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# Malignant citizenship: race, imperialism, and Puerto Rico-United States entanglements

Ileana I. Diaz 

Department of Geography and Environmental Management, University of Waterloo, Waterloo, Canada

## ABSTRACT

As inhabitants of a US territory, Puerto Ricans experience their American citizenship under a set of constraints, shaped by processes of colonization, imperialism, and racialization. This paper is concerned with thinking through and developing a theorization of citizenship and life in Puerto Rico, by exploring the history and legislation of US citizenship for inhabitants of the island. It posits that the citizenship held by Puerto Ricans is a kind of disguised malignancy that cannot be understood solely by charting the legal history and formal status of the residents of the island. Instead, the citizenship of Puerto Ricans must be understood as a deeply racialized product of centuries of colonization and imperialism, the consequences of which are not easily shed and cannot be accounted for through liberal political theory. Rather, citizenship actually works to simultaneously cement and invisibilize the ways in which Puerto Rican lives are continuously rendered less valuable and their deaths less grievable. Regarding the citizenship of Puerto Ricans, I argue that racialization and racism are inherent to current United States-Puerto Rico relations. As such, this paper articulates 'malignant citizenship' as a term which accounts for the colonial/racial foundations and current iterations of citizenship for Puerto Ricans.

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## Introduction

Citizenship is often understood as the fundamental means through which subjects are able to access the rights which enables access to resources, services, and the ability to stay in place. Conversely, scholars have outlined the processes through which statelessness can produce a loss of citizenship, and how, through this loss of citizenship, people become stripped of rights (Arendt 1951; Fudge 2014; Marston and Mitchell 2004). The 'right to have rights' has been tied almost irrevocably to the material and symbolic institution of citizenship (Arendt 1951). For Puerto Ricans, who hold a legislated form of birthright American citizenship, citizenship has been transitory, confounding and limiting; rights that citizens hold on the mainland do not always apply in Puerto Rico for those born there. Furthermore, even for those who now reside on the mainland, the citizenship that Puerto Ricans hold has not prevented the lives of Puerto Ricans as a group being undervalued by the state. The citizenship of Puerto Ricans has taken

**CONTACT** Ileana I. Diaz  [idiiaz@uwaterloo.ca](mailto:idiiaz@uwaterloo.ca)

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several forms since 1898 when the United States acquired jurisdiction over Puerto Rico. The island's status within the United States has also changed over time. As an unincorporated territory, often colloquially called a commonwealth but certainly not a state, Puerto Ricans experience their American citizenship under a set of limits and constraints, shaped by processes of colonization, imperialism and racialization (Alamo-Pastrana 2016; Barreto and Lozano 2017).

Initially, with the passing of the Foraker Act of 1900, the Spanish citizenship held by the island's inhabitants was transformed into a Puerto Rican citizenship that guaranteed the 'protection of the United States' (Foraker Act 1900). In 1917, under the Jones Act, the United States naturalized residents of Puerto Rico as United States citizens, while preserving the island's status as a territory outside of the Union and codifying the right for residents born on the island to retain their Puerto Rican citizenship exclusively by declaring their intention not to become an American citizen at a district court (Jones Act 1917). With the amendments made to the Nationality Act in 1940, persons born in Puerto Rico 'on or after April 11, 1899' were declared citizens, regardless of their current status (Nationality Act 1940, 1139), shifting their citizenship from one of naturalization to one of birthright, albeit a citizenship that is understood to be granted through legislation rather than the Constitution (Álvarez González 1990, 327).

While the history outlined above might indicate a rather straightforward legislative evolution of their status as US citizens, the extension of United States citizenship to Puerto Ricans was always marked by a deep concern about the race of Puerto Ricans and what their incorporation into the nation might mean. This white supremacy was mediated by US geopolitical strategies and the desire for territorial expansion while avoiding the unintended incorporation of the nonwhite populations inhabiting its newly annexed territories (Font-Guzman 2015; Perea 2001). From the period between 1901 to 1917, twenty-one different bills concerning the citizenship of Puerto Ricans went before Congress, most of which failed (Torruella 2013, 75). The acts that were passed at this time regarding the citizenship of Puerto Ricans – the Foraker Act of 1900 and the Jones Act of 1917 – left much room for uncertainty in their interpretation, with citizenship becoming not an agreed-upon, formal status but rather a flexible category with ambiguous meaning. Meanwhile, a string of legal and popular articles debated the social, political and racial implications of the status given to newly annexed territories<sup>1</sup> and the 'insular cases,' a broad series of cases that set the legal precedent for how the continental United States deals with Puerto Rico, the Philippines, Hawaii, Alaska, and other discontinuous territories were decided between 1901 and 1922 (Duffy Burnett and Marshall 2001; Font-Guzman 2015; Erman 2018). It was decisions made in these insular cases which decided what new territories would be classified judicially as 'unincorporated territories,' allowing US jurisdiction over these lands, without granting the inhabitants of such lands the ability to affect US legislation and policy (Duffy Burnett and Marshall 2001; Font-Guzman 2015).

With this paper, I explore the often ignored and undertheorized aspects of citizenship that go beyond examining Puerto Ricans' citizenship as simply a formal legal status. The spaces of citizenship – where it is enacted, and in what configurations – for Puerto Ricans have been shaped by the dictation of US geopolitical aspirations, the waging of power over and the management of life on the island. Much of the writing on the citizenship of Puerto Ricans is concerned primarily with understanding its convoluted history and its

formal legal dimensions (see for example: Cabranes 1978; Rivera-Ramos 2001; Meléndez 2013; Venator-Santiago 2013, 2015, 2017). My efforts here are directed beyond liberal conceptions of citizenship and are concerned with thinking through and developing a theorization of citizenship and life in Puerto Rico. This theorization posits that the citizenship that Puerto Ricans hold can be understood as a malignancy, working on and through bodies to both obscure and ensure that Puerto Ricans' lives continue to be shaped by racial disparities. Despite the obvious inequities of citizenship that exist for Puerto Ricans and other inhabitants of US territories, the purpose of my argument is not to advocate that Puerto Rico, by virtue of its inhabitants' citizenship become incorporated into the United States fully, nor do I advocate for any particular political outcome. Rather, this paper outlines the limits to citizenship as an institution that is put in place not only to control populations but to further imperialist pursuits. I posit that articulations of citizenship must explicitly include discussions of race and racialization as they pertain to violent political relations. Furthermore, any understanding of the citizenship of Puerto Ricans must also be disentangled from liberal conceptions of citizenship.

The term *malignant citizenship* is a theoretical framework that I propose to understand the colonial, racial and violent aspects of citizenship. My thinking on the particular form and experience of citizenship for Puerto Ricans is greatly influenced by reading and reflecting on Mbembé (2003) and Stoler (2013). It seemed to me in reading both texts, that the context of life in Puerto Rico as an unincorporated territory could be described in terms of both *necropolitics and ruination*. Yet, engaging with Puerto Rico also requires being attuned to the ways in which Puerto Ricans might be conceived of as privileged beneficiaries of a citizenship that people die and take great risk trying to access. As such, any theory of citizenship in Puerto Rico must account for the ways in which something that might seem to be beneficial or at worst a kind of benign annoyance can actually do great harm.

As a malignancy, citizenship exists both in political/social discourse and in the bodies of those who hold it; here, Mills' (1999, 2001) discussion of the racial contract is instructive, framing race and racist exploitation as foundational to the liberal body politic and nonwhite bodies as the waste of a privileged white citizenry (2001). Malignant citizenship gestures to the ways that citizenship lurks in the background, undiagnosed as a vector through which unequal status is cemented, while remaining invasive, and seemingly unshakeable in its consequences. Malignant citizenship is durable, defined by the ways that race is invisibly sutured to citizenship and thus secures and hides in plain sight the unequal status and devalued lives of Puerto Ricans. I owe much to the ways in which Stoler (2013) describes the permeating and polluting ruination of 'imperial formations,' which are unfinished, 'becoming' and always racialized to my analysis here (8). I also rely on Mbembé's (2003) articulation of necropower to discuss the ways in which citizenship can be unevenly enacted and used to control life and make death more possible. I understand malignant citizenship to be undergirded by a term I coin *citizenship necropolitics*. Citizenship necropolitics refers to the ways in which life in the colony places colonized peoples into a space closer to death, and the ways in which citizenship can facilitate and embody the 'subjugation of life to death' (Mbembé 2003, 39). While citizenship itself is not killing Puerto Ricans, the citizenship status conferred onto Puerto Ricans forms part of a matrix of colonial inequalities that the island is subject to, and directly shapes the

spaces, experiences and possibilities of Puerto Ricans and the island itself, that place them in closer proximity to death. Foundational to this is the understanding that Puerto Ricans were racially inferior and not deserving of incorporation as citizens with full rights.

### Developing a theorization of citizenship, death, and life in Puerto Rico

Citizenship for Puerto Ricans is a category that is much more complex than a question of either being/not being a citizen. Instead, we could ask who grants citizenship and why? What different forms does citizenship take? Who experiences citizenship differently than 'the norm' and how does this shape life conditions? For example, Carrasquillo (2006) describes 'marginal citizenship' as the efforts of landless peasants 'to guarantee the survival of the majority outside the realm of formal politics' (113). While not articulated as such by those who practiced it, it was a form of citizenship with origins outside of the state, existing to subvert the control of criollo elites. Marginal citizenship worked through and against the context of the end of Spanish rule where elite control of land made life nearly unliveable for landless peasants and the hypercapitalist transition to American control which only exacerbated the poor living conditions of Puerto Rico's landless poor. All this is to say that malignant citizenship for Puerto Ricans does not begin or end with their American citizenship, nor is it the only possibility. Yet, the focus of this essay is to describe the effect of formal legal citizenship.

Citizenship for Puerto Ricans works to *limit* rights, control bodies and secure land and resources. The extension of American citizenship to Puerto Ricans works not so much to include Puerto Ricans into the nation, but rather to extend the borders of the United States, exert ownership over spaces and hold power over othered populations. In some circumstances we might understand Puerto Rican citizenship as the evolution of centuries of colonial violence, a link to a world power that contains within it the threat of being folded into the nation at your own expense. We might also say that Puerto Rican citizenship is a mode of control, something that both disciplines and allows for the disposal of Puerto Ricans. Finally, citizenship represents much more than formal belonging to a particular state, or a status which limits or makes movement across borders possible; citizenship is an entry point into the body and lives of those who possess it as much as it is about an entry point into the body politic. In all these cases, citizenship is concerned with life and death, silently completing violent work in the name of inclusion necessitating the term malignant citizenship.

Malignant Citizenship is attentive to the wake of destruction – in material, psychological and symbolic terms – that empire creates. Alongside destruction are the more insidious, stealthy and often unrecognized effects of the ongoing mutations of imperialism. In reality, empire and imperialism remain, though in shifting, subtle and obscured ways. Stoler (2013) introduces imperial debris as a kind of 'rot' that permeates the fabric of daily life in the sites that empire appears to have left behind. Not to be confused with a simple 'legacy' or inheritance from colonialism or imperialism, these are messy, unstable relations of ruination (Stoler 2013, 7). More than an echo or a remnant, ruination is continuous, placing the various subjects of empire into differential entanglements within ruin. A focus on ruination is attentive to degraded sites, losses, and the psychic and spiritual woundings of empire not for the act of memorialization but to

understand the conditions of life for people situated in relationship to and against the imperial formations and what they do with them.

Along similar lines, I argue that citizenship is an imperial debris that continues to limit, shape and produce the lives of Puerto Ricans on the island. Each colonial regime, each new plan and policy for organizing life and land on the island served to further entrench colonial rule, distancing people from what was there before. My argument is not so much that Puerto Rico should 'go back' to what was in existence before colonization; given the ways in which bodies and land itself have been altered by violent processes, there is no going back. Nor can calls for 'equal' citizenship really address the continuing presence of colonialism and imperialism on the island. Instead, my point is that there are pre-existing limits to American citizenship for Puerto Ricans, even if it were a 'fully equal' version.

Citizenship is inherently biopolitical in that one of the central exercises of state power is a concern for the purity and optimization of its population. For example, much of what undergirds the early debates and convoluted nature of Puerto Ricans' American citizenship was a concern that their racially 'miscegenated' population was as unfit for self-governance as they were for incorporation into the body politic. Biopolitics reflected a shift in power that governs daily life, away from the sovereign's ability to 'take life and let live' into the regulation of populations through 'the right to make live and let die' (Foucault 2003, 241). The power to make live functions through the measuring and optimization of the life of a population, achieved through different forms of regulation. The power to 'let die,' is justified through the idea that certain people or groups can infect or cause the degeneration of the population. Functioning in tandem with biopolitics, necropolitics is concerned with the ways that people become exposed to death in the colonial relation (Mbembé 2003). Necropolitics accounts for the ways in which colonized people become positioned closer to the power of death and the specific ways that spaces and relations become reconfigured to accommodate this (Mbembé 2003, 39).

In Puerto Rico, American colonialism produced a specific configuration of subjugation, where the first experiments with birth control were conducted on misinformed women and mass sterilizations were performed (Mass 1977), labor exploitation and the funneling of cheap labor (Lloréns 2018; De Genova and Ramos-Zayas 2003) to the mainland were made possible by the devaluation of the lives of most Puerto Ricans. In the colony, Mbembé argues that the sovereignty of the colonizer functions in such a way that the right to kill is not regulated and can happen in any way, at any time; what he terms 'colonial warfare' (Mbembé 2003, 25). The United States' entanglements with Puerto Rico may at first seem tame in comparison to the 'war without end' that Mbembé describes (23), but I think it is important to emphasize the articulation of necropolitics as placing colonial subjects closer to death. Citizenship necropolitics accounts for the ways that citizenship can facilitate this proximity. For Puerto Ricans, this functions through mostly banal, and sometimes spectacular moments where the lives of Puerto Ricans are produced and reproduced as less valuable within the American polity. Take for example, in the aftermath of Hurricane Maria a certain American president throwing paper towels into a crowd of Puerto Ricans when people on the street were left without clean water, shelter or food. Or, consider the 1960s and Operation Bootstrap wherein Puerto Ricans existed in the national imaginary as an 'uneducated,

poor, and racially not white' exploitable workforce, confined to the margins of the mainland United States (Molina-Guzmán 2019, 335).

It is important to note that even the 'privilege' of moving to the mainland United States without restriction often involves difficult decisions to leave behind land, language and culture because life conditions on the island are made untenable. These moves often result in similar difficult outcomes of higher than average poverty and social marginalization (Duany 2017; Fusté 2014). As Mills (1999) points out in his critique of liberal models of politics and his insistence that an unacknowledged racial contract guides the state, the state and its activities are inherently concerned with race and organized for the benefit of white people. Mills (1999) argues that liberal democracies only function because what he calls the racial contract guarantees that the exploitation of nonwhite people and the expropriation of their land and resources continues to benefit white people without ever naming race (p. 11). In this articulation of politics, it is impossible for citizenship to exist as an unracialized legal status; in other words, citizenship is always conceptualized and experienced in terms of race. Furthermore, rather than imagining territory as simply the space upon which the body politic operates, Mills (2001) asserts that racialization also applies to space (76). Necropolitics also involves replacing original spatial relations with new forms of territorialization and the organizing of people into different categories within the same space; colonized peoples are relegated 'into a third zone between subjecthood and objecthood' (Mbembé 2003, 26). Essentially, people are organized into those whose lives matter and those who are 'disposable' (Mbembé 2003, 27).

Mbembé's articulation of new forms of territorialization is relevant here, in that Puerto Rico has undergone complex, violent colonial invasions beginning in the 1500s with Spanish colonization and the introduction of the plantation system. Each new iteration of governance, including that of the United States, built upon plantation regimes that relied first on genocidal projects against Indigenous, mostly *Taino* peoples alongside slavery, and later after slavery was abolished, the exploited labor of the descendants of enslaved persons and Indigenous people (Mintz 2010). New forms of dividing land and redefining access to it have altered social relations from decade to decade (Garcia-Colon 2009). Citizenship is another way that spatial relations have been re-organized on the island, shaping migrations, disaster response and response to economic crises.

The spatial reorganizations of life in Puerto Rico are reinforced by racial logics in much the same way that colonialism and imperialism are supported by structural racism. For Mbembé (2003) 'race has been the ever-present shadow in Western political thought and practice, especially when it comes to imagining the inhumanity of, or rule over, foreign peoples' (17). In Foucault's (2003) articulation of the 'let die' aspect of biopolitics, he terms the divide between the 'ideal' and 'degenerate' population as racism. Racism, in Gilmore's (2007) words, 'is the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death' (28). Where these conceptualizations of racism intersect is at the point where lives become differently governable; they also gesture towards the ways in which race and citizenship intersect and become co-constitutive. As Wolfe (2004) argues, in the moment where citizenship ostensibly institutes equality, 'race restored the social inequality that citizenship had theoretically abolished' (66).

Racism functions as the way that the state is able to differentiate its citizens and enact various forms of what is ostensibly meant to be the same citizenship. That is the essence of malignant citizenship; it is the ways in which colonial power is able to differentiate its citizens based on race and location. In the years following Puerto Rico's annexation to the United States, congressional debates regarding the possibility of granting citizenship to its inhabitants hinged on the question of the racial composition of the island, fears of miscegenation and racist doubts about the capacity of Puerto Ricans for self-governance (Font-Guzman 2015; Torruella 2017). As De Genova and Ramos-Zayas (2003) argue, the historical exclusion of nonwhite peoples from citizenship has defined the ways in which Americans understand citizenship, conceptualizing it as an institution for white people.

Racially differentiated citizenship has material implications in policy, governance and access to resources; for example, being subject to a totalizing power from Congress without voting representation in it or the manipulation of data to obscure the ways in which Puerto Ricans are more vulnerable to death in the event of climate disaster. Citizenship for Puerto Ricans is not only inadequate and arbitrarily unequal in terms of rights and benefits, it is also inherently made unequal through a racialized colonial logic. This logic justified inequality through racial ideologies premised on the supposed inferiority of a population of 'miscegenated peoples' in Puerto Rico (Torruella 2017). Citizenship for Puerto Ricans must be re-formulated to be understood as an explicitly racial project, which produces and reinforces subjugated positionalities for Puerto Ricans.

### **Legislated inequality: the racial and legal foundations of citizenship necropolitics**

The groundwork for the unequal American citizenship of Puerto Ricans was laid before the Treaty of Paris granted the United States title to and sovereignty over Puerto Rico in 1898. While territorial expansion has been a goal of the United States since its founding, the Constitution does not have a provision for holding and maintaining colonies and instead, outlines only a process for acquiring territory for the purpose of creating new states (Torruella 2013). Several authors have noted the unique approach the United States has taken to territorial expansion, effectively holding and governing colonies while disavowing colonialism and imperialism (Erman 2018; Venator Santiago 2015; Torruella 2013; Smith 2001). As Erman (2018) argues, territorial expansion was briefly halted because transformations to the Constitution during the Reconstruction Era explicitly envisioned all annexed lands becoming states, with full representation in Congress, votes in the electoral college and the ability to propose amendments to the constitution (2). It was intolerable to most legislators at the time to fully admit people considered racially inferior into the Union, with the full rights and powers associated with statehood (Font-Guzman 2015). Yet, the conclusion of the Spanish American War and the Treaty of Paris forced lawmakers to wrestle with the status of their newly annexed territories, coming up with novel ways of holding colonies, without legally calling them such. This is illustrative of how the US citizenship of those inhabiting Puerto Rico has always been necropolitical, with legislators exercising what Mbembé (2003) calls 'a power outside the law' (23) to keep control of Puerto Rico without granting its inhabitants full rights.



Legal and popular writing that emerged in the aftermath of the Spanish American War also highlights the United States' struggles with the status of its new territories and also laid some of the groundwork for how US courts would eventually decide the insular cases. Among the most influential of these essays were those by A. Lawrence Lowell (1899a, 1899b) who proposed that the United States could justify the incongruent position of new territories on racial grounds, likening Puerto Rico to a 'poor neighbor' facing foreclosure who was incapable of managing his own estate (1899b, 145). Throughout his essay Lowell implies that Puerto Rico's status as the 'poor neighbor' stems from racial inferiority. As Smith (2001) argues, Lowell proposed the distinction of 'incorporated' and 'unincorporated' territories on the grounds of circumventing any legal requirement for racial equality in the newly annexed territories deemed unincorporated (376–377). With the distinction of incorporated and unincorporated territories, came the justification for the uneven application of the constitution in territories where larger non-white populations were deemed problematic additions to the union, but could still facilitate the near-total control of the United States over these territories.

According to Barreto and Lozano (2017), unlike other 'discontiguous' territories such as Alaska and Hawaii, Puerto Ricans were not granted full American citizenship or statehood in the union because they were considered to be too densely populated by people too racially othered to be assimilated. At the same time, their status as American citizens has meant that the island could not belong to anyone else or be self-governed by Puerto Ricans. Instead, Puerto Rican citizenship 'promised low-wage labor coupled with political stability and local government compliance,' because federal regulations regarding labor, wages, health and the environment did not and in some cases, continue not to apply to Puerto Ricans (De Genova and Ramos-Zayas 2003, 9). In this way, the US has both extended its borders while symbolically placing Puerto Ricans outside of the state in particular instances. The historical background of US citizenship for Puerto Ricans suggests that US bordering practices, in this case of partial exclusion/inclusion functions ultimately as a form of containment within the state.

In codifying the inhabitants of Puerto Rico as citizens of Puerto Rico with US protection under the Foraker Act of 1900, Senator Foraker by no means meant for the island to eventually become incorporated into the United States. Rather, in Foraker's own words, 'We did not want to treat our own as aliens, and we do not propose to have any subjects. Therefore, we adopted the term "citizens"' (Font-Guzman 2015, 29–30). This statement illustrates the ways in which early US legislation regarding the citizenship of Puerto Ricans was purposefully vague, creating territory which the US had jurisdiction over but that was not incorporated into the country and concealing its colonial exercises of power. Furthermore, the resulting status of Puerto Rican citizenship after the Foraker Act, illustrates the political and legal grey area of this existence: within the act itself, there was no clarification of what citizenship to a territory that is not sovereign entails (Font-Guzman 2015, 30).

Much of the legal history of decisions regarding Puerto Rico makes certain that location and race are the nexus through which citizenship is understood to retain specific rights, rather than the status of citizenship itself. This was achieved first through legislation that in no way imagined or articulated the possibility of the incorporation of Puerto Rico as a state, and through Supreme Court opinions in the insular cases that consciously interpreted that the granting of US protection or citizenship to Puerto Ricans did not

bring Puerto Rico into the Union, precluding important rights available to other US citizens (see for example, The Foraker Act of 1900; *Downes v. Bidwell* 1901; The Jones Act of 1917; and *Balzac v. Porto Rico* 1922). Shortly after the Foraker Act passed in 1900, *Downes v. Bidwell* was decided; often considered the most important of the insular cases, the decision set a foundation whereby the Constitution was understood not to apply in all cases to territories of the United States (*Downes v. Bidwell* 1901). While the case was largely concerned with whether Puerto Rico was considered part of the US for the purposes of imports and duties, the implication was that Puerto Rico was considered not to have been incorporated into the United States with the Foraker Act (Álvarez González 1990, 336). It is important to stress again, that this was in contravention to established US legal practices and its constitution, which entailed that all annexed territories should eventually acquire statehood (Erman 2018; Font-Guzman 2015).

With the passing of the Jones Act of 1917, Puerto Ricans were extended US citizenship; however, the insular cases are again instructive on the limits of this citizenship. In *Balzac v. Porto Rico* (1922) the Supreme Court upheld the rulings from two cases decided in the Supreme Court of Puerto Rico that the right to trial by jury is not guaranteed for Puerto Rican American citizens if they are charged in Puerto Rico. In other words, the extension of citizenship does not extend the jury system to Puerto Rico (*Balzac v. Porto Rico* 1922). The Court also upheld that Puerto Rico was *not* incorporated into the Union with the passing of the Jones Act and that the constitution does not apply to unincorporated territories. This only bolsters the argument that US citizenship for Puerto Ricans produces unequal conditions that position Puerto Ricans on the island more precariously, with fewer rights than citizens on the mainland. In delivering the Court's opinion in *Balzac v. Porto Rico*, Chief Justice Taft's (1922) discussion of citizenship also notes that the passing of the Jones Act allows for Puerto Ricans to move to the continental United States and immediately be able to 'enjoy every right of any other citizen of the United States' (308), indicating that the island's status does actually produce a differential citizenship for residents on the island. It supports the argument that the legal procedures put in place at the time of the Jones Act created a specific status for Puerto Rico that placed it under control of the United States but its residents outside of important rights and privileges.

Taft's (1922) statement that 'it is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status of the people who live in it' (309) reflects the territorializing necropolitical power exercised through the US citizenship granted to Puerto Ricans. By ruling that locality is more important than a person's status, Puerto Ricans are positioned extralegally through the construction of 'unincorporated territories' that are not equally subject to US law. Further, the fact that this citizenship remains differentiated is further evidence of how ruinous processes of imperialism remain and continue to shape the daily realities of those on the island. Citizenship for Puerto Ricans must be understood as a colonial technology, which has the material effect of producing unequal legal status.

As Torruella (2013) states regarding *Balzac v. Porto Rico*, 'the idea that the constitutional rights of US citizens against their government vary depending on what US jurisdiction those citizens are standing in is not only absurd on its face, but has also been rejected by the Supreme Court in cases where the extraterritorial extension of rights concerns citizens that reside in states rather than territories' (78). For example, the case of

*Reid v. Covert* (1957) held that it was a constitutional violation for a US civilian, born and normally residing in the continental United States, to be subject to a military trial in England without a jury (Torruella 2013, 78). The spaces of ‘unincorporated territories’ are spaces that have been selectively placed outside of the protections of the constitution, for the benefit of US empire, producing a citizenship that places the rights of their residents at the discretion of racist lawmakers. While the amendments made to the Nationality Act in 1940 are understood to introduce birthright citizenship to Puerto Ricans, according to Álvarez González (1990) ‘proponents [of The 1940 Act] did not contemplate any remarkable development in the juridical nature of that citizenship, only the elimination of legal complexities of Congress’s own making’ that had occurred with the Jones Act (326).

At the same time, the amendments made to the Nationality Act in 1940 evidence that lawmakers had the race of its citizens in mind when drafting these changes. For example, section 303 of the Act states ‘The right to become a naturalized citizen under the provisions of this Act shall extend only to white persons, persons of African nativity or descent, and descendants of races indigenous to the Western Hemisphere’ (1140) while making provisions for the military service of Filipinos. The language of the act itself sets up a discursive hierarchy wherein white people are presumed to be the first subjects of citizenship, followed by the racialized bodies that exist within the territorial bounds of the nation because of slavery and colonialism, and finally the outright exclusion of Asians except in the case of military service by residents of a US territory. The racial exclusions and partial inclusions outlined in the Nationality Act of 1940 are underpinned in part by the imperial logics employed in the insular cases. In explaining why Alaska and its inhabitants are allowed the full benefits of statehood in *Balzac v. Porto Rico* (1922), Taft stated that the ‘enormous’ size, and sparse settlement offer ‘opportunity for immigration and settlement by American citizens’ while Puerto Rico and the Philippines were characterized as so distant, geographically and culturally that this would be impossible (309). Taft further argued that trial by jury is not possible on these islands because of the limited capacities of their people (309). Not only does Taft erase the long history of habitation and relationship to the land by Indigenous peoples in Alaska, by positioning it as practically empty and open for settlement, his statements – and their legal implications – are characterized by a racial logic that positions the people of color that inhabit Puerto Rico and the Philippines as unable to understand or interpret colonial legal systems and thus are unfit to receive justice from them.

From the beginning of its colonial relationship with Puerto Rico, the United States was able to position the race of Puerto Rico’s inhabitants as problematic, ensuring that legal ambiguity and racial biases from the court allowed for a fundamentally different form of citizenship to emerge for Puerto Ricans. For Perea (2001), ‘Congress’s ability to define the civil and political rights of Puerto Ricans, the quality of their citizenship and political participation, allowed racism to shape less-than-equal citizenship for the Puerto Rican people’ (161). Through legal and judicial maneuvering that positioned Puerto Ricans as utterly unassimilable, the insular cases were able to establish that there was something inherently different about Puerto Rico and that the status of its peoples should also be different. This became the primary discourse for how citizenship for Puerto Ricans born on the island is understood and legally interpreted. As Erman (2018) argues, ‘citizenship

proved to be a slippery and adaptable concept' (3), one which I argue is experienced in terms of necropolitics and ruination.

### Citizenship as control, constraint, and possibility

As multiple authors have noted, people of color born in the United States can still experience their citizenship in racial terms, with potentially disastrous outcomes and, with more limited prospects, despite possessing a technically equal citizenship (Duany 2017; Wolf, 2004). What is particularly durable about the unequal citizenship of Puerto Ricans is that its deleterious effects remain even if they move to the mainland, despite the fact that leaving the island technically corrects most of the legal deficits of their citizenship. Not only is this an example of the ways in which citizenship functions as imperial debris, it also indicates that citizenship has worked to normalize the ways in which the lives of Puerto Ricans are less valued. This difference between the value assigned to life based on race is important to emphasize here because it can be easily obscured if the focus of citizenship remains legalistic, effectively limiting what we can know about citizenship and how well we can understand the effects of citizenship for Puerto Ricans.

The differences assigned to bodies produce differential experiences of spaces, institutions and governance. As Rose (2009) points out in her discussion of necropolitics, 'Bodies' is a key term here [...] life and death are allocated according to a precise differentiation of human bodies. This is a differentiation at once discursive and material, and at work in both political practices and political imaginaries' (46–47). Bodies, through legal and political processes are the site at which citizenship is bestowed, bodies both possess citizenship and become possessed by it. A focus on bodies also helps to explain how the same citizenship can render different values to the lives of differently racialized people. While a liberal notion of citizenship implies a legal flattening of difference, it actually functions to reconcile and secure the unequal positions of the differently racialized bodies within an Empire whose expansion necessitates the incorporation of bodies deemed undesirable. Mills' (2001) expansion of Hobbes' notion of the body politic – literally embodied through imagined white subjects consenting to be governed – explicitly includes bodies ignored by liberal conceptions of the polity. Mills posits that these bodies are nonwhite, and they are the disposable waste of the white embodied members of the state: in other words, its citizens. Citizenship functions in such a way that it allows for the state to legitimately coerce, legislate and punish its populations to meet its own ends. Citizenship is in fact an ideal vehicle for maintaining influence over unwanted bodies of color whose lands and resources were very much wanted while also ensuring that racial inequalities remain in areas outside of legislation. Citizenship takes on different meanings, privileges, and responsibilities for different bodies. As much as citizenship denotes the rights of belonging to a polity, it also ensnares bodies into the control of such entities.

The forms of control, management and political/legal limitations described above could all be considered aspects of malignant citizenship. While possessing citizenship may offer its protections, and certain regulation of life and death, citizenship is uneven; it is not simply an institution that guarantees rights, but rather is an institution that places bodies under the domain of a state. Citizenship is less a link for Puerto Ricans to the mainland United States – though it can function in this manner –

instead, extending citizenship to the population on the island, means extending jurisdiction for the US over the island and the people who live there. While I argue that the United States-Puerto Rico entanglements are necropolitical in nature, because it is a colonial relationship that has extended across space and time, which very much exposes Puerto Ricans to death through neglect, it is not only death that is the concern here. It is also the ways in which the lives of Puerto Ricans become managed, take certain shape, and are afforded certain opportunities within the matrices of citizenship; it is also about the ways in which citizenship protects the state's ability to make some bodies disposable. Malignant citizenship gestures towards the relationship that occurs and is constantly evolving between Puerto Rican subjects and the institution of American citizenship.

Citizenship necropolitics regulates and gives shape to a life on and off the island which is subject to poverty, cuts to spending on education and health care, as well as limits to participation in political life. However, it is prudent to acknowledge that while citizenship is imbued with power imbalances between Puerto Ricans and the state, as Gilmore (2007) reminds us, 'the state makes things, but it is also a product of what's made and destroyed – of the constant creation and destruction of things such as schools, hospitals, art museums, nuclear weapons, and prisons' (23). These are the material aspects of living under a colonial/imperial polity, and it is also the grounds upon which people struggle for a different configuration of life and the resources which sustain life. These are also the grounds where citizenship can be re-imagined. However, as Font-Guzman (2015) points out, all 'imagining of nationhood emerged through the empire's language' with the US viewing the island as an unincorporated territory, while many Puerto Ricans see themselves as inhabiting a colonized space (10). There remains an independence movement, as well as groups which support the current status, and groups which support incorporation as a state into the US (Font-Guzman 2015). These movements point to the complexity and variety of visions for the island's future and are symbolic of the issues which arise from the US citizenship of Puerto Ricans and the fact that no option will be able to address state neglect and colonial violence.

The affective power of collective mourning might offer other pathways for living lives closer to death. Lee and Pratt (2012) discuss the ways that Filipinx migrants experience 'death by citizenship' (891) that is largely produced by seeking out the promise of becoming a citizen. While Puerto Ricans already possess their US citizenship, their experiences are also exemplary of the ways that desirable citizenship moves colonized people closer to the power of death. For migrants in pursuit of US citizenship (or inhabitants of unincorporated territories) the suffering associated with US citizenship can be considered an intergenerational practice that connects those who are placed closer to death through citizenship, acting as a form of mourning and a placeholder for hope (Lee and Pratt 2012). Mourning may be a way to refuse the promise of citizenship while acquiescing to the reality and failure of neoliberalism (Lee and Pratt 2012). For Puerto Ricans, the question of statehood, 'enhanced commonwealth status', or independence is already mediated by the rot of colonialism: an economically devastated island, faced with current and future destruction in the form of climate disaster, and a lack of political will in Congress to move forward on any options. Knowing that what many might call 'real' change is limited, perhaps mourning offers something that formalized legal procedures cannot.

## Puerto Rico-United States entanglements and citizenship as imperial debris

Citizenship is an insidious inheritance, obscured by its ostensible privileges and underpinned by its stubborn messiness: there is no easy way to sever the ties of empire, and many critique only the differentiated form that American citizenship takes for Puerto Ricans but not the fact of the citizenship itself. This citizenship is exemplary of the contingent and partial inclusions that strengthen the geopolitical positioning of the United States. Imperial debris is located within processes of ruination: attentive to the ways in which people and their capacity, sociality and potentiality become tied to sites of violence, degradation, and processes of empire or imperial formations (Stoler 2013, 7–8).

Ruination also takes the form of social dislocation, which empire and colonization are foundational but not easily tied to (Stoler 2013). Puerto Ricans can experience a profound form of social dislocation in their citizenship, which is difficult to articulate because US citizenship is constructed as a benefit and privilege for those who possess it. As Font-Guzman (2015) argues, imperialism and colonialism ‘reverberates into the present through citizenship laws that construct an unwanted legal identity that clashes with the subjective experience of the colonized and his/her cultural national identity’ (7). This viewpoint signposts a radical hope for a different past where Puerto Rican self-determination might have driven the island’s political status and relationship to the United States. Without the option to change the past, multiple referendums have been held on the status of Puerto Rico; however, they are non-binding, and because there is little consensus amongst Puerto Ricans about the best option for the status of the island, the options on the ballot are often unclear (Fusté 2014). As Fusté (2014) points out, this situation is unsurprising because any option at this point has serious risks and downfalls and may not actually improve conditions or governance after centuries of colonization.

Citizenship for Puerto Ricans is of course more than simply a remnant of empire; it is also actively made and remade, accidentally evolved, contested, rejected and accepted on fraught grounds. If we are to consider citizenship as a ruin of imperialism, it is important to think of such debris as dynamically forming and transforming the social realities people navigate. One such reality is the detrimental effects that ‘the perception of political and cultural inferiority’ can have on the mental health of a population: in comparison to the rest of the United States’ population ‘residents of Puerto Rico suffer over three times more mental, psychoneurotic, and personality disorders’ (Torruella 2013, 91). It is also important to think through how the ‘privileges’ afforded to Puerto Ricans by virtue of their US citizenship might exacerbate issues surrounding a sense of inferiority, lack of self-determination and a sense of identity that is rooted in conquest. Changes to Puerto Ricans’ citizenship must be understood as more than a shift in political status. We must pay attention to the ways in which spaces of violence are formed through differential access to resources, which are achieved through subtle, longer-term ‘dispossessions and dislocations’ (Stoler 2013, 5).

The case of the United States military’s involvement in Puerto Rico is exemplary here. The intersections of race, class and imperialism have meant that large numbers of Puerto Ricans are more likely to enlist the US armed forces. As Freytes et al. (2013) note, military service amongst Puerto Ricans is commonly seen as the only option in contexts of limited employment and little opportunity for upward mobility. While there would most certainly be a diversity of reasons for joining the military, the fact remains that military

recruitment is focused on poor, racialized communities because they lack economic opportunities, and Puerto Rico's depressed economy is in no small way attributed to colonial development and neglect. The military promises steady income and the potential for social and economic mobility and given the island's dire economic situation, military participation is likely to increase (Freytes et al. 2013, 467). In this sense, an increased economic pressure to enlist that is rooted in imperial underdevelopment also places Puerto Ricans in closer proximity to death, evidencing the necropolitical aspects of their US citizenship. Franqui-Rivera (2018) builds a case that military service has often been the means through which Puerto Rico has attempted to prove its capacity for self-governance, assert a national identity and rehabilitate a masculinity characterized by colonial and imperial domination. However, it remains relevant that this assertion of agency is achieved by placing Puerto Rican bodies at risk during times of war, particularly the Korean War, where Puerto Rican men were stationed at the frontlines (2018). Since the First World War, Puerto Ricans have joined and died in numbers disproportionate to the rest of the United States (Torruella 2013, 87). Military service can thus be a profound dislocation, often with the potential to sever community and familial ties, even if a soldier returns home (Freytes et al. 2013).

Death, or the threat of it is also closer to Puerto Ricans through another US entanglement: the 62-year period over which Vieques (a small island municipality of Puerto Rico) was used for military testing and maneuvers. From 1941–2003, Vieques was expropriated from its inhabitants and during this period 18,000 tons of bombs dropped on the island (Davis, Hayes-Conroy, and Jones 2007; Medina, Pellegrini, and Mogro-Wilson 2014). Initially occupied as a strategic location in the United States' defense during WWII, Vieques continued to be a geopolitically strategic location in the Caribbean, whose land, water and airspace were rented to other countries for their military testing and drills (Medina, Pellegrini, and Mogro-Wilson 2014). Sustained activism forced the military's withdrawal in 2003, after a Vieques resident was killed by a Navy bomb. A nature preserve was established on the eastern edge of the island when the expropriated land was transferred to the Department of the Interior. The necropolitical power exercised by the US over this territory is both obscured and in plain view. Vieques is simultaneously a site of spectacular ruination littered with explosive remnants, and craters as well as a site of visually pristine ecologies, living in direct connection to unknown contamination (Davis, Hayes-Conroy, and Jones 2007). The island's human inhabitants now live with what the Navy left behind: increased exposure to toxicity, poor livelihood prospects, and no reparations made for land lost or toxic exposures. In many ways, the violence of military occupation has continued unabated, even with the military withdrawal.

Citizenship for Puerto Ricans is historically constituted, not from one discrete point, but from infinite, often intimate forms of colonial and imperial violence and relationships. These have not ended, but instead take on new lives in unlikely places and forms. This occurs in dynamic relation to other injustices and movements against violence. The particular form that citizenship necropolitics takes for Puerto Ricans is not only a debris of colonization, it is an active imperial formation, of the exchange of territory between colonizing powers, and of racial logics that produce Puerto Rican bodies as inherently other, needing distinct forms of governance. This continues to shape lives, possibilities and mobilities in new ways; it is also integral to how Puerto Ricans understand themselves, the value of their lives in relation to the American political body, and what they

feel they can demand of the polity. The everyday lives of Puerto Ricans and their liveability is directly impacted by a necropolitical citizenship that is built upon and produced through violent relations, making particular forms of exploitation possible, as well as producing the environment within which some Puerto Ricans might envision new futures and resist the current reality.

Puerto Ricans pay different taxes and so are eligible for some social programs, but not others. Even the programs that they are eligible for are often at different standards than on the mainland, such as inferior Medicaid services (Smith 2017, 66). There is more at play than legal restrictions to citizenship, which adversely impact Puerto Ricans. Other ways in which colonialism takes new forms on the island include the racialization and subsequent devaluation of lives on the island. We need only to look at the disastrous and uneven allocation of aid for Puerto Ricans in response to the devastation of hurricane Maria in 2017 in comparison to hurricane relief responses on the mainland during the same time period to recognize the continuation of a violent political system which created exclusive citizenship criteria based on race.

The link between necropolitics and citizenship is more than the fact that the denial of citizenship or practical citizenship rights can make bodies vulnerable to death, it is that violence and death become naturalized to the space of the colony, so much so that death goes unnoticed by those in power. For example, while the death toll of Hurricane Maria on the island was officially reported at 64, after an investigation into the number of hurricane related deaths, the death toll had been adjusted to between 2658–3290 lives lost in the six months after Hurricane Maria in Puerto Rico (Milken Institute 2018, 7). Depending on who is counting, and what counts (itself a bionecropolitical question), the death toll has been estimated at as high as 4,600 lives lost (Fink 2018). Most Hurricane-related deaths are attributed to infrastructural failure and inadequate responses to the crisis, both of which are implicated in the long history of ruinous governance which placed older people and people living in poverty at greatest risk (Holpuch 2018; Milken Institute 2018). Infrastructural failure reflects the fact that rapid industrialization was prioritized in the 1950s, without taking into account the futures of those on the island (Lloréns and Stanchich, 2019).

Lloréns and Stanchich (2019) note that the interests of global capitalism and the accumulation of wealth for non-residents have been facilitated at the expense of the people on the island. Simultaneously Molina-Guzmán (2019) points out the Jones Act and the control it grants the US military over Puerto Rico's coasts and waters prevented international aid from reaching Puerto Rico after Hurricane Maria. All this reeks of an imperial power that chronically underdeveloped and undervalued the lives of those in its territory, yet the real contamination of imperialism is that these failures became perceived as the faults of Puerto Ricans. The politics of presenting ruin as a spectacle emerged after Hurricane Maria and are themselves part of ruination, not for what they depict, but because they contribute to an imperial logic that Puerto Rico is not fit to govern itself and in fact requires the assistance of the United States to function.

Lloréns (2018) and Molina-Guzmán (2019) discuss the proliferation of disaster photos after the hurricane, noting that they emphasized the visuals of destruction, and the bodies of more vulnerable people such as children, older people and women. Lloréns (2018) argues that these disaster images cultivate a perception of 'ruined' and powerless people, obscuring the creative, life-sustaining work undertaken by Puerto Ricans (137). Lloréns is



critical of the way that ruin has come to define Puerto Rico, and in my own analysis I stress that ruination is a framework for understanding the *incomplete and unfinished* project of imperialism, not a description of the real humans who struggle against it. In this sense, the way I am thinking about citizenship as a malignancy is also important here: people survive malignancy, they interact with it, it spreads and they continue to live, it is durable, but it is not totalizing. Yet, part of how malignant citizenship functions is to undermine and negate the demonstrated capacity and self-determination of colonized peoples.

This post-Maria crisis must be understood as ruination, inextricably tied to the poverty line half of Puerto Ricans live under, tied to the various ways land has been dispossessed, distributed and developed, and linked to the ways in which Puerto Rican life has been racialized and devalued, all of which are bound up temporally, now, in the past and into the future. The citizenship of Puerto Ricans did little to protect them from long exposure over time to the toxic ruins of militarism in Vieques, nor did it shield them from an unconscionably high death toll after Hurricane Maria. As Tyner (2013) notes, exposure to violence is from the beginning a process of differentiation, one where survivability intersects with race and other social factors, which in the case of Puerto Rico produces an entire island (amongst many other vulnerable islands) more likely to face dire consequences in a crisis.

Puerto Ricans who reside on the mainland and do not experience the exact limitations to citizenship that island-dwellers do still face systemic disadvantages as a group, which has limited social, educational and economic possibilities (Duany 2017, 149; Fusté 2014). These realities call into question the notion that full citizenship and incorporation into the United States can really address the poverty, lack of social services and precarity of life on the island and in the diaspora. As Pulido (2018) argues, it may be possible, to some extent to address racism with inclusion 'but this does not address colonization' (311). As scholars and activists have continuously pointed out, citizenship does not erase racism, nor can it address systemic poverty, or the injustices of a state that established itself through violent displacement.

## Conclusion

With this paper I elucidate the connections, productivity, tensions and contradictions between citizenship, race, imperialism/imperial debris, colonialism, and necropolitics for the US citizenship that Puerto Ricans hold. Central to this project is attention to the ways in which race, imperialism and colonialism are foundational to the conditional and differentiated US citizenship Puerto Ricans hold. The long legal and political history of Puerto Ricans' political status explored here elucidates that citizenship has always been deeply imbricated with race and white supremacy. Drawing on Stoler's (2013) conceptualization of ruination, this paper articulates that for Puerto Ricans, their United States citizenship can function as a form of social dislocation that is rooted in processes of imperialism which continues to reinforce and serve as a reminder of the violent processes that shape life on the island. At the same time, citizenship as an imperial debris is often obscured because it is presented as the avenue through which Puerto Ricans can access and be incorporated into the United States.

This paper has also theorized malignant citizenship as a form of control and regulation which serves the interests of the state. Through granting Puerto Ricans American

Citizenship, the US has been able to extend its borders while also placing Puerto Ricans literally and symbolically outside of the state in key matters of governance. Proposing the term citizenship necropolitics, this paper used Mbembé's articulation of how colonization ushers in new forms of territorialization to foreground discussions of how social, political and economic life on the island have been reconfigured in Puerto Rico beginning with Spanish colonization and continuing into its present-day entanglements with the United States. United States citizenship functions as an undiagnosed malignancy for Puerto Ricans and has facilitated and eased the ways in which the US can intervene in life on the island while also distancing itself from its own imperialism.

My articulation of malignant citizenship places race centrally, because racism is the mechanism through which political and economic inequality continues on the island and is the conduit through which different forms of citizenship to the same state can be enacted, reflecting historical articulations of United States citizenship as a white institution. While this might appear to have only theoretical implications, both malignant citizenship and citizenship necropolitics articulate the ways in which this racially differentiated citizenship has material effects; one of the more recent examples being the exceptionally high death toll following Hurricane Maria on the island, which is directly linked to the differentiated value assigned to life in Puerto Rico over a period of decades of American control. This paper does not imply that there is a monolithic vision for sovereignty or anti-colonial sentiment in Puerto Rico. It posits that there are systemic barriers to more just outcomes for Puerto Ricans and real stakes where lives are at risk, in a socio-spatial relationship that is intimately linked to citizenship. Citizenship does not protect Puerto Ricans or benignly bestow rights to them, instead it has also facilitated exposures to various harms, and incursions into their rights to self-governance, which ultimately serve as one of the ways that the US can maintain its empire.

## Note

1. Of particular importance were the writings of A. Lawrence Lowell from 1899.

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## Notes on contributor

*Ileana I. Diaz* is an Afro-Caribbean feminist geographer based in Canada. She is currently a PhD candidate in the Department of Geography and Environmental Management at the

University of Waterloo. Her work explores the politics of race, gender, imperialism, and the environment in the Caribbean.

## ORCID

Ileana I. Diaz  <http://orcid.org/0000-0002-6234-1076>

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