Punitive Governance and the Criminalization of Socioenvironmental, Anti-Austerity, and Anticorruption Mobilizations in Puerto Rico

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Abstract
This paper shows how the Puerto Rican government has used punitive governance to deal with three important reactions to the multilayered crisis affecting Puerto Rico since 2006: socioenvironmental mobilizations; anti-austerity mobilizations; and anticorruption mobilizations. The paper proposes a threefold analysis. Firstly, it provides a brief overview of the Puerto Rican economic and financial crisis, the neoliberal solutions to the crisis, and its consequences. Secondly, the paper expands on the intertwined/intertwining relationship between punitive governance, colonialism, and criminal law. Thirdly, the paper analyzes the process of criminalization of the socioenvironmental, anti-austerity, and anticorruption mobilizations resisting colonial abandonment. Two strategies will be discussed: (1) the uses of criminal law to limit freedom of speech and protests and (2) repression and the systemic deployment of state violence against protestors. The state’s violent reactions to sociopolitical mobilizations are part of a long history of criminalizing and repressive practices that must be understood against the backdrop of US colonial history in Puerto Rico.

Introduction

On April 30, 2020, amidst the COVID-19 pandemic, Giovanni Roberto, a well-known Puerto Rican anti-hunger advocate and organizer of comedores sociales (community kitchens) was arrested while leading a caravan of cars making their way through the streets of Puerto Rico’s capital, San Juan. The “caravan for life” was aimed at distributing food in impoverished communities of San Juan and protesting the government’s indifference to a
growing hunger crisis as Puerto Rico (henceforth PR) entered its eighth week of lockdown (Florido 2020a). Roberto was charged with obstruction of justice and violating the governor’s stay-at-home order.¹ Roberto’s arrest was widely criticized as an unjustified act of repression and intimidation. Indeed, it was one of many instances where such tactics were used against community organizers fighting the hunger crisis affecting PR, which began in 2017 with the devastation of hurricane Maria and was further exacerbated by COVID-19 stay-at-home orders (Florido 2020b). Despite a judge dismissing the charges the same day, while in detention at the police station, Roberto was caught on audio chanting the following short but heartbreaking lines: “what I want is food for the poor; all I ask for, is food for the poor.”²

Unlike Roberto’s arrest, the detention of hundreds of unemployed, poor, black, and immigrant residents for violations of stay-at-home orders had remained invisible.³ The majority of these arrests have been under the recently passed Law 35 of April 5, 2020, which criminalizes any breaching of an executive order that enacts a curfew, lockdown, and/or state of emergency.⁴ These detentions illustrated the current law enforcement and state violence practices taking place in PR in the wake of the economic and financial crisis, and during the various waves of disaster affecting PR since 2016. To be sure, PR is experiencing a multilayered economic, legal, political, environmental, and humanitarian crisis since 2006. This multilayered crisis included an economic and fiscal crisis (2006 to present); the devastation generated by Hurricanes Irma and María on September 20, 2017; a series of earthquakes that severely damaged the southwestern region of PR (January 2020); and the ongoing COVID-19 global pandemic. All of this, as this article shows, has further damaged the already stagnant Puerto Rican economy, and its legal and sociopolitical institutions.

This paper proposes the use of the concept of punitive governance to describe the transformations that the Puerto Rican government and US colonialism in PR are experiencing in the context of the multilayered crisis. LeBrón (2019) describes punitive governance as,

[…] the ways in which the Puerto Rican state has reasserted itself in the lives of Puerto Ricans through technologies of punishment such as policing and incarceration, as well as the violence they often provoke. Punitive governance also refers to the ideological work undertaken by the state to promote an understanding that punishment, justice, and safety are intrinsically linked […] Punitive governance has left an indelible mark on how life and death are understood and experienced in Puerto

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¹ Issued under the Executive Order OE-2020-033 of April 12, 2020. This is the fourth extension, since March 15, 2020, of the shelter-at-place or stay-at-home order issued by the Puerto Rican Governor Wanda Vazquez.

² See Pulso estudiantil: https://twitter.com/pulsoest/status/1255992256651288576.

³ As of October 2, 2020, the PR Police had issued a total of 3,356 fines, while 1,003 people have been arrested in connection with alleged curfew violations. See: https://www.metro.pr/pr/noticias/2020/10/02/1003-arrestos-por-violaciones-a-la-orden-ejecutiva-desde-el-inicio-del-toque-de-queda.html.

⁴ Law 35 of April 5, 2020 is an amendment to Law 20 of 2017 (Article 5.14). This new law criminalizes the spreading of “misinformation during periods of crisis” and any breaching of an executive order enacting a curfew, lockdown, and/or state of emergency. The sanction and/or penalties for breaching an executive order included up to 6 months in prison or a $5,000 fine. While for the spreading of misinformation against an executive order declaring a state of emergency, lockdown, or curfew, the law introduces a fine of $10,000. If the misinformation causes physical harm or severe harm to third parties, the violation should be considered a felony.
Rico and has done so in a way that reinforces societal inequalities along lines of race, class, spatial location, gender, sexuality, and citizenship status (LeBrón 2019: p. 3).

This paper expands on LeBrón’s (2019) definition and argues that punitive governance has become the colonial state repressive apparatus implemented to address the multilayer crisis. That is, punitive governance enables a specific colonial-neoliberal form of crisis management, while allows the local and colonial elites to secure their domination, hegemony and reproduce their power during a time of crisis. To be sure, punitive governance goes hand in hand with Gilmore’s (2007) binomial description of state power in neoliberal times as organized abandonment and organized violence. Organized abandonment is the direct consequence of the neoliberal policies and austerity measures implemented to address periods of economic crisis. That is, while the state imposes structural adjustments and engages in systemic cutbacks of welfare programs undermining the already precarious living conditions of the most vulnerable sectors of society (organized abandonment); the state criminalizes and enforces stricter security measures and violent policing practices against the abovementioned population (organized violence). These tendencies and/or transformations of the welfare state into a police and carceral state and the generalization of organized violence against poor communities is what critical scholars have named neoliberal punishment (Beckett and Herbert 2008; Cypher 2007; Harcourt 2010; Lynch 2011; Wacquant 2009; Whitman, 2011).

This paper argues that punitive governance is rooted in two important phenomena: colonial abandonment, and neoliberal legalities. Colonial abandonment manifests through the rapid transformation of the Puerto Rican political economy, and the way the PR and the US governments see their role in Puerto Rican society. It entails: the intensification of neoliberal policies, such as the reduction of administrative and regulatory structures, privatization of public services, and implementation of austerity measures; the financialization of the colonial economy and the exponential rise of the public debt. Furthermore, colonial abandonment entails the normalization of colonial state terror and state violent practices to manage any opposition to the policies imposed by the state. Colonial state terror was originally developed by the US and PR governments as anticolonial and counterinsurgency practices, against the general population. Thus, as this paper demonstrates, punitive governances entail some historical continuities and discontinuities with the uses of state violence to control and represses colonial subjects.

Neoliberal legality manifests through the ever-increasing accumulation of power by the local executive branch and the corresponding weakening of constitutional and civil rights (normalizing the state of emergency (see Jimenez 2020)). It not only manifests through the normalization of authoritative policing, state violence, antidemocratic legislations, and impunity for white-collar criminals and state-corporate crimes, but facilitates these phenomena. Neoliberal legalities create the legal framework for wealth extraction and plunder, as well as repressive social controls targeting working and poor people, along with socio-environmental, anti-austerity, and anticorruption mobilizations. Together, this exemplifies

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5 In Gramscian terms, this is the way in which local elites and the state have tried to maintain their domination amidst the crisis of legitimacy generated by the multilayered crisis.

6 For an analysis of how the processes of financializing the economy have led to a systemic crisis, see the work of Krippner (2011) and Lapavitsas (2013).

7 For a discussion of the concept of colonial state terror see Atiles (2016b).
the continuation of punitive governance as a tool to undermine the agency of Puerto Rican colonial subjects.\(^8\)

This paper shows how the Puerto Rican government, the Department of Public Safety\(^9\), and US security agencies have used punitive governance to deal with three important reactions to the economic crisis in the wake of the US imposition of the Public Law No. 114–118, known as Puerto Rican Oversight, Management and Economic Stability Act (PROMESA): socioenvironmental mobilizations; anti-austerity mobilizations; and anticorruption mobilizations.

To do so, the paper proposes a threefold analysis. Firstly, it provides a brief overview of PR’s economic and financial crisis, the proposed neoliberal solutions to the crisis, and the consequences of such solutions. By engaging with the development of neoliberal legality and the uses of the state of emergency to address the economic crisis, this section shows the processes that led to colonial abandonment in PR. Secondly, the paper expands on the intertwined/intertwining relationship between punitive governance, colonialism, and criminal law. Thirdly, the paper analyzes the process of criminalization of the socioenvironmental, anti-austerity, and anticorruption mobilizations resisting colonial abandonment. These forms of resistance to colonial abandonment were largely initiated by grassroots initiatives, and working-class and poor communities. Two strategies will be discussed in this final section: 1) the uses of criminal law to limit freedom of speech and protests and 2) repression and the systemic deployment of state violence against protestors. These state violent reactions to sociopolitical mobilizations are part of a long history of criminalizing and repressive practices that must be understood against the backdrop of US colonial history in PR.

**A Brief History of PR: Multilayered Crisis, Exceptionality, and Neoliberal Legalities**

Puerto Rico is a Caribbean archipelago consisting of the *Isla Grande*, the island municipalities of Vieques and Culebra, and a series of smaller islands. As a result of the Spanish-American War, the USA invaded PR on July 25, 1898, and after the signing of the Treaty of Paris\(^10\) between Spain and the USA, PR was “transferred” to the USA. Puerto Rican history, as the history of many other colonized countries, is the history of the use of the Rule of Law, and colonial violence to maintain structures of domination, wealth extraction, and plundering.

For example, PR became a domain of the US Congress under the Territorial Clause of the US Constitution\(^11\), which means that the control over the PR recourse will be subordinate to the US Congress. In 1900, the US Congress legislated the Foraker Act\(^12\), which established a civil government in PR and granted Puerto Ricans limited representation.

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\(^8\) My utilization of the concept of colonial subject aims to go beyond Grosfoguel’s (2002) discussion of the location of PR within the modern/colonial world-system, and his engagement with the coloniality of power and colonial difference. Thus, I am interested in analyzing the ways in which punitive governance has reshaped the ways in which the state and the criminal law deal with Puerto Ricans in the wake of the economic crisis.

\(^9\) Created Law 20 of 2017 the Department of Public Safety became the umbrella agency for all the Puerto Rican security agencies.

\(^10\) Treaty in which Spain transferred sovereignty over PR, Guam, and the Philippines to the USA.

\(^11\) US Constitution Article IV-3, Clause 2.

\(^12\) Foraker Act of April 12, 1900 (cap. 191, 31 Stat.77).
in the local government. In 1917, the Jones Act\(^\text{13}\) was passed, granting US citizenship to Puerto Ricans. Simultaneously, between 1899 and 1922, in a series of cases called the *Insular Cases*, the US Supreme Court ruled what would become the legal definition of PR and the US legal and political relationship with its territories (Atiles 2016a). The colonial status of PR took a new turn in 1952 with the creation of the Commonwealth of PR. The Commonwealth of PR was established as a legal and political category under Public Law 600 of 1950 of US Congress,\(^\text{14}\) allowing Puerto Ricans to draft their constitution. This new local government recognized a certain degree of internal democracy and established a republican system of governance within the legal and political framework of US colonialism. This law, however, did not imply a substantial change in the US-PR political relationship; a telling example is that almost all the areas related to trade, money, international agreements, immigration, and tariffs are still under US control.

Following Agamben (2005) and Reynolds (2017), I have described the legal and political development of US colonialism in PR with the paradigm of the state of exception (Atiles 2016a, 2019).\(^\text{15}\) In my analysis of the legal constitution of US colonialism, and the historical process of the criminalization of anticolonial movements, I have shown that a double exceptionality operates in PR (Atiles 2018, 2020). A colonial state of exception refers to the US’s uses of this paradigm as a colonial domination technique (exemplified by PROMESA, the legal-colonial design of PR, and the criminalization of anticolonial movements), and an internal state of exception refers to the uses of this paradigm by the Puerto Rican government as dispositive to manage crises and criminalize sociopolitical movements. In short, Puerto Rican economic, political, and legal development has been based on a normalized state of exception (Atiles 2016a, 2018). In what follows, I briefly describe how exceptionality was used to manage the Puerto Rican economic and financial crisis, and how that exceptional structure created the conditions for colonial abandonment and the deployment of punitive governance in the neoliberal era.

**Puerto Rico’s Economic Crisis and the Development of Neoliberal Legality**

PR’s economic crisis began in 2006 as a result, among other things, of the elimination of the tax exemption known as Sect. 936,\(^\text{16}\) which sought to encourage US corporations to establish themselves in the archipelago with the promise that they would be able to repatriate profits as soon as they were realized. After ten years of economic crisis, in 2016, the local government defaulted on and stopped paying its public debt, which amounted to $72 billion, and the per capita debt burden was $15,637 (Bhatti and Sloan 2017). To make matters worse, PR is poorer than all of the states in the USA, having a median household income of $18,626. After the default in 2016, all three branches of the US government exercised their colonial power over PR.

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\(^{13}\) Jones Act, ch. 190, 39 Sta. 951 § 2 (1917).

\(^{14}\) Public Law 600, 81st. Act of Congress, provides for the organization of a constitutional government by the people of Puerto Rico (3 de July de 1950, cap. 446, 64 Stat. 314.).

\(^{15}\) Fristch and Kretschmann (2022:19) propose the concept of “politics of exception” to describe the use of exceptional regulations in the legal and political realm of contemporary constitutional democracies. The authors argued that the criminalization of public street protests is one of the manifestations of the politics of exception. My analysis of the case of PR shared many aspects of Fristch and Kretschmann (2022) portrayal of the uses of emergency powers and the state of exception in contemporary democracies.

\(^{16}\) Section 936 of the U.S. Internal Revenue Code of 1976 (26 U.S. Code, 1976).
Lacking proper crisis management strategies, the PR government resorted to the internal state of exception as a legal and political technique to administer every aspect of the multilayered crisis. The uses of the internal state of exception played a direct role in undermining the state’s social welfare provisions, while it was strongly opposed and resisted by numerous sociopolitical movements (especially anti-austerity and anticorruption organizations). To be sure, the (mis)management of the multilayered crisis by the PR and US government has been marked by: (1) abandonment of the most vulnerable populations and emphasizing individual responsibility (rather than governmental responsibility) to protect and recover after disasters; (2) systemic uses of emergency legislation and of the state of emergency to address the crises; (3) disaster capitalist policies and the intensification of austerity measures; and (4) the militarization of disaster relief and law enforcement.

For example, Acevedo Vilá’s Popular Democratic Party administration (2005–2008) was the first to employ the internal state of exception as a strategy for economic crisis management. In May 2006, Acevedo decreed a partial shutdown of the government, given that it had no money to pay public employees. The shutdown was widely opposed by labor unions and anti-austerity organizations, which on April 28, 2006, organized a public demonstration and called for a general strike if the shutdown continued. The general strike did not happen after the budgetary crisis was settled in May 2006. One of the mechanisms used to settle the budgetary crisis was the establishment of the Urgent Interest Fund or Sales Tax Financing Corporation, which was a key factor in the rapid increase of indebtedness (Dennis 2020).

In 2009, Luis Fortuño of the New Progressive Party (2009–2012) took office and continued to implement neoliberal policies and the internal state of exception. As I show below, his administration deployed numerous criminalization tactics and state violence against sociopolitical movements, in an effort to thwart any opposition to its neoliberal policies. For example, Fortuño declared a state of fiscal emergency and passed Law 7 of March 9, 2009, which allowed his administration to undertake a violent austerity campaign that produced: (1) the dismissal of 20,000 public employees, (2) the privatization of public services, (3) the development of public–private partnerships, and (4) the removal of protections against Wall Street’s predatory practices (Bhatti and Sloan 2017).

Alejandro García Padilla’s Popular Democratic Party administration (2013–2016) implemented the same neoliberal, criminalizing and exceptional practices developed over the preceding decade. For example, the Fiscal Stability Act (Law 66 of June 17, 2014) officially declared a state of fiscal emergency, and the Public Corporation Debt Enforcement and Recovery Act (Law 71 of June 28, 2014) was passed to address the exclusion of the government and its corporations from Chapter 9 of the US Bankruptcy Code. In 1984, the US Congress adopted Sect. 903(1) of the Bankruptcy Code and introduced a new definition for “state” that excluded the PR government and its public corporations from Chapter 9 (municipal bankruptcy). The exclusion of PR from the Bankruptcy Code made Puerto Rican bonds and public debt more appealing to investors, while leaving PR without any sort of protection (Bhatti and Sloan 2017). Subsequently, the Law 71 of 2014 was challenged in courts by the bondholders, going all the way to the US Supreme Court. Finally, on April 6, 2016, the passage of the Emergency Moratorium and Financial Rehabilitation

17 See: http://news.bbc.co.uk/2/hi/americas/4962762.stm.
18 See: http://news.bbc.co.uk/2/hi/americas/4755069.stm.
19 See: http://www.bbc.co.uk/caribbean/news/story/2006/05/060504_puertoricofiscal.shtml
20 See Public Law No: 98-353 July 10, 1984.
Act (Public Law 21) gave the governor the power to declare the non-payment of the public debt, and in May, PR defaulted on the payment of its public debt for the first time in its history.

After the default in 2016, the US government exercised their colonial power over PR in an effort to preserve the colonial financial and economic structures that facilitate wealth extraction and dispossession. For example, the US Congress legislated, and President Obama signed PROMESA into law. This law is the neoliberal solution proposed by the US government to address PR’s economic and financial crisis. However, PROMESA does not recognize the effects of colonialism in the Puerto Rican multilayered crisis, and it is accompanied by the imposition of the Federal Oversight and Management Board (FOMB), or a seven-member board that regulates the budget and funds of PR’s government. The FOMB is a colonial body in charge of ensuring the survival of the capitalist financial system, guaranteeing the payment of the public debt and getting PR back into financial and stock markets. An important aspect of the FOMB is that it was given powers that could be used to suspend the effects of certain laws that are inconsistent with the FOMB’s fiscal plans,21 showing a reaffirmation of the colonial state of exception.

In tandem with this, the US Supreme Court ruled on two cases that redefined the colonial condition of PR: Commonwealth of Puerto Rico v. Sánchez Valle et al. (2016), and Commonwealth of Puerto Rico et al. v. Franklin California Tax-Free Trust et al. (2016). Puerto Rico v. Sánchez Valle addressed a double jeopardy case, and the main controversy consisted in elucidating whether PR had a sovereignty different or separate from that of the US federal government.22 The Court argued that PR does not have a sovereignty different from that of the federal government when it comes to the power to criminally prosecute an accused. In Puerto Rico v Franklin California (2016), the US Supreme Court ruled that PR has no sovereignty to legislate a local bankruptcy law (Law 71 of 2014), since that area has been occupied by Congress, and only Congress can legislate a bankruptcy law for PR, which is in fact what happened with the legislation of PROMESA and the inclusion of a bankruptcy procedure in Chapter 3.

Altogether, PROMESA, FOMB, and the US Supreme Court rulings have multiple implications: (1) They were justified under the rationale that Puerto Ricans were fiscally irresponsible and lack budgetary discipline necessary to rule their economy. Therefore, US intervention and fiscal discipline were necessary; (2) the USA showed that the PR government efforts to manage the fiscal and economic crisis should be limited to the scope defined by the US colonial law; (3) the US solutions to the crisis entail a radicalization of the violence of austerity and enhance organized abandonment; (4) they legitimated punitive governance as a tool to police the crisis (especially Sánchez-Valle). All of these create the neoliberal-legal conditions for the local government to further develop its techniques of criminalization and repression against sociopolitical movements.

**Multilayered Crisis and Neoliberal Legality after PROMESA**

It was amidst the reaffirmation of the US colonialism that Ricardo Rosselló (New Progressive Party [NPP]) took office on January 2, 2017. Rosselló’s administration passed

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21 See US Supreme Court ruling in FOMB v. Aurelius Investment, LLC No. 18–1334. June 1, 2020.

22 An important aspect of the Control Board is that two of its members (Carlos García and José Ramón González) participated in the generation of the PR debt, both as executives of Santander Bank and as members of the PR government (Hedge Clippers, 2016).
laws to modify or eliminate existing labor rights, and enhanced austerity and neoliberal policies, for example the Labor Transformation and Flexibility Act (Law 4 of January 26, 2017), which proposed a reform of the labor law for the private sector; the Administration and Transformation of Human Resources in the Government of Puerto Rico Act (Law 8 of February 4, 2017), which introduces a labor law reform for government employees; Enterprise Puerto Rico (Law 13 of February 20, 2017), aiming to promote economic development and growth; two different laws to encourage private investors to move to PR (Law 45 of July 11, 2018 and Law 46 of July 19, 2018); and two laws to encourage private capital funds to move to PR (Law 93 of August 8, 2017, and Law 94 of August 8, 2017). It is important to note that almost every law references PROMESA, the FOMB, and the economic and financial crisis as justification for their legislation.

Against this background, on September 20, 2017, Hurricanes Irma and María practically destroyed the archipelago. Rosselló’s administration quickly moved to implement the state of emergency as a strategy to exploit the crisis generated by the hurricanes. This strategy, together with the negligent and criminogenic response of Trump’s administration, worsened the crisis and the living conditions of Puerto Ricans and opened the doors for rapacious disaster capitalism, corruption, and fraud (Klein 2018). In the aftermath of María, Puerto Ricans experienced a radical expression of colonial abandonment by both the US and PR governments. The fact that approximately 4645 people died (Kishore et al 2018) as a consequence of the negligent and criminogenic (mis)management of the aftermath of the hurricane proves the colonial abandonment had become the mechanism to deal with every crisis.

One of the many factors that led to the Puerto Rican Summer of 2019—the sociopolitical mobilizations that ousted governor Rosselló—was the corrupt practices and colonial abandonment that Puerto Ricans experienced since the beginning of his administration. After Rossello resigned, Wanda Vázquez, former Secretary of Justice, became Governor of PR in August 2019. As previous governors did before, Vázquez uses executive orders and issued declarations of the state of emergency to deal with the economic crisis.

In January 2020, a series of earthquakes severely damaged the southwestern region of the island, worsening the already precarious economic situation (Onís et al 2020). Between January 7, 2020 and March 12, 2020, Governor Vázquez issued 18 executive orders to address this crisis. Vázquez’s administration declared a state of emergency (OE-2020-20, March 12, 2020) to address the COVID-19 pandemic. Following what has become a pattern to deal with any crisis or disaster, between March 12 and December 30, Governor Vázquez issued 51 executive orders (Atiles 2021).

Similarly, Governor Pedro Pierluisi (PNP), who took office in January 2021, has followed this pattern of issuing executive orders to administer every aspect of the COVID-19 pandemic, and other crisis. For example, between January 2, 2021 and May 3, 2022, Governor Pierluisi issued 46 executive orders to address the COVID-19 pandemic. As the local administration has issued emergency measures, Puerto Ricans have been facing exponential increases in unemployment rates (in a country that was already facing 14 years of economic stagnation); lack of access to testing, proper monitoring of people infected by COVID-19 and a chaotic vaccine rollout; a dramatic escalation of families facing food insecurity; and unequal federal emergency relief (Negrón 2020). The following paper engages with punitive governance and organized violence, as the other side of the exposed neoliberal legalities.
Punitive Governance, Colonial Abandonment, and Criminalization in the Wake of PROMESA

As colonial subjects within the body politic of the USA, Puerto Ricans have seen their human and civil rights severely restricted by the US’s laws, economic interventions, and natural disaster management practices. These restrictions resulting from colonialism and the historical legal accommodation of PR and Puerto Ricans within the US’s rule of law have produced a colonial subjectivity. Colonial subjects, thus, experience an inclusive exclusion within the US imperial politics. This logic of inclusive exclusion placed Puerto Ricans—especially poor, working class, and racialized Puerto Ricans—in an exceptional space demarcated by the denial of full citizenship and protection of their basic human and civil rights; lack of acknowledgment of their autonomy and impositions of laws and economic policies without their consent; and the denial of their right to self-determination and criminalization and repression of political mobilizations (Atiles 2016b, 2019). This logic of inclusive exclusion has been exacerbated by the economic crisis and the neoliberal policies imposed by the US and PR governments to manage the crisis. This is precisely what I have termed colonial abandonment.

In the context in which rights are restricted in order to promote neoliberal goals, the austerity measures and colonial abandonment allow for the practice of punitive governance. Punitive governance “functions as a form of crisis management that masks an inability or unwillingness to radically transform social relations and institutions in order to address pressing societal problems” (LeBrón 2019: p. 6). As crisis management techniques, punitive governance is intertwined with the economic and financial crisis, neoliberal legalities, and colonial abandonment. Given this intertwined relationship, punitive governance reinforces the neoliberal understanding that there is no alternative. An understanding that has been largely resisted in PR by grassroots socioenvironmental, anti-austerity, and anticorruption mobilizations. It is precisely in that context that the process of criminalization of socioenvironmental, anti-austerity, and anticorruption movements must be understood as a governmental technique to control and repress any resistance to colonial abandonment, and the criminogenic (mis)management of the multidimensional crisis affecting PR since 2006.

The Puerto Rican government’s implementation of punitive governance constitutes a particular exemplary case of abandonment in a colonized Global South country. The history of PR under US colonial rule, since 1898, is rooted in the systemic use of the rule of law to legitimate plunder, violence, and the criminalization and repression of anticolonial and sociopolitical movements. To be sure, the long history of colonial state violence in PR can be largely summarized by the tactics and rhetoric implemented by the US and PR governments to legitimate their intervention with anticolonial actors. For example, between 1898 and the 1920s, colonial violence was legitimized under discourses of the civilizing mission. In 1930s–1950s, colonial violence was legitimated under the practices of counterinsurgency and political persecution of the nationalist movement’s threat. Between the 1960s and 1990s, state violence was legitimated under discourses that portrayed guerrilla style Puerto Rican communist and anticolonial movements as threats to security. Since 2001, with the enactment of the Patriot Act, colonial state violence has been justified by claims that Puerto Rican anticolonial movements are a terrorist threat. In the wake of the economic and financial crisis in 2016, the uses of state violence have been legitimated

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23 For a discussion of inclusive exclusion see Agamben (2005) and Atiles (2016a).
under the discourse of the state of emergency, and the “debt crisis.” This brief description of the processes of legitimation of colonial state violence shows its malleable and reconfigurable characteristics. I have noticed that the exercises of political violence, repression, and criminalization through the colonial state violence cannot be understood as a fixed practice, but rather as a dynamic one. Thus, the concept of punitive governance allows us to illustrate the current manifestation of state violence in PR.

In PR, there is a substantial body of scholarly analyses of the processes and history of state crimes, state terrorism, and criminalization of anticolonial movements (Bosques and Colon 2006; Paralitici 2011; Poltevin 2000); environmental movements (Braver 2012; Concepción 1995); and student movements (Atiles and Whyte 2011; Brusi 2011; Pérez-Lizasuain 2018). Furthermore, there are important analyses of the criminalization of poor communities of color, police brutality, and impunity (Kilometro Cero 2018, 2019, 2020; LeBrón 2019, 2021). Nevertheless, there is an important gap when it comes to analyzing the impact of the economic and financial crisis and the neoliberal solutions developed by the US and local governments upon the criminal justice system and law enforcement agencies. This is particularly problematic, since there is not a clear analysis of how neoliberal policing and punitive governance are implemented to criminalize poor and working-class communities, as well as grassroots organizations that oppose neoliberal solutions to the economic crisis.

To be sure, the Puerto Rican government turned to punitive governance to manage structural instabilities generated by the multilayered crisis felt at the population level while promoting the image of a strong and active state. That image was manufactured through militarization and the deployment of state violence against poor communities and the working classes. Thus, punitive governance emerged as a class project in the post-cold war era and exemplifies the neoliberal effort to control poor communities of color and the working classes. That is, those communities that have been systemically abandoned by the neoliberal state. Punitive governance was not initially intended to deal with sociopolitical and anticolonial movements. Instead, for these movements, the local and US governments continued applying criminalization and repression tactics born out of counter-revolutionary and colonial practices (Atiles 2019; Bosques and Colon 2006; Paralitici 2011). Hence, the application of punitive governance to criminalized sociopolitical movements took place in the 2010s as a result of the economic crisis and the radical neoliberal transformation of US colonialism and the PR government.

This shift of repressive and criminalization techniques has to do as well with a transition in the Puerto Rican sociopolitical mobilizations resulting from the emergence of new strategies and tactics at the local and global level. The sociopolitical movements, especially since Occupy, Indignados and the Student Strike at the University of Puerto Rico (UPR) 2010–2011 and 2017, developed polymorphous political strategies that emphasized horizontality, mutual-aid and solidarity, direct and radical democracy, assembly models, and decoloniality. These strategies were widely implemented in the context of the anti-austerity student strikes at UPR in 2010–2011 and in 2017.

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24 Bernat and Whyte (2022), Fritsch and Kretschmann (2022) and Vegh Weis (2022) have shown how similar techniques of neoliberal criminalization and repression have been implemented against activists elsewhere in the Global North and South. The authors show that the criminalization practices have changed together with the transformation of social mobilization strategies.

25 For a detailed analysis of the tactics and strategies implemented by the students strikes see Pérez (2018).
resistance against PROMESA and the FOMB\textsuperscript{26}; in the community-based and mutual-aid recovery efforts after hurricane Maria\textsuperscript{27} and the swarms of earthquakes; and in the anti-corruption mobilizations of the Puerto Rican Summer of 2019.\textsuperscript{28}

In short, all these instances had produced a new understanding of grassroots and socio-political mobilizations in PR, in which a plurality of subjectivities, tactics and strategies converged to advance a specific demand. These new tactics and strategies had empowered poor and working-class communities and grassroots organizations to hold accountable the colonial state for its colonial abandonment, as well as to address the devastation generated by the wave of disasters affecting PR since 2017. Therefore, it is understandable that repressive and criminalizing tactics developed to discipline and control precarious colonial subjectivities became the way in which the colonial-neoliberal state addressed these new mobilizations born out colonial abandonment.

**Case Studies in Punitive Governance in PR**

Considering the reconfiguration of PR punitive politics, this paper looks at practices of criminalization and repression enforced against grassroots socioenvironmental, anti-austerity and anticorruption mobilizations in the wake of PROMESA. To do so, in addition to studying the uses of state violence against these mobilizations, I will first discuss how the New Penal Code of PR of 2012 protected the status quo by criminalizing tactics typically used in sociopolitical protests. Next, I will analyze Law 20 of 2017, which in response to Hurricane Maria created the Department of Public Safety to further enhance the powers of the state to criminalize social movements. These laws and their application illustrate the intertwined relationship between exceptionality, neoliberal legalities, and punitive governance.

**New Penal Code of PR of 2012 and the Criminalization of Grassroots Socioenvironmental and Anti-austerity Mobilizations**

The recent process of criminalization of sociopolitical mobilizations, and the development of punitive governance, came as part of the neoliberal administration of Luis Fortuño (NPP 2009–2013) with the enactment of the New Penal Code of PR (Law 146 of July 30, 2012). The law targeted socioenvironmental and student mobilizations and labor unions and criminalized their traditional mobilization tactics. The code has suffered several amendments, especially specially under Rosselló’s administration, including Law 27 of May 19, 2017, which hardened some of the provisions used to criminalize sociopolitical mobilizations and poor communities. To be sure, Law 27 of 2017 was passed with the intention of criminalizing protests and putting limits on free expression in PR. With this law, protests in educational, health, and construction areas are criminalized, as well as the criminalization of student, worker, and socioenvironmental movements.

\textsuperscript{26} For an analysis of the resistance to PROMESA and to the colonial debt see Zambrana (2021). Additionally, we should consider the opposition to PROMESA led by feminist and grassroots organizations such as the Feminist Collective in Construction”.

\textsuperscript{27} See Bonilla and LeBron (2019) and Davila (2017).

\textsuperscript{28} See Bonilla (2020) and Villanueva and LeBron (2020).
The New Penal Code defines as trespassing “occupying private property or machinery that are part of a construction that has the proper permits” (section 5267. c). Also, it typifies as a serious crime, punishable with 3 years of imprisonment, obstructing or stopping public or private construction works (section 5269a). Similarly, the code criminalized interference with tourism (section 5269b) making it a crime for any person to intentionally obstruct and/or prevent access and/or enjoyment of any tourist activity. Although, these articles concerning “crimes against public safety” might look irrelevant at first, it is important to bear in mind that the occupation of “construction sites, touristic areas (such as beaches) and private estates (such as farms and experimentation sites owned by big corporations, e.g. Monsanto)” are the kind of political and non-violent actions taken by communities and socioenvironmental mobilizations.

A telling example is the repression and criminalization of grassroots mobilizations such as “Encampment against Coal Ashes in Peñuelas.” The Encampment is a community-based organization fighting to eradicate the practice of dumping toxic ashes from coal in local landfills in the southern region of PR (Onís 2018, 2021). The organization was initially formed to demand the closure of the island’s only coal-fired plant owned by Applied Energy Systems (AES).29 and to expose the health and environmental threats impacting vulnerable communities, like the southern town of Peñuelas. The organization has shown, on the one hand, the systemic socioenvironmental harm produced by state encouragement and tolerance of AES toxic dumping (colonial abandonment), and, on the other hand, has exemplified the uses of the New Penal Code and the criminal justice system to coerce poor communities and socioenvironmental mobilizations (punitive governance). As Santiago (2016) points out, hundreds of protesters have been arrested, faced police brutality and were subjected to systemic surveillance for opposing the toxic dumping of ashes in the landfill.

Another important case of repression of grassroots socioenvironmental movements is the arrest of environmental organizer and leader of the Casa Pueblo initiative, Arturo Massol (on July 27, 2018). Casa Pueblo is a community-based environmentalist project born in the 1980s in the mountain town of Adjuntas, in the context of the mobilizations against the US’s mining industry in PR.30 Throughout its forty years of existence, Casa Pueblo has faced systemic repression and criminalization of its organizers and followers. This situation increased in the aftermath of hurricane Maria when the organization started promoting solar energy as an alternative to fossil fuel energy production (Brown 2020). It was precisely in this context that Massol was arrested. Despite his case being dismissed days after, this is an additional example of how punitive governance is implemented to discipline those who oppose colonial abandonment.31

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29 AES has been pointed “to” or “out” as one of the corporations involved in the corruption scandal surrounding the Rosselló administration. In addition, this corporation has systematically violated local and federal environmental regulations. After multiple mobilizations and complaints, the PR legislature passed Law 40 of 2017, which gave AES additional power to continue with the toxic dumping of ashes. For more details on the case of AES (Rosa, 2019).

30 For more information see: https://casapueblo.org. Similarly, in Atiles (2014) I have shown how Casa Pueblo became a key organization in the struggles against environmental colonialism. Therefore, the criminalization of its leaders comes as a manifestation of the US and PR governments’ effort to thwart anticolonial mobilizations that challenged US colonialism in the archipelago.

31 As result of the devastation generated by Hurricane Maria, PR holds the longest blackout in the history. See: https://witness.worldpressphoto.org/the-power-of-sin-luz-life-without-power-a86ab38a5e39.
An additional example of repression and state violence against socioenvironmental movements can be found in the context of the anti-gentrification demonstrations in Los Almendros Beach in Ricon, PR. Between July 26 and 27 of 2021, a group of socioenvironmental activists began protesting the construction of a swimming pool and a fence that limited the access to the public beach and put in danger an area where hawksbill turtles—an endangered species—nest. During the protest, locals gathered around the concrete fence, singing and chanting “the beach is for the people,” while a heavy police presence looked on. Security guards heckled demonstrators, and videos show a young protester being grabbed by her hair by a police officer and the use of excessive force in many other instances by officers. The heavy police presence and their role in protecting the construction of a private swimming pool and a fence, which later were found to be illegal, illustrated the uses of punitive governance to enable the extraction and the plundering of public goods by the local elites.

Furthermore, the New Penal Code establishes tampering with essential services when preventing a person from requesting or receiving help for their life, health, or physical integrity as a serious crime (punishable with 15 years of imprisonment). Chapter 339, Crimes Against Public Order and Respect for Public Authority, shows the radicalization of the criminalization measures. Section 5336a typifies obstruction of access or work in educational and health institutions or buildings where government services are offered to the public as a less serious crime. Finally, in section 5338, the code describes the use of disguises in the commission of crime as a serious crime. This section is particularly problematic since it typifies that any person using a mask, hairpiece, makeup, dye, or any other costume, complete or partial, which temporarily or permanently alters in any way their physical appearance in order to alter or interfere with ordinary activities in a public educational facility, in a health facility, or inside government buildings as a crime.

All these provisions are directly targeted at criminalizing protests by labor and student mobilizations. Wearing masks while in demonstrations is a common practice in PR, and elsewhere, given the long history of police surveillance and repression against workers, and sociopolitical and anticolonial movements. Masks have been used traditionally as a means to protect against criminalizing techniques. Similarly, another common practice among student movements is to occupy university campuses in demand of specific changes in university or government policies. That was the case for the UPR strikes of 2010–2011 and 2017 (Brusi 2011; LeBrón 2019; Pérez-Lizasuain 2018). Therefore, those specific sections are targeting the most common practices of sociopolitical mobilizations and curtailing freedom speech.

These policies proved to be essential in the criminalization and repression of the opposition to neoliberal policies imposed by the FOMB. As early as the Summer of 2016, Puerto Ricans started mobilizing against PROMESA, FOMB, and colonial abandonment. “PROMISES are over” or “Jornada se acabaron las PROMESAS” was one of the first anti-austerity organizations to emerge in this context (Mercado 2016). This organization held an encampment in front of the US Federal Court in PR and held countless mobilizations...
against the FOMB and its members. Simultaneously, the Feminist Collective in Construction has maintained a constant mobilization against PROMESA and against the burden of austerity on poor women of color. This black feminist and intersectional collective have led numerous demonstrations and have played a key role in other sociopolitical mobilizations in PR.

Likewise, Puerto Rican communities in the US and UPR students actively mobilized against the austerity measures imposed by the FOMB. The student strike of 2017 is particularly relevant to show this process of criminalization (Robles 2017). Only three months after Rosselló took office, in April 2017, students declared a strike at UPR that lasted until June 2017. The student strike at UPR occurred in response to the reduction of UPR’s budget; for the audit of the Puerto Rican Public debt; against the privatization of public services; and in defense of public education. While it is true that the strike and student mobilization were criminalized and delegitimized (Carrasquillo 2020), unlike the 2010–2011 strike, the state’s repression and political violence were not widely used by the administration. However, the police engaged in physical and online surveillance of students, professors and allies to the anti-austerity mobilizations.36

As Fritsch and Kretschmann (2022) remind us, the policing and criminalization of protest always take place under exceptional terms, even when there is not a formal declaration of the state of exception. This is clearly portrayed by the additional step in the repression and imprisonment of anti-austerity activists taken by the PR government on May 1, 2017. After a massive demonstration, some protestors carried out acts of sabotage against Banco Popular37 in the financial district of San Juan. In most cases, those arrested were not involved in the acts against the bank, but simply because they had been identified in previous anti-austerity demonstrations. The case of Nina Droz reflects the use of the force of law to demobilize those who oppose colonial abandonment and the violence of austerity. Droz was arrested on May 1, 2017, by the PR police while carrying out acts of civil disobedience to prevent the passage of the PR police’s Tactical Operations Unit. Subsequently, Droz was charged in the US Federal Court in PR with interfering in interstate commerce (Title 18 of the US Code, Sect. 844 (i)); specifically, she was accused of trying to set the Banco Popular branch on fire. Even though the bank’s facilities were not burned down, and that the damage (mainly broken glass) was promptly repaired by the bank and the government of PR, Nina Droz was sentenced to 37 months in prison and 3 years of probation.

While the criminalization and repression of anti-austerity mobilizations were taking place, Rosselló eliminated the “PR Commission for Comprehensive Audit of Public Credit,” previously created by Alejandro García’s administration (Popular Democratic Party [PPD] 2014–2017). With the elimination of the Commission, Rosselló showed his connivance regarding financial, economic, and colonial-political interests, which led PR to its current crisis. Thus, the role of previous colonial administrations, banks, and the corrupt practices that led PR to its current crisis were actively disguised by Rosselló’s administration.39 In opposition to the elimination of the Commission, its former members and a group

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36 For more details see Díaz Torres (2020).
37 Bank Popular is the biggest Puerto Rican bank and it has been pointed as one of the leading players in the Puerto Rican debt crisis and well as in multiple cases of corruption and state facilitated crimes (Bhatti and Sloan, 2017).
38 This led to the emergence of the Campaign to Audit the Debt. See also: https://thehill.com/blogs/congress-blog/politics/336606-opinion-puerto-ricos-debt-must-be-audited-now.
39 See Hedge Clipper (2018).
of citizens created the Puerto Rico Citizen Debt Audit campaign. This grassroots campaign advocated for an audit of the public debt through: (1) a popular education campaign on the needs for the audit of the public debt; (2) showing that the public debt is the result of colonial state-corporate crimes; (3) challenging austerity measures implemented by the US and PR governments to deal with the economic crisis; and (4) legal mobilization. Examples of legal mobilization included: challenging executive actions taken by the Rosselló and Vázquez administrations; holding accountable those who participated in a series of state-corporate crimes that propitiated the fourteen years-long economic and financial crisis; and participating in proceedings at the US District Court in San Juan after the Puerto Rican government declared bankruptcy. Hence, it can be argued that at the same time that punitive governance is applied against colonial subjects opposing to colonial abandonment and austerity, emergency powers have been used to protect the very corporate and financial interests that led PR to its current situation.

A year after, on May 1, 2018, there was another massive anti-austerity mobilization in the financial district of San Juan, and once again, the police engaged in excessive use of brutal force (Mazzei 2018). Despite the police recording the demonstration and the presence of a significant number of journalists, to this day, there have been no official reports concerning the uses of force during the demonstration (Kilometro Cero 2018). The PR police have consistently engaged in criminogenic uses of brutal force, neglected its duty to provide the public with the necessary reports and have concealed the identity of police aggressors, creating an environment of impunity.

Law 20 of 2017, Hurricane Maria and Anticorruption Mobilizations

At the same time that PR experienced the violence of austerity, on April 10, 2017, Law 20 of 2017 was passed with the intention of creating the Puerto Rico Department of Public Safety (a consolidation of all the different agencies in charge of security). Among the agencies included in this reorganization is the police department, which has been under a Federal Court mandate reform since 2012 after the ACLU sued for Civil Rights violations (Kilometro Cero 2018). This law is important for two reasons. Firstly, by bringing together under the same department, the Bureau of Special Investigations and the Institute of Forensic Sciences, the law technically eliminates the independence of the last two to conduct investigations against the police. This created the conditions for lack of accountability and impunity (Kilometro Cero 2018).

Secondly, in article 6.10, the law gives extraordinary power to the governor in case of an emergency. Aside from reaffirming the power of the governor to declare the state of emergency, the law established in its article 6.10, section b, that the governor can: amend and revoke regulations, and amend and rescind orders he or she deems convenient to govern during the state of emergency or disaster. The regulations or orders issued during a state of emergency or disaster will have the force of law while the emergency lasts. Furthermore, sections e and f confer power to the governor to acquire properties without the required due process in times of crisis, which was exactly what happened during the crisis generated by Hurricane María, when Rosselló’s administration used and abused these executive powers, generating several corruption scandals (Klein 2018).

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40 See http://www.auditoriaya.org/english/
The crisis generated by the Trump and Rosselló administrations’ mishandling of hurricane María proves the utter inefficacy of the state of emergency and punitive governance as policies to deal with crises. That is, this authoritarian and undemocratic model has proved incapable of meeting the people’s real needs, and instead, created the conditions for colonial abandonment. The state of emergency and the curfew decreed by Rosselló were unable to address and solve the problems that Hurricane María generated. Likewise, the militarization of the archipelago by members of the Army Reserve and the National Guard did not solve the problems of shortages of fuel, water, electricity, and telecommunications (Morales 2019). This shows that, contrary to the doctrine and common sense generated by colonial-neoliberalism, crises are not solved by the imposition of exceptional structures and the limitation of democracy. But rather, as Garriga (2020), and Mulligan and Garriga (2020) have shown, grassroots, community-based organization, mutual-aid, and radical democracy were more effective in addressing people’s needs after María. The ethic of care developed in the aftermath of María, as Mulligan and Garriga (2020) point out, led Puerto Ricans to the radical uprising of the Summer of 2019.

Ricardo Rosselló’s resignation on the evening of July 24, 201941, came after more than two consecutive weeks of popular uprising, in which hundreds of thousands of Puerto Ricans protested, marched, and rallied, demanding the end of his corrupt administration. This anticorruption uprising was catalyzed by the leak of a now infamous chat42; multiple corruption cases; and the negligent and criminogenic management of the aftermath of Hurricanes Irma and Maria. During these two weeks, the PR police engaged in excessive use of force and rioting under the justification that after 11 PM the demonstrations were no longer protected by the Constitution (Brusi 2019). At least 52 people were affected by different types of interventions by law enforcement officers during the protests. As Kilometro Cero (2019) reports, this number does not include hundreds of persons estimated to have suffered the effects of the tear gas fired throughout the streets of Old San Juan on multiple occasions. Additionally, Kilometro Cero (2019) argues that at least 17 were arrested and 27 injured by police baton use, firing of rubber bullets, pepper spray, tear gas, beatings, property damage, and other assaults. Kilometro Cero (2019) reports 5 complaints regarding crowd management, use of force by police, and intimidations by law enforcement officers on social media. These intimidations were made via social media, yet Kilometro Cero reported not to have all the necessary and sufficient documentation of them yet.

Despite the intimidation and police violence, the Puerto Rican Summer of 2019 ousted Ricardo Rosselló and his closer allies and created the conditions for a new understanding of accountability in PR. These mobilizations are also important, since they constitute, in a restricted sense, an example of anticorruption and anti-austerity mobilizations. Moreover, the Summer of 2019 also symbolizes the convergence of multiple claims and demands against punitive governance and colonial abandonment.

Only months after the Puerto Rican Summer of 2019, while the earthquakes were affecting the archipelago, and Puerto Ricans were enduring the scarcity of basic materials to deal with the aftermath of the earthquakes (many living in makeshift outdoor shelters), and people from other towns scrambled to help the affected communities, a group of citizens discovered a warehouse with thousands of recovery and relief materials. This led to a

41 The resignation was effective on August 2. See: https://www.nytimes.com/2019/07/24/us/rossello-puerto-rico-governor-resigns.html.
42 See: http://periodismoinvestigativo.com/2019/07/las-889-paginas-de-telegram-entre-rossello-nevares-y-sus-allegados/.
renewed set of anticorruption protests. On Thursday, January 23, 2020, thousands of protesters gathered to demand the resignation of Wanda Vázquez, for hiding essential supplies during the earthquake emergency (Kilometro Cero 2020). Shortly before 11:00 PM, and after allegedly announcing to the crowd to disperse 14 times, the police declared the protest illegal, and as Kilometro Cero (2020) reports, the police proceeded to launch tear gas at the protesters and fire non-lethal ammunition. Despite these mobilizations implementing the same creativity, they did not manage to mobilize thousands of Puerto Ricans as the Summer of 2019 did.

Vazquez’s administration became even more negligent and criminogenic during the COVID-19 pandemic. In response to the pandemic, the administration imposed draconian emergency measures that even included the approval of Law 35 of April 2020, a new law that criminalizes the spreading of “misinformation during periods of crisis,” as well as any breaching of an executive order. As I mentioned above, under this law, hundreds of persons have been arrested. These punitive and criminalizing practices deployed by the PR government during the pandemic are not different form the policies implemented by other liberal democracies in the Global north and South. For example, Martin (2022) has demonstrated how the Australian government, among others, has begun policing every aspect of the management of the pandemic. That is, the COVID-19 pandemic in PR, and elsewhere, has been addressed not only as a public health emergency, but also as a “public safety” emergency, in which policing have been central (Martin 2022).

Nevertheless, multiple Puerto Rican grassroots and community organizations, and sociopolitical mobilizations such as Roberto’s collective kitchen—mentioned in the introduction of this paper—have been taking place during the pandemic. These organizations which included collective kitchens, feminist pantries, and community-based environmental movements, have been facing the pandemic, building solidarity, mutual-aid, and communal systems of care, and reimagining alternative futures to colonial abandonment. These organizations have been enduring punitive governance and criminalization, as the case of Roberto illustrates. This process of policing and criminalizing solidarity in time of the COVID-19 pandemic constitutes a new episode in the ever-increasing punitive governance in PR.

**Conclusion**

As this paper has shown, at the root of punitive governance lie two important phenomena: colonial abandonment and neoliberal legalities. Colonial abandonment manifests through the rapid transformation of the Puerto Rican political economy, and the way the local government sees its role in society. It entails: the intensification of neoliberal policies, such as the reduction of administrative and regulatory structures, privatization of public services, and implementation of austerity measures; the financialization of the colonial economy and the exponential rise of the public debt. As a result, colonial subjects have experienced the denial of their human and civil rights and with it the criminalization of those who resist colonialism and neoliberal legality.

Neoliberal legality manifests through the ever-increasing accumulation of power by the local executive branch and the corresponding weakening of the republican structure and

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43 See: https://www.todaspr.com/alacena-feminista-luquillo-intercambio-solidario-entre-la-comunidad/.

44 For an exposition of the rise of the public debt, see Merling et al. (2017).
of constitutional and civil rights (normalizing the state of emergency); and the normalization of authoritarian policing, state violence, antidemocratic legislations, and impunity for white-collar criminals and state-corporate crimes. Therefore, neoliberal legalities create the legal framework for “economic development,” wealth extraction and plunder; and, for repressive policing and criminal laws that enforce social control over working and poor people, socioenvironmental, anti-austerity, and anticorruption mobilizations, while normalizing and legitimizing crimes of the powerful.

Key to the development of punitive governance and the reshaping of internal colonial democracy is, as mentioned earlier, the systematic uses of emergency declarations (mainly executive orders) and emergency laws. Thus, the state of emergency has served as a legal framework for the systematic appropriation and redistribution of wealth from the working-class and poor Puerto Ricans to the US colonial and local ruling classes, as well as for the criminalization of sociopolitical movements. Therefore, the state of emergency is the key legal dispositive form of neoliberal legalities and colonial abandonment.

These transformations have made PR a central case to understand the dynamics of criminal legalities in a colonial Global South country. Not only have the PR and US governments become more authoritarian in recent years, but also, as the economic crisis and the waves of disaster unfold, colonial abandonment has become the norm. A telling instance of this is that struggling for food and fighting hunger have become punishable offenses. It is in this context that we have to understand punitive governance.

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