased from the narrative. The truth can't set anyone free if they don't know it.

"Hiding crucial aspects of their genealogy, Eurocentric theories of rights afford little or no significance to the history of the relations between the Third World and modern empires...By framing human rights in conceptions of history based exclusively on European milestones, the theory of rights remains within a Eurocentric horizon of understanding" (Barreto, 2012). Colonization is the project of European settlers thinking they knew best and forcibly transferring that knowledge in a context they did not understand. They transplanted Eurocentric ideals to places the world over and violently insisted: this is the "right way" to be, to exist, to govern, etc. What do you have to do to a people to justify colonizing them, both to yourself and to those people? You dehumanize and other them, pull rhetoric out of thin air that says you are superior to them because they have darker skin and wear less clothing. You then destroy their knowledge, their ways of producing knowledge. You have to destroy their way of existence, the way that they produce and practice culture, tradition, what they value. You have to destroy all of it. As has been shown, this is exactly what happened, and the suffering that ensued in the wake of the establishment of empires was appalling. That is who the perpetrators of colonial violence should see when they look in the mirror - someone who murdered and cheated and stole their way through to hold the positions of power they do now.

To understand how epistemology can aid in decolonization, it's helpful to look back and analyze how this same process aided in colonization, but one must be careful in this endeavor not to repeat the atrocities committed by colonizers (this is what most likely happened in Rwanda).

Axiology is the way colonizers ascribed worth to everything from the people to the land, quantified in terms of what the colonizers can gain by exploiting these people and things that to them are now resources. Axiology then informed epistemology - how one conceives knowledge and how one transfers knowledge, and what knowledge one sees as valid. Epistemology then shapes ontology - what is and what one knows about what is. Postcolonialism, and settler colonialism are the institutions and governance structures which are based off of those beliefs that were brought upon first contact. This narrative has been shaped, formed, and propagated by colonizers, and shoved down the throats of the colonized. The colonizer creates and sets the norm. The argument then is that this same structure can be flipped on its head and be used in favor of the marginalized. Barreto argues that the only possible way in which this 'flipping' can be achieved is by attempting to arrive at some notion of universal knowledge through a process he calls "epistemological decolonization." He claims this process will "clear the way for new intercultural communication; for interchanging experiences and meaning as a basis of another rationality which may legitimately pretend to some universality" (Barreto, 2012).

However, what settler colonialism does to us is that it makes us exist within all of these institutions - the intercultural communication Barreto is proposing take place in the stead of revolution would

be held within these colonial institutions. In other words, Barreto is saying that intercultural dialogue is a political tool that can replace revolution as the means of liberation. It is simply not that simple. To say that intercultural conversations can dismantle the structures that uphold empire and replace the hegemonic system undermines the violence the empire resorted to and the suffering said violence caused the colonized. How is it then that the empire can be torn down and the suffering that colonial conquest brought with it be made right?

Boaventura de Sousa Santos agrees with the previous points made by Barreto and argues that “the emancipatory potential of Law can be found on the legal dimension of counter-hegemonic global struggles developed by organizations and social movements” (Acuña, 2013). According to subaltern cosmopolitanism what makes liberal legality hegemonic is the specific use that the powerful make of it, but de Sousa Santos argues that, if the Other could somehow figure out a way to adopt these methods, it becomes possible to use hegemonic tools (laws and rights recognized by the state) for non-hegemonic aims. “'Law is not emancipatory or non-emancipatory; emancipatory or non-emancipatory are the movements, the organizations of the subaltern cosmopolitan groups that resort to law to advance their struggles'" (Acuña, 2013).

However, Acuña clearly states that the "problem with this approach is that it tends to see liberal legality as neutral,” when in fact its basis is committed to a capitalist political economy and Western modernity. “The focus on ‘human rights,’ ‘consultation,’ and ‘participation’ in all the binding instruments of ‘recognition’ of indigenous people’s rights is made at expense of ‘self-determination,’ ‘autonomy,’ and the necessity of ‘consent,’ communal rights that have profound redistributive features since they entail a limitation to the expansive nature of capitalism” (Acuña, 2013). In short, the master’s tools cannot dismantle the master’s house (Lorde, 1984).

In the context of what the literature points to as ‘wrong’ with the human rights framework (in theory, in the law, and in praxis) what benefits are there to these various declarations and what negative consequences could come from their existence in a space that negates the consideration of the entirety of history whilst simultaneously shaping discourse? Moreover, what is the significance of the supposed neutral/gray area where neo-colonizers like the US, Canada, Australia and New Zealand reside when they do not accept declarations and resolutions of this nature as legally binding documents, and refuse to recognize and work with indigenous peoples? All that said, at this point, the author would also like to discuss alternatives to working within the hegemonic system and its liberal legal facade/restraints. What would a modern revolution look like?

Recommendations

Discourse Revolution

Frantz Fanon spent a lot of his time thinking about that last question, and, for this author, truly, revolution is the only way out of a system so pervasively oppressive and corrupts as is the current hegemonic structure. He wrote, “Why don’t they stay where they belong? Of course!! Here lies the tragedy: it is said that they should stay where they belong. Only we told them they were French… We inserted France into everywhere, into their body, into their ‘soul,’ into every place

where something might prove great" (Trojan, 2016). Colonized bodies are docile bodies, exiled to the periphery of the world system. Unfortunately, this means they are otherized, racialized, and dehumanized. They are treated as objects rather than as individuals and subjected to greater oppression than docile bodies at the center of the world system.

Yet, this also allows the colonized to be uniquely positioned as it relates to escaping the disciplinary regime, seeing as the disciplinary regime doesn't fully accept them in the first place. This proximity to the periphery, this "ejection of [the colonized] from the world in which they had been told that they belonged," becomes a blessing in disguise because it is also what puts the colonized in a position to successfully orchestrate a revolution. "To suffer the condition of the colonized is to exist fundamentally without a world, to suffer world-lessness" (Trojan, 2016). Is it any wonder that a human being put in this position, without a place in the world as it is, would want to create a new one? One must wonder, what would have happened if the inhabitants of what is now the Americas had reached Europe before Europe reached them?

Foucault, however, claims that dominant regimes always resist revolutions, dodging change in an expert manner, because they must - it is an act of self-preservation. This is the one issue the author takes with Foucault's theoretical framework: he makes no room for any normative possibility of change. For Foucault, the way regimes resist foundational, revolutionary change is by making restorative, adaptable changes that change disciplinary technique without compromising the deeper, desired effect (i.e., the creation of useful, docile bodies). Foucault describes these changes as, "[small] acts of cunning endowed with a great power of diffusion, subtle arrangements, apparently innocent, but profoundly suspicious, mechanisms that obeyed economies too shameful to be acknowledged, or pursued petty forms of coercion - it was nevertheless they that brought about the mutation of the punitive system, at the threshold of the contemporary period." This author agrees with Foucault on one point: Regimes *always* resist revolutions. If there wasn't resistance, there wouldn't be much chance for a revolution in the first place. However, from Foucault's point of view, change is apparently something that can only be employed by the disciplinary regime to redesign its facade every time it's threatened. This view of change is restorative, comparable to fixing up an old car with fresh paint, new rims, and maybe a new set of tires, but nothing fundamental changes and it's the same car in a different color.

For Fanon, on the other hand, revolutionary change must be foundational. Meaning, the old car is sent to the junkyard and melted down, and then the hard work of building a brand-new car from scratch begins. On why this dismantling and subsequent forging must occur, Fanon writes, "Dominant publics are by definition those that can take their discourse pragmatics and their life-worlds for granted, misrecognizing the indefinite scope of their expansive address as universality or normalcy. Counter-publics are spaces of circulation in which it is hoped that the poesis of scene making will be transformative, not replicative merely" (Trojan, 2016). Although resistance to revolution will always be present, it will be useful in the sense that it will fuel a conflict which can serve to strengthen a foundational revolution. Moreover, this proves that a regime making adaptable changes is not revolutionary but restorative, and restorative changes are problematic because they allow for sinister perpetuation of unjust systems of oppression by framing these systems as universal truths or correct. A foundational revolution would not allow the old system

to regenerate, because the first step of this type of revolution is to take down the system, the old disciplinary regime, in order to make room for a completely new beginning.

The foundation referred to in this case is ideology, axiology, and epistemology. As demonstrated ad nauseum, the inequities present in current world systems are not accidents of nature or the results of phenomena beyond human control. On the contrary, they result from actions and omissions of public institutions and others charged with protecting human rights and upholding human dignity. This article has demonstrated the harm that omissions of colonial genocides have caused. This author also sees a path forward to correcting this harm. It is as powerful and as simple as changing the language we use in the defining, policing, prosecution, and punishment of genocide. In short, changing the language surrounding genocidal discourse would allow for a revolutionary shift in power from the top to the bottom, from the North to the South, from the oppressor to the oppressed.

Future Research

This study cannot be taken as a means to reform the UN, but it can inform future research that may wish to work within the hegemonic system. Further research is also required to establish whether genocides of conquest have any sort of bearing upon judgments of the ICC as they pertain to tribunals established to bring war criminals to justice. This is a completely separate body of documents that this researcher did not access, but that would serve a valuable purpose to add even more nuance to this study and/or others that may follow.

Conclusion

The purpose of this study was to analyze if an omission of genocides of conquest exists in dominant discourse surrounding genocide. This purpose was achieved, and the author has found/concluded that colonial genocides have been omitted from the record, erased from history, as it were. What the omission of these genocides means reveals so much about current structures and systems of power - it reveals that Western political thought and civilization is not so much based on values/ideals of democracy and liberty, but more so founded upon genocide (i.e., systemic killing of a racial/ethnic group) as a means of creating a new world order, stealing/pillaging of indigenous lands, and exploitation of indigenous and African bodies, among other atrocities that, yes, are indeed crimes against humanity.

These genocides are the foundation of modernity and hegemonic world order. The fact that colonizers have still *not* been held accountable has enabled/perpetuated the following: (1) Colonizer nations have grown economically and privileged to have an excess/surplus created by a capitalist system built on stolen land (access via the systemic extermination – genocide – of indigenous peoples) and stolen lives/labor (enslavement/diaspora of African natives). (2) Colonized nations have been oppressed and unable to grow economically because their life ways have been destroyed, any crops grown were exported (food deserts and starvation in a fertile land) to the hearth of empire (colonizer nations). The island nation of Haiti is an example of this. Beyond being colonized, and in the ultimate act of cruelty and irony, Haiti was later forced by

France, under threat of neo-colonization, to pay reparations to its colonizers (Porter et. al., 2022). (3) Finally, lack of accountability has allowed for perpetuation of racist and inherently oppressive narratives. These unresisted discourses have contributed to current manifestations of this crisis: including police brutality against colonized bodies living within the confines of empire and perpetuation of genocide within former colonies against ethnic minorities (e.g., Rwanda) and on the part of corporations[2].

Power, how power is held, exercised and distributed has been predicated by these genocides and the fact that they reorganized the world in favor of murderers. If the reader can see this thread, then the author has succeeded in what she initially set out to do. Beyond this realization, the author also hopes that you desire and are willing to work towards justice and change. What exactly would justice look like? Well, hegemony is power but it can't turn back time (nor would it want to, all things considered) or bring back the dead. What it can do is take its proverbial foot off the necks of the descendants of the dead and *allow* them to breathe, to live, to grow, to die in peace when it is their natural time to leave this earth. Hegemony owes a monumental debt, considering the fact that a life is surely worth more than gold, and they've taken millions. To repay this debt, the system must ensure that the descendants of those it murdered carry out a quality life. However, because the system's survival is predicated upon the oppression of those descendants, of those colonized, docile bodies, it will not do these things. Hegemony can't bring back the dead - but it can be dismantled. Only through ideological and structural revolution can the system be changed enough for justice to be achieved. We, the people, not the system, bring justice to the dead.

This is the author's contribution to knowledge in this field: a challenging of knowledge itself. Not on what genocide is, we know very well how barbaric, how sad genocide is and what constitutes a "genocide." No, this article challenges what genocide does and what it means for world systems. This article demonstrates that genocide is the foundation of a hegemonic world system. The U.S., for example, "succeeds" not because the U.S. is successful - the U.S. succeeds because the U.S. committed genocide. "Two centuries ago, a former European colony decided to catch up with Europe. It succeeded so well that the United States of America became a monster, in which the taints, the sickness and the inhumanity of Europe have grown to appalling dimensions" (Fanon, 1952). The success of this empire is a product of the blood spilt by colonizers, with no regard for life. By contrast, Haiti is a "failed state", not because Haiti is a failure - Haiti "fails" because it is a product of pain, suffering and death inflicted at the hands of empire (Barreto, 2012), for the benefit of empire and the detriment of the (newly formed category and narrative to justify atrocities) 'less-than-human' native.

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[2] "Land judged to be valuable to corporations would be bought or forcibly seized by paramilitaries and sold to rich individuals or corporations. When someone refused to buckle under the weight of threats, the paramilitaries resorted to violence… In Colombia, on Dec. 6, 1928, Chiquita—then the United Fruit Company (UFC)—got the police and army to massacre hundreds of banana workers striking for better conditions. Colombians still refer to the so-called 'masacre de las bananeras.' UFC is infamous throughout the region for its intense lobbying effort in Washington, which eventually helped lead to a CIA-instigated military coup d'état in Guatemala in 1954, overthrowing the democratically elected reformist social democratic president Jacobo Arbenz and installing military dictator Carlos Castillo Armas. This helped unleash a civil war that ended with a quarter of a million dead, and what the United Nations has termed "genocide" against the indigenous Maya population." (Kennard 2017).

For Foucault, there is no escape from the disciplinary regime. Systems of power-knowledge are deeply embedded within society. It is these disciplinary structures that create individuals, shaping them into docile bodies to be exploited for the benefit of the same system (Foucault, 1975). These bodies are continuously observed, subjected and expected to live in accordance with what Foucault calls the "normalizing power" (Foucault, 1975). Insomuch as discipline makes individuals, the panoptic gaze of the disciplinary regime also makes it so that individuals cannot step outside of societal norms imposed by said regime.

However, what this author wishes to remind the reader of is this: Before European hegemony willed itself into existence, and before Western thought dominated a modernized world, there was no global, disciplinary regime formed by a dominant discourse. There was no universal notion of "normal." The world was decentralized, and the discourse which informed power-knowledge in Europe, was not the same as the discourse that informed power-knowledge in pre-Columbian America, ancient Oceania, or pre-colonial Africa. Fanon shows us that the colonial project is the beginning of an imposition of European (colonizer) norms upon indigenous populations (colonized), which would result in the oppression and exploitation of the colonized.

Discourse preceded genocide, discourse justified genocide, and discourse continues to perpetuate systems of oppression built upon terror and genocide – built upon crimes against humanity that no one has paid for committing, that no one has received justice for enduring. Therefore change involves countering the false narrative of white saviorism – that fallacy that preaches "Europe did it right, so Europe has to save the poor little colonies." No, actually, they did it wrong and upended life-ways in a previously self-sufficient and flourishing ecosystem and civilization. It is their oppression that subjugated them in the first place (Freire, 1970).

Based on these conclusions, practitioners should consider ideological and structural revolution as a viable means of abolishing the current, oppressive world order and founding a new and equitable one, with the principle of justice enacted to counter continued implementation of colonial violence. We "realize at last that change does not mean reform, that change does not mean improvement," and that "we must make a new start, develop a new way of thinking, and endeavor to create a new man" (Fanon, 1952) for the system to ever really change. We must build a new world; one that recognizes genocides of conquest and gives power back to those it was taken from so long ago.

In 1492 Columbus sailed the ocean blue. What that would mean for the peoples indigenous to the Caribbean and what that still means for their descendants is certainly death, torture and oppression in the various forms that have been detailed in this paper. However, contrary to the narrative that is propagated about this people - the Taino people, this author's people, the first to receive colonizers in the "new world" and offer them refuge and sustenance, for which they received repayment in the spilling of their blood - they are not extinct. To be clear, the fact that their genocide is not included in the dominant discourse and the fact that they are erased and portrayed to be extinct is another form of genocide; truly, a way to 'finish the job' started by Spanish conquistadors, and later the French, Dutch and British, among others. Yet, in spite of this continued oppression, they live on. *They live on*. And the fact that they do is in and of itself a

counterargument to a discourse that would rather paint this resilient people as dead. Their very life is an act of rebellion, a subversion of hegemony's narrative; their continued existence and resistance is a revolution.

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