WEEKEND

A Jewish 'golden age' ends in Iberia

A brief window of time during which descendants of the Jewish exiles from Spain and Portugal could claim citizenship is now almost completely shut

Simon J. Rabinovitch

A golden age of Jewish "return" to the Iberian Peninsula came to a close on September 1. For four years, between September 2015 and October 2019, Spain's Sephardi citizenship law allowed descendants of the Jews expelled from Spain in 1492 to acquire citizenship in that country.

Under the law, 36,000 people from around the world indeed became Spanish citizens, out of over 132,000 applicants (and many of those applications are still under consideration even after the close of the program). Now Portugal, which passed its own Sephardi citizenship law in 2015, under which it granted nearly 57,000 people citizenship (with over 80,000 applications still pending), is paring back its program too. The Portuguese law in particular reinvigorated the Jewish communities of Lisbon and Porto both with immigrants and with funds collected from the applicants – enough to allow the Porto community to hire a full-time rabbi, and construction of a Jewish museum in Lisbon. Both laws also stirred interest in Iberian Jewry at universities in Spain, Portugal and Israel, led to a surge of academic cooperation between them.

However, an amendment that came into effect on September 1 now requires applicants for citizenship based on Sephardi descent to own real estate or businesses in Portugal or to show evidence of regular visits to the country. Many believe these conditions will reduce dramatically the number of Sephardi Jews who are eligible to apply.

Abramovich's claims to Sephardi heritage – affirmed by a Russian rabbi and approved by the Porto community – raised eyebrows within the government, as did the speed with which he received citizenship.

The immediate cause for Portugal's move to amend its Sephardi citizenship law centered on a scandal involving Roman Abramovich, the billionaire, now-former owner of the Chelsea Football Club, and questions about his use of the law to gain Portuguese citizenship in April 2021. Abramovich's claims to Sephardi heritage – affirmed by a Russian rabbi and approved by the Porto community – raised eyebrows within the government, as did the speed with which he received citizenship, and the idea that a Russian oligarch with close ties to Vladimir Putin could exploit the well-intentioned law incited a political backlash (no doubt exacerbated by the invasion of Ukraine). But according to Israeli immigration lawyer Dror Hayik, for the Portuguese government, the Abramovich scandal was merely the straw that broke the camel's back. (Abramovich did not see his citizenship rescinded, however.)

The Portuguese media had for years reported widely on what they saw as their citizenship being up for sale, where it was promoted in advertisements in malls and on buses and radio that promoted it as a route to EU citizenship and visa-free travel to the United States. Indeed, attempts to "de-mercantilize" the process began with proposed amendments to the law in 2020, well before the Abramovich Affair, according to Portuguese lawyer Sara Minhalma. The changes to the law, which make acquiring citizenship more difficult, are significant because the Portuguese program was intended to be open-ended, unlike in Spain, where from its inception the window was to be open only briefly.

Many Sephardi Jews may be disappointed to have missed their brief opportunity to acquire Spanish or Portuguese citizenship. Viewing the program from Caracas, Los Angeles, Istanbul or Tel Aviv, many among them saw an opportunity to acquire a passport that would provide security, ease of travel, and additional employment opportunities for themselves and their children. Speak to anyone who has taken up one of these citizenships and you will find that the motivation was overwhelmingly pragmatic rather than nostalgic (not unlike Ashkenazi Jews who have claimed or reclaimed German or Polish citizenship).

But how is the question of Spanish or Portuguese citizenship viewed from Lisbon and Madrid? The children, grandchildren and great-grandchildren of those expelled (and many others who fled violence and forced conversion in the centuries before and after the expulsion) died hundreds of years ago, and their descendants created and mixed with other Jewish communities around the world: in North Africa and the Middle East, England and the Netherlands, the Americas, Italy, the Balkans, today's Greece and Turkey. Some Sephardi communities, such as in Salonica (Thessaloniki), were devastated by the Holocaust; in others, especially throughout North Africa, post-World War II decolonization, antisemitism and anti-Zionism made life intolerable or impossible. Most Sephardi Jews today live in Israel, a Jewish state, and exerted no pressure on Spain or Portugal for any form of restitution, through an offer of citizenship or anything else. So what purpose did these programs serve in the first place?

Becoming Spanish

One common misconception about the laws is the belief that they emerged out of something of a whim, out of a combination of goodwill, economic opportunism and diplomacy, and signaling the final stages of Spain and Portugal's process of liberalization. The language of the laws themselves contributed to this impression. Their flowery prologues framed the laws as acts of historic reparation by the modern successors of the 15th- and 16th-century Spanish and Portuguese kingdoms toward a community that has preserved its linguistic and cultural ties to Iberia over hundreds of years. While public relations may have contributed to the timing and framing of the 2015 laws, both Spain and Portugal have long had immigration laws favoring groups they consider connected to them by descent, language or colonial history, and took up the question of Sephardi Jews' potential for citizenship within that context.

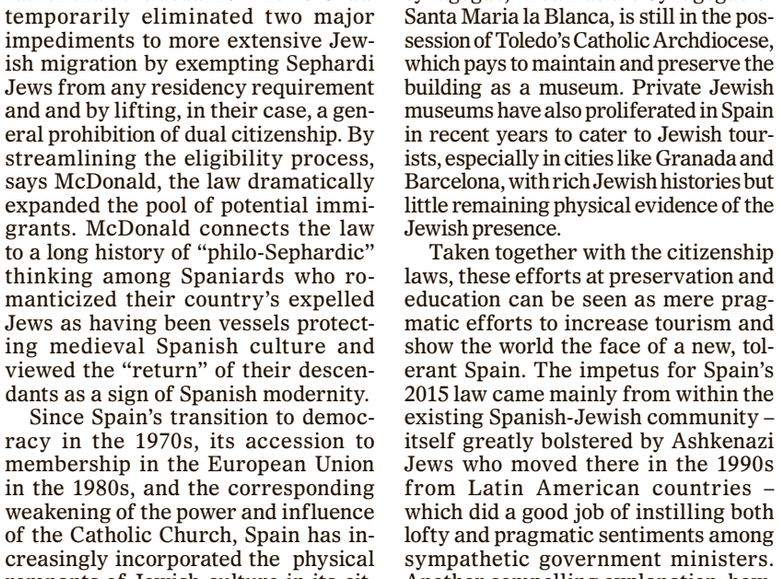
Charles McDonald, an anthropologist who studies contemporary Jewish life in Spain and the Sephardi diaspora, argues that Spain's 2015 law represented the final installment in well over 100 years of Spanish inducements to Sephardic migration. Spain has periodically been open to Jewish migration since the 19th century, and "Sephardi" has been a Spanish immigration category since 1982, when a new law placed Sephardi Jews in the same class of candidates for citizenship as applicants from former Spanish colonies in Latin America and the Philippines, which require only a two-year residency before naturalization rather than the usual 10. The 2015 law temporarily eliminated two major impediments to more extensive Jewish migration by exempting Sephardi Jews from any residency requirement and and by lifting, in their case, a general prohibition of dual citizenship. By streamlining the eligibility process, says McDonald, the law dramatically expanded the pool of potential immigrants. McDonald connects the law to a long history of "philo-Sephardic" thinking among Spaniards who romanticized their country's expelled Jews as having been vessels protecting medieval Spanish culture and viewed the "return" of their descendants as a sign of Spanish modernity.

Since Spain's transition to democracy in the 1970s, its accession to membership in the European Union in the 1980s, and the corresponding weakening of the power and influence of the Catholic Church, Spain has increasingly incorporated the physical remnants of Jewish culture in its cities into its larger historical heritage. Spanish efforts at historical preservation and tourism – whether to attract tourists or enrich Spanish culture – began in the 1990s when the Spanish government, with support from the EU's Council of Europe, created Los Caminos de Sefarad, an informational network of historic Jewish quarters in Spanish cities that assists in preservation, educational programming, and tourism.

Other Jewish historical and cultural institutions receive government funding as well, reflecting a broader interest in preserving what artifacts remain of medieval Jewish life in Spain. The Museum of Jewish History in Girona is funded by the Catalan government and the Girona municipality; the Spanish Ministry of Culture and Sports supports the (very small) Museo Sefardi attached to Toledo's El Transito Synagogue; and the Ministry of Foreign Affairs and Madrid's regional and city governments fund public programming and exhibits at a community cultural center called Centro-Sefarad Israel. Toledo's other medieval former synagogue, known as the Synagogue of Santa Maria la Blanca, is still in the possession of Toledo's Catholic Archdiocese, which pays to maintain and preserve the building as a museum. Private Jewish museums have also proliferated in Spain in recent years to cater to Jewish tourists, especially in cities like Granada and Barcelona, with rich Jewish histories but little remaining physical evidence of the Jewish presence.

Taken together with the citizenship laws, these efforts at preservation and education can be seen as mere pragmatic efforts to increase tourism and show the world the face of a new, tolerant Spain. The impetus for Spain's 2015 law came mainly from within the existing Spanish-Jewish community – itself greatly bolstered by Ashkenazi Jews who moved there in the 1990s from Latin American countries – which did a good job of instilling both lofty and pragmatic sentiments among sympathetic government ministers. Another compelling explanation, however, is to see the citizenship law as the culmination of a process by which Spain embraced Sephardic history, and with it Sephardic Jews, making them part of its own national history.

Why have efforts by Moroccan Muslim groups who have similar means of tracing their origins to Iberia, and were similarly expelled, gained no traction in attaining the right to claim citizenship on that basis? Arguably, because the Muslims expelled Spain in the 16th century (and converted Muslims expelled in the 17th century) are not seen by the state as victims, or as a part of Spanish national history. Furthermore, they almost certainly do not fit into Spain's current immigration policy goals.



Roman Abramovich, earlier this year. For the Portuguese, his speedy receipt of citizenship may have been the final straw. *Sergey Karpuhin / Sputnik via AFP*

Lisbon Synagogue. The Sephardi citizenship law was a sincere attempt at reconciliation, in keeping with Portugal's tolerance and a need for immigrants. *Francisco Seco / AP*

Portugal's disillusionment

Attorney Dror Hayik has offices in Afula and Tel Aviv, where he specializes in assisting Israelis applying for Portuguese citizenship. Hayik, who runs his eponymous practice with his wife and three brothers, has a tattoo on his forearm depicting his maternal grandfather, the Zionist activist and politician Menachem Ben-Porat. Ben-Porat's life and career (he died this past January) included organizing the immigration of tens of thousands of Iraqi Jews to Israel in the 1950s, serving as a Knesset member and government minister, and founding the World Organization of Jews from Arab Countries.

His grandson took Portuguese citizenship – "I appreciate it, and I cherish it," he says – and explains that the current crop of new Israeli professionals feels more mobile and less tied to a single geographic home. The fact that COVID led many professions to shift to remote work only heightened this untethering, but Hayik sees the cost of living in Israel, and the comparatively higher purchasing power of Israeli salaries abroad, as the primary impetus for Israelis seeking to acquire European passports. Since many Ashkenazim in Israel have the ability to claim EU passports through their parents or grandparents, Sephardim saw the 2015 laws as a leveling of opportunity.

Hayik sees a significant difference in intent between the Spanish and Portuguese programs. The Spanish process was symbolic and political; the barrier to entry was high (as were the number of rejections), especially in its requirement of fluency in Spanish, and was always intended to last for only a limited period. Portugal's law, in contrast, was a sincere attempt at reconciliation, in keeping with the country's self-perception as tolerant, forward-looking and in need of immigrants. The fact that Spain's law was set to expire after a mere three years (it was extended for an additional year), whereas Portugal's had no end date seems to support Hayik's sentiment. After all, if the goal is reconciliation for "one of the most important historic mistakes," to quote the Spanish justice minister's explanation for the law, why limit the application period to just a few years?

The Portuguese government made the terms of citizenship for Sephardi applicants reasonable and fair. An applicant needs to be 18 or older, have no criminal record, and present evidence of Sephardi heritage that has been verified by the Jewish community of either Lisbon or Porto. Hayik helps the candidate navigate the bureaucratic process, especially in assembling evidence of Sephardi descent. A key tool is a hefty dictionary of Sephardi surnames that lists the cities around the world with known Sephardi communities and the specific surnames prominent in those cities.

So, for example, if you have your grandparents' *ketubah* (marriage contract) from a town in Morocco known to be a home to Sephardi Jews with your surname, you have a very strong case. If your family was from a town known to have Sephardi Jews but your name is Cohen or Levi – common names among all Jews – or conversely, your family has a distinctly Sephardi name but comes from a town not known to have received Sephardi Jews, then Hayik will help you to more clearly establish your ties to Iberia. As he tells it, the process is not easy – most applicants have not yet received answer – but it is fair, and has been conducted with total professionalism by both the Portuguese government and the two Portuguese Jewish communities.

At the same time, people in Portugal over the past seven years repeatedly heard reports of their citizenship being mass-marketed as a commodity, rather than as an opportunity to connect meaningfully and reciprocally with their country. Companies with names like "Portugalis" and "Passport to Go" aggressively marketed their services to the Israeli public, with the help of what Silvina Schammah Gesser, a cultural historian of Spain at Hebrew University, calls a "gray zone" created by the laws themselves.

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Unlike Spain, the Portuguese government has not closed the route to Sephardi citizenship. The new requirements are significant but not insurmountable. The government's intent is clearly to establish the existence of a minimum connection between applicants and Portugal, as Spain did throughout its program by requiring fluency in Spanish. Families seeking Portuguese citizenship will now have to take a longer view, by first establishing ties through property, business, education or even regular vacations, and while some will no doubt do so, the numbers will likely be small.

What happens now?

Not everyone shares Hayik's sense that the Portuguese government has acted with total fairness. The Jewish community in Porto stopped cooperating with the Portuguese government in March, when Daniel Litvak, a community leader there was detained and investigated for possible corruption and fraud in connection to Roman Abramovich's bid for citizenship. As reported in Haaretz and elsewhere, some members of Porto's Jewish community caught up in the "Abramovich Affair" have responded to the government with inflammatory accusations of their own, comparing the investigation to the Inquisition, the Soviet Union's oppression of Jews, and even the Holocaust, blaming the government's actions for an increase in antisemitism in Portugal, and even filing a complaint with the European Public Prosecutor's Office alleging an "antisemitic conspiracy."

The Jewish community in Lisbon has been more circumspect, and supported efforts to make the application process more transparent, but in June complained that the Portuguese Justice Ministry had refused to give the community a hearing to discuss the changes, which it characterized as "unconstitutional."

Portugal wants and needs immigrants, and its law was one small piece of a larger immigration policy – similar to that of many other European states – seeking new citizens with old connections to the country. Where the Spanish law required Sephardic Jews to demonstrate they were Spanish, in language and in a civic sense (through an exam), before granting them citizenship, the Portuguese law operated on the premise that if an applicant demonstrated a connection to Iberia and applied for citizenship, then they would become Portuguese through the process itself.

Hayik's experience, both personal and professional, suggests that the Portuguese system was working. Few if any Sephardi Jews applied for Portuguese citizenship out of a sense of connection to Portugal. But the process of applying for and receiving citizenship has the effect of creating a connection, and creates an incentive for people to move there over other places, whether to study, work or retire. Now, Spanish applications are no longer being accepted (although the government is still considering many undecided cases), and though Portugal has left the door open a crack, the new requirements to demonstrate a preexisting connection to the country will dramatically lower applications and, likely, approvals as well, though some Sephardi Jews may indeed choose to establish the necessary physical connections to Portugal. Hyperbolic claims of Portuguese state antisemitism are unlikely to dampen enthusiasm among Israelis and others for Portuguese citizenship (and an EU passport), but the changes to the law that came into force on September 1 will nonetheless effectively end the brief era of the Sephardi "return" to Iberia, at least in terms of citizenship.

Even so, the unintended consequences of these laws are likely to outlive them, by creating a new Sephardi identity tied to modern state citizenship. The descendants of Sephardic Jews who took divergent paths after 1492, and created new cultures and communities around the world, have combed family papers and the same dictionaries of names in order to apply for Spanish and Portuguese citizenship. At the same time, the Sephardi citizenship laws accelerated what was already a burgeoning interest in Sephardi culture and identity. Engaging people in this shared history may end up being the enduring legacy of these programs.

Simon J. Rabinovitch teaches history at Northeastern University in Boston. Twitter: @sjrabinov