



Debemos tirar más fotos: Legal memories from Puerto Rico

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Abstract

Collective memory is fundamental for understanding the role of law within a specific social and historical context. This work, framed through the narrative device of Puerto Rican icon Bad Bunny's songs, examines how legal frameworks have shaped not only memories, but also identities and emotions. Adopting a diachronic approach, in reading Puerto Rican history, and a comparative methodology, with a focus on the similarities with the Hawaiian experience, the work analyzes Puerto Rican culture and history with a legal lens, using collective memory as a conceptual bridge to explore the touchpoint of law, memory and history.

Key words

Collective memory; injustice; Puerto Rico; comparative law

Resumen

La memoria colectiva es fundamental para comprender el papel del derecho en un contexto social e histórico específico. Esta obra, enmarcada en el dispositivo narrativo de las canciones del ícono puertorriqueño Bad Bunny, examina cómo los marcos jurídicos han moldeado no solo los recuerdos, sino también las identidades y las emociones. Adoptando un enfoque diacrónico en la lectura de la historia puertorriqueña y una metodología comparativa, con especial atención a las similitudes con la experiencia hawaiana, la obra analiza la cultura y la historia puertorriqueñas desde una perspectiva jurídica, utilizando la memoria colectiva como puente conceptual para explorar el punto de contacto entre el derecho, la memoria y la historia.

Palabras clave

Memoria colectiva; injusticia; Puerto Rico; derecho comparado

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1. Introduction

The Puerto Rican singer and songwriter Benito “Bad Bunny” Antonio Martínez Ocasio has been known worldwide for his catchy reggaeton and urban music. He has reached more than one billion streams across his personal top 10 songs on major streaming platforms: as of 2025, his latest sensation, the album “Debí Tirar Más Fotos” (from now on, DtMF), is still fighting its way to the top levels of global charts. Its influence on Latino culture has been recognized universally, beyond the musical level. DtMF is only the latest, although most relevant, example of Ocasio’s political engagement: it deals with issues extremely relevant in the legal realm. In fact, the record, using a dembow rhythm, constantly alludes to the legal and social trends in Puerto Rico, the involvement of the U.S., and their debatable, shared, past. This makes DtMF a perfect starting point for examining Puerto Rico’s unresolved legal and historical issues proper of Borinqueño people.² Through locals’ memories, interviews, and by an analysis of the legal instruments adopted, as well as their consequences, a collective memory will be drawn.

Employing Yamamoto and Hom’s approach to collective memory, history and social justice,³ this project recognizes (in)justice as strictly related with social memory, in an attempt to shift from a purely strict legalistic approach, to integrate the counter-narrative on which the memory is built. Through purely non-legal material, blended with a strong component of legal history, based on Halbwachs’ original model, this may provide an answer to what “justice” could amount to in a similar context. To do so, the narrative device will be “DtMF” itself: the sections are named after some of its tracks, each calling upon different periods and instances relevant for a social and legal analysis of Puerto Rican people’s memories. The first section, “Nuevayol”, deals with the creation of Puerto Rico and its colonial period, after the American-Spanish War, up to the ‘90s, in order to discuss the debates around citizenship for Puerto Ricans, as other legally relevant moments, such as the expropriation of Vieques, one of the many islands composing “PR”, historically a navy basis. After the Cold War, the situation did not solve completely: in the second section, “Turista”, the many referendums held, unofficially, but proving the will of never heard people, along the legal and economic treatment chosen by the U.S. — until 2016 — will be analyzed.

To conclude, the third section, “*Lo que le pasó a Hawaii*”, provides a comparison with Hawaii’s history, necessary to explain Puerto Rican memories: their pasts are entangled, even if different in the paths taken. Through a comparative and diachronic approach, this work aims at shedding light on a topic that finds its urgency in the need to reconcile the past with our present: a globalized society cannot leave behind a discourse ongoing for more than one hundred years. To find a meaningful outcome, the conclusions will attempt at providing policy proposals, in order to make up for the past wrongs, or at

² The traditional name for Puerto Rico, the land once lived by Taino people, native of the archipelago (George 2022).

³ In *Re-Forming Civil Rights in Uncivil Times*, Yamamoto recognizes memories as something “constructed and continually reconstructed”, “produced (...) by complex interactions among people and their social environment”. Not only: there is a need to acknowledge “experiences, cultural forms, institutional practices, political ideology”, to understand the narratives resulting (Holm and Yamamoto 2000). If combined, narratives will produce a group history: in a “struggle against the supremacy of world views”, the reconstruction of a collective memory, may lead to a social understanding of “injustice” for a specific people. Thus, the need to actualize such claims is needed because of the present construction of past injustices.

least to acknowledge them, and that possibilities departing from the traditional monetary approach to reparations are possible.⁴

2. Nuevayol

“Nuevayol”, is not just the first track of DtMF, but also a Puerto Rican slang for New York, a city central in the history of Puerto Rican diaspora in the U.S.: as of 2020, the Puerto Ricans living in New York were more than half a million (595627), on an estimated total of 5.8 million around the whole country (Moslimani *et al.* 2023). This serves as a starting point: the song, describing a pole of Puerto Rican culture in the U.S. contains a sample of “Un Verano en Nueva York” by Andy Montañez and El Gran Combo de Puerto Rico, a sensation of the traditional salsa, dating back to 1975. This is the proof of a culture born in the “Spanish Harlem” of New York, legitimizing the existence of a strong migration from the Caribbeans. But how does it connect with the legal memories of Puerto Ricans? Starting from the amount of people living in the U.S., equal to almost double of current residents in the original land, we can understand a strong bond between the two countries, which originated in a colonial relation.

The homeland to Puerto Ricans was once lived by Taino people, decimated by European colonizers: their native land, Spanish territory since 1493 (Arroyo Muñoz 2023), reached a certain degree of political and social stability only in 1873, when slavery was abolished, although it did not last long: the territory was ceded to the U.S. as part of the compensation for the end of the Spanish-American war — through the Treaty of Paris of 1898. A similar outcome was destined to Guam and Philippines: it was just the incipit for the little, to not, spoken colonial legacy of America. In those days, social and racial tensions were rolling over the country: it was only two years earlier that the Supreme Court had confirmed, in one of the landmark cases about racial segregation, *Plessy v. Ferguson*, its policy. The outcome was the so-called doctrine of separate but equal. Despite such an approach, African Americans had joined the fight against Spain, hoping that proving their patriotism on the battleground may have had effects on their social status (National Museum of African American History and Culture 2022), particularly during the period of peace that usually follows an armed conflict.

Their expectations were dashed, since the peace did not last long: the outbreak of the First World War, in 1914 broke out while a silent colonial policy was being established. To justify such an approach (Neuman as cited by Walsh 2024), in a period of convergence in Western ideology — proved by the 1920s debut of the League of Nations — a strong stance by the judiciary and the executive was needed: thus, it stemmed from the Senate, supported by the Supreme Court. The “separate but equal” found a way in Puerto Rico too: as a new territory it was acquired and later defined as subject to only part of the Constitution. Under the scrutiny of the Congress’ authority,⁵ through the so-called Insular Cases,⁶ a series of decisions of the Supreme Court, along other circuits of

⁴ Some examples of actual monetary solutions are: Germany allocating 1.1 billion for Namibia (International Center for MultiGenerational Legacies of Trauma - ICMGLT - 2022), or the 20 millions given to Kenyans by British forces (BBC 2013).

⁵ Particularly through Article IV sec 3 CL 2 US, the “Territory Clause”, establishing authority of Congress over the American territories.

⁶ Namely: *De Lima v. Bidwell* (1901), *Goetze v. United States* (1901), *Dooley v. United States* (1901), *Armstrong v. United States* (1901), *Downes v. Bidwell* (1901), *Huus v. New York & Porto Rico Steamship Co.* (1901). Through

American justice, the Puerto Rico status was affirmed. These cases, mainly originating from commercial querelles, followed the establishment of Puerto Rico as a free state, since 1899: although not incorporated in the territory of the U.S., so not making the residents capable of citizenship, nor having a right to vote in itself, as confirmed by the Foraker Act of 1900.⁷

Among all the cases, leading to the unprecedented legal status of Puerto Rico as a constitutional experiment (Carr 1984), there is no doubt about the “value” of *Downes v. Bidwell* (1901): it has been, and still is as of today, the most important one. Samuel Downes was a merchant importing oranges from Puerto Rico; he had been forced to pay import duties, while Article I, section 8 of the Constitution, the Uniformity Clause, holding that “all duties and excises shall be uniform throughout the United States” (Constitution Annotated 2023). On this ground he sued George Bidwell, U.S. custom inspector for the relevant port: the Supreme Court decided that territories as Puerto Rico were not subject to the Constitution, only to the power of Congress, holding still that when it is about fundamental rights, the Constitution “follows the flag” (U.S. Supreme Court 1901).⁸ Puerto Rico was affirmed as belonging to the U.S., but not a part of it: this is the definition of unincorporated territories, what Rivera Ramos (1994) qualified as a relationship of political subordination.⁹

Here their collective memory seems to come together: a new kind of subjectivity was crafted, even legally. Defined as non-citizens nationals, the “island-born” ones could not keep the Spanish citizenship when the things turned, while the “peninsular-born” people could. So Spaniards, living in Puerto Rico, maintained their citizenship, with the possibility of applying for the American one too. It was not until the middle of the First World War, in 1917 that President Woodrow Wilson recognized Puerto Ricans the citizenship, still without the possibility of voting as a “proper” American. The Jones-Safroth Act (1917) granted citizenship through Congress, not by Constitution: a Bill of Rights was created, as well as a government, based on the American model, but not so far from the traditional colonial approach — the appointees whether from the judicial or for the legislative were Americans, similarly to who was appointing them. Furthermore, English was confirmed to be the official language.

these decisions, the constitutional settings enabled what Judge Torruella defined as “political apartheid”, due to the inequality of rights, as well as the political ghettoization, not falling far from the approach virtuous of racial segregation (Torruella 2007).

⁷ The Foraker Act, or Organic Act of 1900, established a civilian government in Puerto Rico and not military, as it had been since 1898. A new “deal” was proposed, based on public works and a different management of finances and policies. Puerto Rico was thus entitled to protection from the U.S., without citizenship (Britannica 2015).

⁸ The justification was laid also on racial grounds, due to a “relativity of law”, different for the needs of each territory.

⁹ Rivera Ramos tells us that “The United States exercises control over many fundamental aspects of Puerto Rican life, yet Puerto Ricans do not participate directly or through elected representatives invested with full voting rights in decisions taken on those matters”, “precisely the definition of a colony” (Rivera Ramos 1994).

2.1. Population Control

Beyond the linguistic issues, still actual in the debate,¹⁰ what happened in Puerto Rico would amount to a series of borderline situations, potentially falling under the umbrella of human rights' violation, capable of shaping a shared memory built on trauma. The first, and main, example is the haunting case of population control.¹¹ As the Puerto Rican director Ana María García reconstructed in her documentary "La Operación", one-third of childbearing women were sterilized in the 1950s (Long 2025). The sterilization procedure, informally-called "La Operación", due to its frequency and the normalization process it underwent, was done without informed consent¹² by patients and, or, monetary incentives. Other grounds for which it may have happened are the racial¹³ (Novak *et al.* 2018), or "moral" (licentiousness, degeneracy) ones, as well as "economic" reasons — the growing American economy may have needed workforce, and integrating women with the "threat" of bearing a child was seen as an obstacle (Galarza 2022). Furthermore, Puerto Rico has been central for the experimentation of birth-control pills, treatment authorized by Law 116 of 1937: thirty American states, differently, prohibited it (Roberts 2017). Many of the subjects did not know they were taking part in a medic trial, as proved by García's documentary. Interviews to elder women of the communities affected, mainly from the low-income neighborhood Río Piedras, described the explanations received as done in a "rushed Spanish", along written forms, in English, for uneducated people: although agency was recognized, the constraint in the choice have been proved.¹⁴

2.2. Vieques

The scars Puerto Rico bears are due also to other kind of "experiments", stretching to the environment surrounding them: in fact, in 1941, the U.S. started evicting people from the small island of Vieques — around 3000 people out of a total of 10000 inhabitants — to use it as a military basis. People that had to move were resettled to other islands or in other areas of the same island. For the following 60 years, the navy used the fifty-two-square feet island for testing weapons, even proposing the so-called "Plan Dracul": it included the removal and displacement of all Puerto Ricans living on the island (Pimentel Rivera 2023). Although the plan failed (White 1965), the damage had already been shaped, and Vieques' memories too. If an initial compensation was offered to

¹⁰ President Donald Trump, on March 1, 2025, designated English as "the official language of the United States", with no exemption for the territories, barring the obligation to assist a citizen if not fluent in English (Puerto Rico Report 2025).

¹¹ If birth control has been used as a means to boost reproductive rights and individual freedoms of women, population control is a policy to rule on the reproduction of social subjects (Calandra, via Johns Hopkins School of Advanced International Studies 2022). For a complete understanding of the interplay between colonialism, sexuality and the building itself of a colonial power, see Briggs 2002.

¹² Required, in the U.S., by Health and Human Services Regulations at 45 CFR 46, with little to no exceptions, as the existence of minimal risk for patients' health (Health and Human Services 2018).

¹³ Similarly to North Carolina, where the Eugenics Board was sterilizing a majority of black people, "unfit" for reproduction (Alejo *et al.* 2020) or to Native women, forcibly sterilized without consent and misled into believing that the procedures would have been reversible, often under threat of having federal benefits withdrawn, if the treatments were rejected (Ralstin-Lewis 2005).

¹⁴ The "constraint" lies in the economic inability to purchase other forms of birth control and in the lack of awareness of being subject to a clinical trial: three women died, 17% of the total experienced side effects (López 2008).

landlords of the (dawning) business of sugar canes, the many living by usufruct rights did not have the same chance. Such agreements were extinguished, with no possibility to formulate a legal claim (Bosque-Pérez and Colón Morera 2006).

Vieques remained American during the Cold War, when the military training was exacerbated: the navy exerted pressure (due to the economic dependence, particularly regarding the sugar quotas) on the back-then Governor Pinero to resettle families of the military-island (Ayala and Carro 2006). The government disapproved, but the Navy insisted on using Puerto Rican lands as basis, peaking in the 1971 (pacific) riots of Culebra, leading to the relocation of many targeting practices from Culebra itself to Vieques. “A victory for Culebra was a calamity for Vieques” (Balderston 2001): society responded as a whole, with fishermen, unions, and then legal associations demonstrating, until the first imprisonments in 1979 (Olsen 2004), and a claimed assassination.¹⁵ To solve the debate, litigation was not enough: in 1978, Governor Romero Barceló filed suit for injunction against the navy, claiming that their activities had caused an “irreparable injury to the island’s ecology and inhabitants” (Withers 2013), in front of the U.S. Federal Court for the District of Puerto Rico, which later ruled in favor of the Navy, requesting them to obtain a National Pollutant Discharge Elimination System permit, and prepare environmental impact assessments (Withers 2013). The deadlock found an apparent resolution in 1983, “in return for an agreement with the Governor”, through the Fortín Accord: it recognized a “potential deleterious impact”, but nothing, juridically nor socially, came of it.

A legal memory corroborating islanders’ perspective was the debate in front of the Permanent People’s Tribunal, in 1989; a special session was held to determine whether the U.S. was violating human rights obligations under international law. After days of testimonies and documents review, it was found that the U.S. was denying Puerto Ricans their “most fundamental human right: the right to self determination” (Committee for Human Rights in Puerto Rico 2000). The Constitution of the Commonwealth was deemed as not fit to carry on their right, and the referenda was identified as the “right” method, that the U.S. had to respect — in accordance with customarily assumed conventions. Also, the military policy was seen as a threat to peace and security for the Caribbean region, as well as freedom for political prisoners, and a relinquish of Congress’ powers, to be transferred into a Puerto Rican deliberative body, after a transitional period. The Tribunal explained how the colonial model was still influencing, economically and socially, Puerto Rico: here, the United Nations came into play. If on one hand the Decolonization Committee had been calling, since 1972, for their independence,¹⁶ on the other, the UN itself accepted, in 1953, the U.S.’ argument that “Puerto Rico had attained a meaningful level of self-rule, and removed the island from its list of non self-governing territories”, issuing in 1960 the Declaration on Independence to Colonial Countries.

It was only ten years after that an unfortunate event changed the future of Vieques: after a year where 23000 bombs were dropped, 1998, a wrongful targeting hit and killed David

¹⁵ The death of Angel Rodríguez Cristóbal, leader of the Puerto Rican Socialist League, after being arrested on May 21, 1979 for federal trespassing, was defined as a “suspicious suicide” (New York Times 1979).

¹⁶ The Committee writes each year a resolution at General Assembly’s level: curiously enough, independence was never a warhorse for local politics. It paved as an option after the failure of the statehood movement.

Sanes, a Puerto Rican security guard, while standing on an observation post (Associated Press 1999). Beyond the loss for the community, the bombs were found to have dispersed “illegal rounds of armor piercing incendiary depleted uranium”. The civil disobedience kept going, until President George W. Bush recognized their struggle: the release of the basis is dated to 2003.

The aftermath is still visible: a class-action has been filed by more than 7000 veterans for the exposure to toxic chemicals, such as arsenic, lead, napalm and cadmium. The first award was for Marine Sergeant Hermógenes Marrero, who won his appeal for benefits due to “Agent Orange¹⁷ exposure after working in the Vieques, in hazardous airborne chemicals testing between 1970 and 1972” (Gang 2018). After 14 years and an initial inability to file a case, due to sovereign immunity, Marrero has been awarded a 100% disability: he is now blind and has been sick “ever since” (Boudreau and Bronstein 2010). When it has been up to Vieques residents to file suits, their attorney argued a misapplication of the Clean Water Act of 1972: indeed the Environmental Protection Agency has often mentioned the Navy for a violation of water quality standards, mainly due to cadmium and cyanide traces found nearby the bombing range (Dubow 2004). The case was dismissed in 2010 by a federal district court in Puerto Rico, later affirmed by a U.S. First Circuit Court of Appeals: the claimed sovereignty immunity, shielding the government due to a discretionary function exception, since what happened in Vieques was a military choice, was contested by the dissenting Judge Juan Torruella. He affirmed that the government should have not been shielded since “they knew how toxic bombings were functioning, but chose not to warn residents”. In fact, people on the island came to know it only when many files started being declassified:¹⁸ although in the aftermath the Agency for Toxic Substances and Disease Registry (ATSDR), did not find a link between pollution and illness (McCaffrey 2018), academia suggests otherwise, particularly for lung and bronchus cancer incidence rate in the period between 1992 and 1997 (Sanderson *et al.* 2017), as well as higher lead and arsenic rate in the islanders’ urines (Jirau-Colón *et al.* 2019). Thus, the ATSDR has been criticized and even accused of using erroneous data (McCaffrey 2018),¹⁹ since the statistics, countering the governmental narrative, had been proved at Puerto Rican ministerial level.²⁰

3. Turista

The eleventh track of “DtMF” is called *Turista*. Through the allegory of a short-term relation, the “Conejo Malo” describes the mass-tourism in Puerto Rico, where people come and go, without actually understanding the wounds of his native land. “Of me you saw only the best”, he sings: among the unseen, or unheard, part of Puerto Rican legal history, we should add the issue of gentrification, beyond the comprehension that a tourist could have: while “experiencing record-breaking tourism” (Leigh Parker 2025),

¹⁷ Agent Orange is an herbicidal used during Vietnam, containing dioxin (Cleveland Clinic 2023).

¹⁸ The discourse began in 2000, when the Department of Defense began declassifying and sharing information with the Department of Veteran Affairs (Department of Veteran Affairs 2003).

¹⁹ For instance, they found that the majority of weapons tested were non-explosive, and that no contamination of the soil was traceable. The Navy itself testified that the 60% of the bombs used were explosive (McCaffrey 2018).

²⁰ A clear example is the stance adopted by the then-mayor of Vieques, Evelyn Delerme, clearly stating that “the report lacked credibility”, “offered no new information”, and was intended to be “inconclusive by design” (Navarro 2011).

the territory is still struggling with affirming its identity, calling for an application of the right to self determination.²¹ Establishing a shared collective memory, free from political influence, has been another challenge: a clear example is the labelling of Puerto Rican Nationalist Party (from now on, PRNP), often treated as terrorists. In line with such a thread, we could list the Gag Law, Law 53 of 1948,²² that criminalized belonging to “subversive” groups (Cumpiano 2020), as well as displaying, or even owning, a Puerto Rican flag even in one’s own home, creating a distortion in many families: while Puerto Ricans were fighting in Korea, families were not allowed to display their flag (Lopez 2019).

3.1. *The Referenda Activity*

The contradiction of the legal status in vigor, is well represented by the first referendum proposed by the Legislative Assembly in 1967,²³ under the auspices of the Popular Democratic Party²⁴ (from now on, PPD). Not being a Congress’ initiative, it had no legal force (Caban 1992): the choice was between statehood (38.9% of votes), independence (0.6%) and a Commonwealth proposal, authorizing the *Estado Libre Asociado* (ELA), which managed to gain the majority of voters (60.4%). PPD lost their popular support, in favor of the statehood movement, the *Partido Nuevo Progresista* (from now on, PNP). When almost 10 years later, in 1973, PPD got the office back, they kept trying to refine the Commonwealth, without succeeding, once again. After a period of recession, the interest for statehood grew, but it fell short with PPD, which, in 1978, introduced *La Nueva Thesis*, a new approach to the federal relationship within Puerto Rican context, still favouring the status of the ELA (Commonwealth).

To reach the second one, in 1993, the campaign was even harsher: PPD high ranks insisted that the “unique partnership with the United States provided Puerto Ricans the best of both worlds” (Clary 1993), and played upon the “fear of many that statehood would dilute Latino heritage, and even do away with Spanish as predominant language” (Clary 1993). This led to another defeat for both statehood and independence, by a narrow margin: 48.4% of voters opted for Commonwealth with social programs and trade benefits. Pro-statehood supporters (gaining a 46.2%) also failed economically, due to the weight²⁵ of such a campaign and the impossibility to turn the vote into an actual change, mainly due to a “technical” issue — “Commonwealth” was a definition given

²¹ At international level we can list the UN’s Charter first three articles, respecting, among the others, equal rights and self-determination of peoples, as well as the first article of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both reading that “all people have the right of self-determination”.

²² The so-called Ley de la Mordaza has been quoted by Bad Bunny in the last track of “DtMF”, in the song “La MuDANZA”, where he states that “people were killed to take out the flag” (Genius 2025).

²³ After the enactment of Public Law 600, Puerto Rico enacted a Constitution, with the Senate retaining its power to repeal the Constitution and veto any insular legislation, preserving the structure. Under the authority of Luis Muñoz Marín, the Popular Democratic Party heavily lobbied the government, to the point of reaching an authorization for a U.S.-Puerto Rico Commission, which produced a comprehensive report, recommending a plebiscite. In a period of “deteriorating economic condition”, and “growing popular appeal for statehood”, the referendum was called (Caban 1992).

²⁴ The Popular Democratic Party has been advocating for the island to remain an unincorporated territory rather than pursue statehood. Founded in 1938, it describes itself as centrist party (Campbell 2025).

²⁵ The endorsement had been pushed also through ads featuring former U.S. Presidents: George Bush, Ronald Reagan and Gerald R. Ford (Clary 1993).

by political parties themselves, not the Congress, nor the executive had intervened to ensure that the alternatives were aligned with constitutional matters. The definition was defined as “misleading” in proposing something “unconstitutional and unacceptable” (Garrett 2011). The language was defined as too broad: “permanent and irrevocable citizenship” was not tolerable as a request, only the Congress can regulate such bonds, similarly to federal tax exemptions.

When no action was granted, even after a request by the Puerto Rican Legislative Assembly, through a petition to the Congress (Puerto Rico Observer 2025), a new referendum was held in 1998, when the House had approved a text authorizing a referendum each ten years, with a clear and feasible language: despite the Senate not taking formal action (Garrett 2011), the referendum took place. The confusion remained, and grew even larger when, among the possible options, “None of the above” — against independence (0.2%), statehood (46.6%), and free association (0.2%) — won with a significant 50.6% of voters. The option was picked mainly due to the antagonism toward Governor Rosselló, the anger over the damages brought by Hurricane George, and the holding of the vote “during the Christmas holiday season” (Puerto Rico Report 2004). Although the results were rather unclear, President Clinton mandated a task force to identify a potential status for Puerto Rico, still marking no significant changes, even though with the new century consensus completely shifted.

From 2000 to 2025, other four referendums were held (2012, 2017, 2020 and 2024): in all of them statehood won, and the favor for independence gradually grew. In 2012, the 61% of voters casted their preference in favor of statehood, but, once again, the vote had not been funded by federal money, invalidating Puerto Ricans’ will. Similarly, in 2017, despite the many protests and the huge percentage of boycott,²⁶ the vote went on: the low voter turnout, 23%, did not provide significant value to the referendum — as it happened in the 2012 plebiscite, where the Senate Energy and Natural Resources Committee argued that a “majority vote did not represent the majority of Puerto Rico, because of the overwhelming number of abstention” (Ramírez de Arellano 2017). To depart from previous “mistakes” or deficiencies, the 2020 statehood referendum had a way simpler ballot: a yes-or-no vote answering the question: “Should Puerto Rico be immediately admitted into the Union as a state?” (Ballotpedia 2020).

The status question was proposed along the general elections, where the PNP was elected: 52.5% of Puerto Ricans voted for statehood. Again, being a local proposal, it had no meaningful consequence at Congressional level, resulting in President Trump’s Department of Justice rejection of said vote. The seventh plebiscite was held in 2024: the options went back to the “traditional” model, so counting on statehood, independence and sovereignty as options, following the, current, leitmotiv. Statehood won (58.48%), independence grew (29.35%) and the free association did not succeed in gaining a majority (12.17%) (Ballotpedia 2024).

²⁶ The boycott was led by the PPD, since the vote was conceived in a “Decolonization Law” framework that the party historically opposed. The referendum was even reviewed by the Department of Justice, mandating the inclusion of the current status, not specifically “Commonwealth”. The options was included, but as of the day of the referendum, the Department had not reviewed the new wording (Puerto Rico Report 2024).

3.2. Promises

In the aftermath of the 2017 referendum, islanders found themselves confronting not only federal indifference, but also a tangible erosion of an element needed to affirm their sovereignty: the economic component to reach it. By the enactment of the Puerto Rico Oversight, Management, and Economic Stability Act, PROMESA, the U.S. tried to overcome the unprecedented debt crisis of Puerto Rico, which had reached \$72 billion dollars by 2014. The emergency was partially a product of the island's history: the constraints to their status were the reason for which, since 1984, the U.S. bankruptcy law could not be used, along major tax breaks and the huge amount of bonds issued.²⁷

At first, it was the international organizations involved in the protection of human rights, testifying that the new approach was a clear case of a colonial relation: first of all, the board overseeing the operations has been, ever since, "unelected and unaccountable". The seven members of the board — "*la junta*" — are appointed by the President of the United States, which is not voted by Puerto Rican people: it, clearly, goes against general principles of rule of law, mining the legitimacy of a similar process. Furthermore, the economic and legal literature claims violation of many civil guarantees, since the austerity measures imposed by Promesa led to an impairment of social and healthcare aid, home foreclosures, as well as rampant unemployment — goals that the board was supposed to reach. People even started a movement against Promesa, called, ironically, "Promises are Over".²⁸

After five years from its establishment two-thirds of the debt was still to be restructured, no critical projects for economic development had been approved, with a governmental budget still out of balance (Lamba-Nieves *et al.* 2021), reached only in June 2025 (Puerto Rico Report 2025). Although this marked a first step in a potential resolution, speculations about the nature of many investments have been made: Representative Alexandria Ocasio Cortez defined them a kind of "vulture capitalism", since the shareholders in the national electric company, who bought stocks after the crisis (Puerto Rico Report 2025), are asking for full payments with interest.

The Promesa days and the austerity that came with them, brought a disaster also on the social and cultural component of Puerto Rico: for instance, the Puerto Rico University had its budget "slashed in half by the 2021-2022 academic year" (Brusi and Godreau 2021). This may compromise fundamental guarantees as academic freedom (Brusi and Godreau 2021). If universities concerns are a "first world problem", people described how their daily routine has been at stake: activists from *Se Acabaron las Promesas*, tell about how they were forced to be "frugal" when buying food and using electricity, with rising water tariffs and the availability of less and less services: for instance, since 2007, the Puerto Rico Department of Education has closed nearly half of the public schools

²⁷ The bonds were mainly issued to maintain essential services. Later, the debt increased and the economy did not recover, with a declining industry and some major breaks to the main sectors, such as tourism, leaving Puerto Rico unable to pay debtors back (Ho 2021). Former Puerto Rico state senator, and candidate for governor Juan Dalmau defined it "a criminal irresponsibility" (Ruiz 2022).

²⁸ The aftermath of Promesa united people in demonstrations: the authorities' response to said instances has been "to violently break up the protests, using excessive force to quash people's right to freely express dissent" (Amnesty 2018b).

(Rubiano *et al.* 2020), with a disproportionate measure, affecting mainly rural areas.²⁹ The measures exacerbated people's condition particularly after the Hurricane Maria disaster, where people felt left behind by Trump's administration,³⁰ mainly due to the alleged mismanagement of aid.³¹ As Amnesty reports (Amnesty 2018a), President Trump denied the revised number of deaths, which shifted from the initial 64 to 2975; the President declared that the U.S. Democratic party was behind falsifying the numbers (Amnesty 2018a). The societal answer was found in projects as "*Mi María: Puerto Rico After the Hurricane*", through which a completely different narrative is proposed.³² Whereas the Federal Emergency Management Agency holds that the response to Maria was the largest in the agency's history, people claimed that one year after the shock more than 166.000 still needed to have their houses re-built (Amnesty 2018a). The lack of aid, proved by a recorded 62% of rejection for application to rebuild Puerto Rican's people houses, mainly due to the inability to produce deeds to their homes (Amnesty 2018a), opened the path for a process of "double victimization" (Amnesty 2018b). In this landscape, the ones most affected have been renters, and lower-income households (Ma and Smith 2020).

The year of Hurricane Maria, 2017, did not start off on the right foot for the islanders: a couple months before the disaster, Puerto Rico had been subject to a series of laboral reforms too.³³ The reforms entailed: severance pay, increase of probationary periods, earlier dismissals, a curtail of collective bargaining, with serious social implications, as stress, mental health issues, insecurity (Santiago Rivera 2017),³⁴ and actual threat to the healthcare system. The latter was already under the standards of other Latino countries, even prior to the hurricane,³⁵ that left three hospitals functioning, out of the 70 existing. Following a right-based analysis, we would end up with a long list of potential violations to which Puerto Ricans have been subject to, after Hurricane Maria,³⁶ mainly due to what has been, not with little irony, defined a failed *promesa* made of "fiscal and political control" (Vega-Ramos 2019). The burden of a clear disparity, often traced back to the

²⁹ 65% of school closures occurred in rural areas, whereas 35% in urban areas: between 2000 and 2018, students' enrollments generally lowered for a -44% (Hinojosa 2018).

³⁰ While the President defined his policies a "fantastic job", Carmen Yulin Cruz, mayor of San Juan, declared that "The Trump administration killed Puerto Ricans with neglect" (BBC 2018).

³¹ The Housing Department in Puerto Rico found that \$20 billion dollars worth of aid had been "unnecessarily delayed by bureaucratic obstacles" (Murphy 2021).

³² The project brought together many stories featuring people who survived in the hardship of the aftermath, without actual support from the mainland (Mi María 2017).

³³ A brief list may contain: Law 3 of January 2017, Law 4 of January 2017 as well as Law 8 of February 2017, and the Law 26 of April 2017 (Santiago Rivera 2017).

³⁴ The studies conducted by Santiago Rivera in his Commentary to the Labour Reform of 2017, lists some authors, as Mondriguez Torres, arguing that the labour standards, the 8-hour workday, was jeopardized with such an instrument.

³⁵ In 2015, 99.5% of Puerto Ricans were being served water in violation of the Safe Drinking Act, almost 70% of people's water supply was in violation of health-based standards, as well as a 97.2% of Puerto Ricans residents having water in violation of the Lead and Copper Rule (Joseph *et al.* 2020). The vulnerability comes also from the receiving less funding than the States, when half of the residents receive Medicaid (Puerto Rico 51st 2025).

³⁶ The Universal Declaration of Human Rights reads: Article 1, the right to equal dignity; Article 2, right to freedom from discrimination, based on race, language, jurisdiction or other status; Article 7, right to equal protection before the law.

austerity measures, has been clear in cases such as the understaffing of public officials (Vega-Ramos 2019).

4. Lo que le pasó a Hawaii

“Lo que le pasó a Hawaii” is the fourteenth track of “DtMF” and may be defined as the political sensation of the album: figures as the “*jibaros*”,³⁷ fighting for their lands, along the *lelolai*,³⁸ depict a fight against both, the colonial process and gentrification, central in the history of both Hawaii and Puerto Rico. A similar fear hovered over other Caribbean islands: “Palau, Micronesia, Samoa, do not want to be like Hawaii” (Serrano via Rivera Vargas 2025). The bond between Hawaii and Puerto Rico goes beyond the anti-gentrification struggle: similarly to *Borikén*, Hawaii was annexed by the U.S. system of protectorate in 1898, although they followed completely different paths; in fact, Hawaii became after World War II, in 1959, a State of the Union.

Prior to a Western contact, the Hawaiian Archipelago had a society regulated by “*aloha'a īna*”, translated as love, grace, affection, a term denoting mercy and respect (Sproat and Palau-McDonald 2022). It may be intended as an extension of the family, or the embodiment of gods or ancestors: it proves a deep connection with nature and culture, being it the “umbilical cord that tethers Indigenous People to Hawai'i and defines” their “place in the universe” (Sproat and Palau-McDonald 2022). It became a legal duty, imposed on state and local decisionmakers in *Ching v. Case* by the Hawaiian Supreme Court. Law was not written, nor the language. The latter started appearing in written form not prior to the 18th century, when Christian missionaries began using a “Hawaiian grammar and spelling book”, from which the current alphabet was developed. The first written laws were printed around the same time: they were directed at foreigners, mainly advising seamen and foreigners not to disturb the peace nor molest strangers (Kamehameha V JHC 2019).

Ten years after the unification of the crown by King Kamehameha I, the settlement of missionaries opened a way for politics and business' interests in the Hawaii, to the point that Hawaiian King Kalakaua was the first leader to be honored with a State Dinner at the White House in 1874. The strong bond between the two countries is proved by documents as the Treaties signed respectively in 1849 — Treaty of Friendship, Commerce and Navigation — and in 1875 — the Treaty of Reciprocity between the United States of America and the Hawaiian Kingdom.³⁹ After an intense period of destabilization, vested by, for example, by the choice of the American Board of Commissioners for Foreign Missions to send over one hundred missionaries to Hawaii between 1820 and 1850 (Nasser 2021),⁴⁰ followed by the most important memento of Hawaiian legal history: the land transfer program, *Mahele*,⁴¹ of 1848. The land was

³⁷ The *jibaro* is a figure representing the national identity of Puerto Rico, not just ascribable to the ethnicity or profession, due to the habit of associating them with farmfield work: “it represents the “the fascinating, resistant and pure of Puerto Rican nationality” (Torres-Robles 1999).

³⁸ The “*le-lo-lai*” is a traditional Christmas music from Puerto Rico (Genius 2025).

³⁹ Both treaties established free customs and peaceful relations among the two states.

⁴⁰ Missionaries who claimed that islanders were “savage and uncivilized” (Nasser 2021), supporting religious-inspired laws, as the prohibition of *hula*, a traditional dance (Silva 2000).

⁴¹ Literature describes a “pressure” on King Kamehameha III to enact the *Mahele* provisions (Barnard 2006). It came with the cost of abolishing the *ahupua'a* system, where everyone had access to all necessary resource

privatized, potentially as a strategy to prepare the traditional “feudal” system for an incoming Western colonial government (Banner 2024), while “natives had no understanding of western concepts of property rights”. The result was a society where “75% of land was owned by non-natives” (Barnard 2006). Then, the overthrow started: in 1887, King Kalakaua was forced to sign the New Hawaiian Constitution, the so-called Bayonet Constitution — name due to the basis for the document, duress.⁴² The extension of voting rights to settlers,⁴³ stripped the King from his old glories, until his death, when Lili’uokalani — his sister — became queen: her will was to amend the constitution, restoring the power to Hawaiian people (Lili’uokalani Trust 2022). U.S. troops answered by invading the Hawaiian Kingdom, leading to a conditional surrender by the Queen (Sai 2018).⁴⁴ After months of struggle, and a presidential-backed legal resistance,⁴⁵ the Republic of Hawaii was established in 1894, when the newly-elected President McKinley approved the annexation. It was McKinley himself approving the Organic Act of 1900 making Hawaii a U.S. territory: it is in this period that Puerto Rican played a major role in Hawaiian history.

4.1. Memories of Racialization

Puerto Ricans reluctantly participated in Hawaii’s foundations: the sugar industry, represented by the interests of the Hawaiian Sugar Planters’ Association, had been recruiting labor “world-wide, to get enough workers, to get them cheaply and to keep them on the plantations” (Souza 1984). While Japanese workers were claiming labor rights and higher wages, and the Chinese Exclusion Act prohibited Chinese people from accessing the U.S.,⁴⁶ Puerto Ricans expeditions started in 1900, a troubled period, marked by the hurricane San Ciriaco of 1899. The hurricane devastated Puerto Rico, with an estimated damage of 20 million dollars and hundreds of deaths, making the idea of leaving the island not the “privilege of every person”, as the then-Governor Charles H. Allen presented it (Souza 1984), but an actual forced choice (Lopez 2005).

Puerto Ricans entered Hawaii with the help of an immigration official to facilitate the process: their ambiguous status as “non-aliens”, but not yet citizens, was twisted in favor of the sugar industry (Serrano 2011). With false promises of high wages and a Spanish-speaking land, Puerto Ricans were recruited (Serrano 2011), with a strictly racialized approach: “No Spaniards, and no blacks of unmixed blood” could be enlisted, with the idea of having them marry Hawaiian women and “lose their identity” (Serrano 2011).

zones (Harvard Law Review 2020), still the king was holding all the possessory rights over the land (Nasser 2021).

⁴² Responsible for the violent actions were the members of the Hawaiian League: landowners, wealthy foreigners, businessmen (Numasaki 2021).

⁴³ The Constitution marked a great disruption with former policies: if the vote was based on allegiance, now the grounds are racial, even the term “Hawaiian” was codified in it (Kauai 2014).

⁴⁴ As a consequence, the Queen spoke against the then-minister “to the Hawaiian Kingdom”, John L. Stevens, defined as the “cause” U.S.’ troops “landed at Honolulu” (Sai 2018).

⁴⁵ President Cleveland called the annexation treaty firstly proposed for Hawaii for “reexamination”, and sent a statesman, James H. Blount, to investigate the U.S. government’s role in the overthrow of the monarchy. He found that Hawaii had been subverted with active aid of the Government, defining it a “substantial wrong” (White House History 2024).

⁴⁶ The act of 1882 prohibited for ten years the access to everyone. It was later reinforced and made permanent by the Geary Act of 1902.

The voyages built the first image of Puerto Ricans as “commodities for trade, not human beings” (Serrano 2011). Similarly to the Japanese workers, they did not stay passive: in the first migration,⁴⁷ during one of the “stops” to reach Hawaii, half of the group travelling, refused to continue: some tried to escape, but they were apprehended and forced to continue (Medina 2001). Those who managed to escape, as the Puerto Ricans landing in San Francisco and founded the Puerto Rican community in San Francisco, arrived in Honolulu, and were taken to the plantations of Lahaina (Medina 2001): here, in a battle to gain control over them, planters adopted different strategies, such as exploiting the differences between various ethnic groups, making Hawaii a playground for racial segregation⁴⁸. Among the damaging actions taken against Puerto Ricans, the HSPA adopted a strong policy of delegitimization, creating a negative stereotype of migrant workers. After a first period in which media praised the treatment of planters, a second followed, and the negative depiction of workers started: mentally and physically weak, unable to work independently, lazy, unruly, vagrant, and criminals (Serrano 2011), not falling far from the discourses leading to the overthrow of Hawaiian people’s Kingdom. The injustice persists: the memories of racialization depicted Puerto Ricans as subjects, or objects to be dominated, not worthy of participation in American polity (Serrano 2011).

5. El Apagón

“*El Apagón*” is the title of another Ocasio’s song: published in 2021, it is contained in one of the most listened records ever — “*Un Verano Sin Ti*”. Beyond the lyrics, introducing listeners to the issue of blackouts, the word to which “*apagón*” may be translated, the song managed to shed light on the actual condition of Puerto Rican people,⁴⁹ as well as how a harsh legal (and socio-economical) framework managed to impair their condition. To complete the picture, we need to introduce the *Ley 20 y Ley 22 of 2012*, both included in the Act 60 of 2019. Intended to promote new investors, the law passed by former Governor Rosseló ended up being a parallel to the Hawaiian *Mahele*. Puerto Rico was subject to a law promoting “the relocation of individual investors”,⁵⁰ in the so-called “Qualified Opportunity Zones” — almost the entirety of Puerto Rico (RSM 2019). The newly arrived investors left Puerto Ricans without the possibility “to afford to stay in

⁴⁷ A total of 114 people, men, women and children, set out to Hawaii, passing through New Orleans, with the goal of reaching San Francisco - and to later reach the final destination, Hawaii (Medina 2001).

⁴⁸ HSPA fostered racial privilege pushing Portuguese workers as foremen, while denying the position to non-Europeans, claiming that they would hire “more Puerto Ricans” if they protested their working conditions (Medina 2001).

⁴⁹ “I hope people in “PR” can watch my video before the lights go out”, he posted on his Instagram stories on September 16, 2022 (Flores 2022). The reference to blackouts is due to the poor condition of Puerto Rican electric grids, hit by Hurricane Maria: Bad Bunny had already criticized, during some live performances, the government-hired company’s management of electricity: it reportedly forced people to co-exist with blackouts (Flores 2022). Furthermore, the Puerto Rican singer had criticized the American management by performing his “Estamos Bien” during the late-night “Tonight Show”, accompanied, in the background, by pictures of the hurricane and the consequent damages (The Tonight Show Starring Jimmy Fallon 2018).

⁵⁰ Act 20 provided a full exemption from taxes with minimal requirements, as the employment of a full-time Puerto Rican employee at least in its successive codification, in Act 60 of 2019, since the original text counted on 5 employees; Act 22 aimed at promoting investment by offering bona fide residents, so U.S. citizens or of another country, that has entered tax treaties with the U.S., exemptions of all kinds on revenues generated in Puerto Rico, respecting some residency requirements, as buying a house in the first two years of benefits (Lynk 2022).

their homes", without having the prices "driving up" (Murphy and Mazzei 2022), digging up heavy memories. It was in the late 1940s when Operation Bootstrap gave subsidies to U.S. corporations, and tax exemptions, along with a vast source of "cheap labor" to transform Puerto Rico into a developed industrial economy. The urban development reshaped the city: from rural to urban living, the challenge of affording housing in established neighborhoods became routine.

The sense of community was affected, as the idea of "belonging", not allowing cultural continuity: psychological trauma from evictions, disruption of social networks and an actual loss of cultural memory led to economic hardship for many, particularly for the residents of the poorest zones, as "*El Fanguillo*" (Luengo-Duque 2025). If we were to intend the process of "gentrification" as a new form of internal colonialism, where a globalist capitalist strategy is placed into action to restructure a cultural and social center of life (Khan 2022), we may consider that the law legitimized such a process. Indeed, it is by pieces of legislation as Act 60 of 2019, that we can affirm the existence of social issues as racial hierarchies, displacement for profit and a kind of legal camouflage (Dick 2015). In a Nietzschean eternal return, nostalgia prevails in a systemic exploitation where cultural practices have to be forgotten, and customs risk to dissolve, not even for assimilation, but rather for the disappearance of people native to the land (Garcia 2017).

The role of the law stretches beyond the "simple" displacement of islanders: its power, vested in the occasion by the Supreme Court, affirmed the Insular Cases rationale just three years ago, in the 2022 case *U.S. v. Vaello Madero*. In a Supplemental Security Income-related case,⁵¹ the Court held that the Congress still has broad authority over Puerto Rico, calling into play the Territory Clause; furthermore, by not paying all the existent federal taxes, Puerto Rican people may be excluded from certain benefits (Harvard Law Review 2022). Despite the strong dissenting arguments,⁵² the Insular Cases stayed, not falling even in front of a direct challenge, as per *Fitisemanu v. U.S.* (2021; see American Civil Liberties Union 2022).⁵³ The "law" delegitimized and, later, criminalized social claims in Puerto Rico by, among the others, using courts to resolve situations of "political nature" (Atiles-Osoria 2012).

Considering this as a starting ground, there is still a way to go for a complete dethrone of colonial memories in Puerto Rico. Independence leader, Wilma Collazo Reveron, called for a right to reparations, based on UN's guidelines (International Center for MultiGenerational Legacies of Trauma 2022, from now on ICMGLT), to be received by

⁵¹ Luis Vaello Madero was awarded, between 2013 and 2016, a Supplemental Security Income. In 2017 he was sued to recoup the money paid to him due to a disqualification caused by his Puerto Rican residence - although he was living in New York.

⁵² Judge Sotomayor dissented arguing that even if precedents held that Puerto Rico's tax status can have a justified unequal treatment, there can be no justification to "any and all unequal treatment", as Judge Gorsuch, calling for an overturn of the Insular Cases (Harvard Law Review 2022), question not included among the ones posed to the Justices: this is why many "sided with the majority", if there had been "the rotten foundation would have been removed" (Evans 2023).

⁵³ The case involved three American Samoa citizens petitioning the Supreme Court to have U.S. citizenship recognized, as other American territories do, by overthrowing the Insular Cases: the writs of *certiorari* was denied, also due to an *amicus brief* by the American Samoa government, stating that there is no majority willing to become U.S. citizens, preserving their identity and right to self-determination (Evans 2023).

both Spain and the U.S.,⁵⁴ but non-monetary compensation seems a more likely scenario. The perfect path may be restorative justice: the Hawaiian case is, once again, useful to find a parallel. Hawaii, holding great value to its culture, set up in 1978 the Office of Hawaiian Affairs, supporting not only culture, but the educational system, economic self sufficiency,⁵⁵ education, governance and health (Office of Hawaiian Affairs 2013, from now on OHA), conducting research “useful to guide decisions and empower communities” (OHA 2013). Defined as the “fourth branch of the government” (Civil Beat Staff 2022), it offers housing for low-income people, but more generally advocates for Hawaiian communities and their engagement (Civil Beat Staff 2022).

When the discourse envelops specific traumatic memories, calling for reparations of any kind, we may need specific solutions, as per the experimental treatments that caused a strong impairment to reproductive rights for women. An approach that may redress such damage, is the human-right based intervention, as per the Convention on the Elimination of All Forms of Discrimination against Women (Long 2025). This would allow recognition of reproductive autonomy as a fundamental right, addressing the historical harm (Long 2025), which, after all, does not seem so historical. Some strategies to be implemented are: stronger consent procedures, the establishment of a Reproductive Ethics Board, working closely with a regulating and supervising authority — thus reinforcing accountability, while “centering the voices of Puerto Rican women”, by supporting healing initiatives trauma-related (Long 2025).

Similarly, efforts on Vieques,⁵⁶ may be improved by completely reconsidering the dynamics of power in a “racializing environmental justice framework” (Serrano 2022). The acknowledgement of the profound impacts of colonialism, on both islanders and their territory, may lead to the restoration of political powers on the island: the access to quality healthcare, the restoration of traditional economies and a meaningful participation in the clean up planning, would amount to a disenfranchisement from a “mere clean up” (Serrano 2022), but an evocation of sovereignty and memory. Furthermore, if restitution is to be considered a ground for redressing colonial damages, actions such as the complete return of the land to Viequenses, and therefore a complete demilitarization of the island, shall be considered. Similar measures may be coupled with elements foundational for the recognition of a collective Puerto Rican memory, as it happened with Hawaii. The historical wrongs committed in overthrowing the legitimate Kingdom have been confirmed a century later: under Clinton’s presidency, the U.S. passed the Apology Resolution, opening further paths for a reconciliation process, although not managing to pursue significant legal changes (Tapu 2020), it may be listed in the legal sources that built a characterizing and strong identity in Hawaii (Thurlow 2021).

Finally, a strengthening of cultural and educational programs, including the Insular Cases, would affirm the memories discussed in this work: it is only through a social

⁵⁴ Damages have been calculated by Economist Dr. José Israel Alameda Lozada, only from 1900 to 2017, amounting to over \$6.1 trillion, including the value of land use and human resources (Hernandez 2024).

⁵⁵ Among the goals set, the Office of Hawaiian Affairs awards, each year, \$500000 in scholarships, as well as financing local businesses, consolidating debts, and managing lands for cultural and agricultural endeavors (Office of Hawaiian Affairs 2013).

⁵⁶ Vieques was put in 2003 in a National Priorities List, as a Superfund Site, requiring a clean-up and following investigation, that will continue for many years.

understanding of an historical injustices, largely constructed in the present (Hom and Yamamoto 2000), that a full understanding of the injustice itself can be reached. Avoiding a purely legalistic approach, site-specific culture, and its evocative images of tradition, may complement the cultural efforts of the legal accademia to deal with its dark chapters. Being a valuable legal memory, Puerto Rican stances may be integrated in official curricula: the Insular Cases are a still undertreated topic, despite the growing interest of scholars. They may be proposed as a way to *Brown v. Board of Education*, as per *Plessy v. Ferguson* (Fuentes-Rohwer, via Walsh 2024), even transcending the “rectification of historical omission”, but rather as an ideal enhancing critical assessment on the enduring legacies of colonialism (Chévere-Lugo 2025).

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