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Return after 500 years? Spanish and Portuguese repatriation laws and the reconstruction of Sephardic identity

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ABSTRACT

In a gesture of reconciliation, Spain and Portugal in 2015 passed bills inviting the descendants of Sephardic Jews – expelled 500 years earlier – to acquire citizenship. Applicants are to ascertain their Sephardic heritage through family trees, evidence of belonging to a religious community, language skills and/or retained links with the homeland. This article explores applicants' motivations to request citizenship and the ways in which legal provisions, religious associations, and the migration industry become gatekeepers of and (re)shape what it means to be Sephardic. Based on interviews with applicants and other actors involved, the article discusses how states, religious associations, applicants themselves and businesses facilitate and define the process towards citizenship. It also points to how the repatriation laws have spurred identification with – but also alienation from – Spain and Portugal, by making it possible to gain an attractive EU passport, while encouraging the revisiting of a painful past.

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Introduction

In 2015, Spain and Portugal passed bills enabling descendants of exiled Sephardic Jews to acquire naturalized citizenship. In the 15th century tens – possibly hundreds – of thousands of Jews were expelled from Spain and Portugal, while others faced torture, public killings or forced conversions (Ray 2014; Pérez 2007, 89). The laws were enacted to recognize and correct this 'historical mistake' and 'reopen forever for the communities expelled [...] the doors of their ancient country' (Ley 12/2015, 52559) – even after a 500-year lapse. A wish to harness the economic benefits that connections with affluent diaspora communities could bring was another motivation (Akman 2016). To be eligible for 'repatriation' applicants must prove that they are descendants, some fifteen generations back, of Jews of the Iberian Peninsula (Ley 12/2015; Decree-Law 30-A/2015). Certificates of belonging to a Jewish community, language skills, retained links with the homeland and family trees are evidence that applicants can put forward. The repatriation laws have coincided with and further encouraged a renaissance of interest in Sephardic history, culture and language over the last decades. Over 200,000 were

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expected to apply from the approximately 3.5 million thought to be eligible (Chu 2015). Applications from over 100 countries attest to the vast diffusion of the community (Rueda 2014). In October 2019, 153,767 descendants of Sephardic Jews had applied for citizenship in Spain and by mid-2020, more than 62,000 were reported to have applied in Portugal (Samper Ospina 2020; Lidman 2020). Few of them are, however, expected to actually move ‘back’ to the Iberian Peninsula.

The long temporal delay between the expulsion and the offer of ‘return’, and the complex procedures to prove Sephardic heritage, make this initiative a curious case for the study of diasporic identification and sense of belonging. While most scholarship on Sephardim focuses on earlier history, language and culture, this article contributes an analysis of contemporary developments in the wake of these laws. The article also offers insights relevant to the broader discussion about identification and homeland orientation among diasporas, by showing how these processes are shaped both by efforts to address past atrocities and by the migration industry. Based on interviews and media articles, the study discusses the motivations to apply, which are both emotional and instrumental. For some, the desire to reconnect with their heritage and gain recognition for the wrongs committed against their ancestors dominate, while others are driven primarily by their wish to secure an EU passport. As the applicants navigate the complex application process, they engage with – and become part of – a migration industry that has arisen in the wake of the laws. The possibility to acquire citizenship in Spain and Portugal itself, as well as the intricate procedures it involves and the evidence required, the article argues, invite a renegotiation of the meanings of being Sephardic. Apart from making the Sephardic heritage more important for individuals’ self-understanding, the citizenship laws also contribute to imbuing the Sephardic identity with a more pronounced orientation towards an Iberian ‘homeland’.

The next section presents a theoretical discussion, which suggests that both crucial events in the ‘homeland’ and the migration industry need to be considered if we wish to understand processes of identification and self-understanding in the diaspora in this particular case. Thereafter, we provide some background information about Sephardic Jews and the repatriation laws, as well as a note on methods and data. We then turn to the motivations – and objections – of Sephardim who have applied or considered applying for citizenship, before showing how applicants navigate the requirements of demonstrating Sephardic ancestry, and how that process is intertwined with a diverse set of actors that form part of the migration industry. Finally, we reflect on the implications for the construction and understanding of Sephardic identity.

Constructing diasporas: homeland events, return and the migration industry

It is widely recognized that contemporary group identity is ‘no longer tightly territorialized, spatially bounded, historically unselfconscious, or culturally homogenous’ (Appadurai 1996, 48). This is especially true for the globally dispersed Sephardim. In this article, we thus avoid an essentialist view of identities, communities and diasporas, but understand them as shaped by and constructed through mobilization (see Sökefeld 2006). We talk about identification, or identity construction, as a verb; a process which entails the continuous efforts by individuals and groups to define themselves, as

well as the categorization and representation instigated by others. In the article we are hence concerned both with people's self-understanding, i.e. how individuals makes sense of who they are and where they belong, and with the broader processes of identification and categorization at play (see Brubaker and Cooper 2000). Our understanding of identity as constructed, however, differs greatly from the legal stipulations of the repatriation laws under study, as these rely heavily on an idea of ancestral lineage. As we will see, the process of acquiring and presenting evidence of Sephardic ancestry itself involves the mobilization and construction of diasporic identity.

Diaspora scholars have noted that the mobilization of a homeland-oriented identity is often triggered by specific events. Political unrest, massacres or natural disasters in the homeland can invigorate a sense of belonging and identification as a diaspora (Sökefeld 2006, 271). This in turn can lead to an intensified interest in and dissemination of information, mounted monetary contributions to charities or political actors in the homeland, and a burgeoning of activities in the diaspora that relate to its culture and homeland. Also episodes in the past can function as mobilizing events. Volkan has argued that historical traumas –transferred across generations –are pivotal to the formation of diasporic consciousness (Volkan 2001). An initiative that calls attention to a trauma of the past may also serve as a critical event that triggers diaspora consciousness (Orjuela 2020). The passing of the Spanish and Portuguese citizenship laws, we argue, can be understood as a mobilizing event, which gains traction by referring back to the historical trauma of the eviction of the Jews from the Iberian Peninsula in the last decade of the 15th century.

Homeland orientation is a central aspect of diasporic identification; diasporas are by definition committed to the maintenance or restoration of the homeland and often idealize what they see as their real 'home' (Safran 1991; Cohen 2008; Brubaker 2005). Often this romanticization of and concern for the ancestral home are linked to a dream of return. In practice, though, there is a great deal of ambivalence around the question of return, as many who see themselves as a diaspora do not wish to move 'back' to their 'homeland'.

Once, the term diaspora was almost exclusively used to refer to the Jews' dispersal and exile (Sökefeld 2006, 278). The homeland for this diaspora was the mythical Israel from which they had been repeatedly expelled. Yet, a long history of migration means that sub-groups within the larger Jewish diaspora have been dispersed also from other homelands (Ray 2008; 2014). Through the twentieth century, Jews have been 'returning' also to countries like Spain, Germany and Austria (Medding 2007). So while the Jewish diaspora generally is oriented towards Israel as the ancestral homeland, the Iberian Peninsula makes up a second homeland. The expulsions in the 1490s are thus often regarded as the birth-date of the Sephardic diaspora (Menny and Schlör 2015, 3).

In recent years, the role of non-state actors in facilitating, constraining or assisting international migration has gained increased attention – albeit not in the study of diaspora identity formation. What is often called 'the migration industry' is an assemblage of licit and illicit businesses, entrepreneurs and organizations who depend on or benefit from the migration process – not exclusively financially – and who play an important role in its organization (Gammeltoft-Hansen and Sørensen 2013, 2). This can include recruitment organizations, lawyers, immigration advisors, money sending businesses, travel agents, smugglers, criminal organizations, border personnel, telecommunication

companies, culturally-specific media, NGOs, and faith-based organizations (Garapich 2008, 737; Peile 2014, 57). The notion of the migration industry points to the ever-increasing commodification of migration. Research has tended to pay more attention to the ways the industry erects barriers to migration and less to how welcoming policies may sprout an active migration industry (McCollum and Findlay 2018, 559). The growth of an industry around the possibility to gain Sephardic citizenship in Spain and Portugal hence provides an example of the role played by non-state actors in voluntary and legal migration – or, in fact, in a case where actual migration may not be the main purpose of securing the documents enabling it (cf. Harpaz 2015).

What we will also see in the Sephardic case is that the commonly used distinction between the migration industry as profit-based and migrant social networks as altruistic is blurred (McCollum and Findlay 2018; Garapich 2008). In addition to the lawyers who facilitate, disseminate and promote the acquisition of citizenship under the Sephardic bills, many other actors, some of whom are applicants themselves, have become part of the migration industry in their capacity as genealogists, language teachers, tourism entrepreneurs, scholars and cultural or religious administrators. Although the laws strive to provide ‘objective’ criteria, their implementation opens up space for the applicants as well as numerous other actors – some of them part of the migration industry – to negotiate and shape the meaning of being Sephardic.

The Sephardim and the citizenship bills

In its strictest definition, Sephardim refers to the Jews who lived in the Iberian Peninsula and were expelled in 1492 and 1496 from Spain and Portugal respectively, and their descendants. However, the term has taken on a broader meaning, and is often used to refer to Jews from North Africa, Syria, Iraq, Palestine, Greece and Turkey (Zohar 2005). Sephardim has thus come to denote almost any Jew who is not Ashkenazi, i.e. of German or East European background – despite their very varied backgrounds and experiences (Ray 2014; Zohar 2005; Medding 2007). Recent estimates put the number of Sephardim worldwide to 3.5 million, the largest populations residing in Israel, France, the United States, Argentina, Spain, Brazil, Italy and Turkey (Sanchez Diez 2015). Based on genealogical modelling, Weitz (2014) has showed that a vast majority of Jews living today are in fact likely to be descendants of Jews expelled from the Iberian Peninsula.

Exile and diaspora are central to scripture, history and imaginations of the Jewish community more broadly. With a history of living as a religious minority, Jews have far-reaching experience of surviving, adjusting to and resisting foreign authority (Ray 2014; Medding 2007). The foundational oral religious teaching of the Talmud was put in writing after the destruction of the Second Temple in Jerusalem in 70 CE, in order to ‘enable Jews to create, in their own homes and in their synagogues, ‘virtual temples’ echoing the solemnity and purity of a temple that no longer existed’ (Tignor 2008, 328). This is believed to have helped the survival of the Sephardic community in later eras.

In the Iberian Peninsula, the Jews experienced a ‘golden age’ under Muslim rule (from 711 AD), during which they flourished culturally, economically and intellectually and Islam, Judaism and Christianity coexisted peacefully (Gorsky 2015; Zohar 2005). However, already in the 1100s, priests supported by the masses tried to rid the land of

heretics (Leite 2011, 40–41). Jews and Moors suffered forced conversion, torture and public killings. Some of the involuntary converts did not adopt Catholicism, but continued to practice their religion in secret. Their descendants are referred to as *anusim*, whether they retained Judaism or not (Zohar 2005, 8). In 1492, with the Alhambra Decree, the Catholic Kings of Spain proclaimed the expulsion of all Jews; they were given four months to evacuate or convert. The Jewish population, which had been between 150,000 and 250,000 in 1474 (Gorsky 2015, 277), scattered in different directions. Main destinations were North Africa, the Ottoman Empire and Europe, especially Turkey, Greece, Bosnia and Morocco. Around 70,000 fled to Portugal (d'Oliveira 2015, 14), but were in 1496 given an ultimatum: ousting, conversion or the death penalty. This led them to migrate to the Balkans, Italy, the Netherlands, Flanders, South America and the Caribbean (d'Oliveira 2015, 14). People who stayed behind and were found guilty of being secret Jews were tortured and burned at the stake (Gorsky 2015).

When presenting the draft repatriation bill in 2014, Spain's Minister of Justice, Alberto Ruiz-Gallardón, said that the government wanted to correct the 'historical mistake' of expelling the Jews, committed more than five hundred years earlier (Publímetro 2014). Spain had made apologies to the Jews earlier; the Alhambra Decree was formally repealed in 1968, and the 1992 celebration of the quincentennial saw official reconciliatory gestures (Stavans 2014). The new law offered citizenship to Sephardim as a gesture of recognition and correction of the historical wrong committed against the Jews, but also to provide a 'meeting point of today's Spaniards with the descendants of those who were unjustly expelled in 1492' and to 'build together [...] a new space of co-existence and harmony' (Ley 12/2015, 52559). There were, given the economic crisis Spain experienced at the time and its history of connecting with Sephardic entrepreneurs, however, other objectives which were not explicitly stated: to secure capital investment and entrepreneurial expertise, while also improving Spain's links to Israel and its 'sagging international image for its views on and treatment of its ethnic and religious minorities' (Akman 2016).

Before the adoption of the law, Sephardim who wanted to become Spanish citizens needed to reside in the country for a minimum of two years and also had to give up their earlier citizenship. In 2015, the citizenship law was opened for a three-year period, which in 2018 was extended to allow applications until October 2019. Eligible to apply were Jews and non-Jews who can prove their Sephardic origin and a special connection to Spain. Such proof include a certificate signed by the President of the Federation of Jewish Communities in Spain or the President of a Sephardic Congregation in the applicant's place of residence, or by another legally recognized rabbinical authority. Additional evidence may include letters attesting knowledge of the Sephardic languages Ladino or Haketia, a traditional Castilian marriage certificate, or a report confirming the Sephardic lineage of one's surname. A special connection to Spain has to be proved by language and civic exams from El Cervantes Institute. Additional (optional) evidence include engagement in charitable, cultural or economic activities related to Spain, studies in Spain, businesses or assets in Spain, participation in conferences related to Spanish culture, or engagement in the study, conservation or dissemination of Sephardic culture (Ley 12/2015; Consulate of Spain, Los Angeles n.d.). Individuals granted citizenship have to swear allegiance to the King and obedience to the Spanish Constitution (Herrera 2016, 6).

The same year, Portugal announced a law which granted descendants of Sephardic Jews naturalized citizenship without the need to speak Portuguese or reside in the country. Prospective citizens have to be over 18, provide evidence of Sephardic ancestry and have no criminal background (Decree-Law 30-A/2015). A certificate from the Jewish community of Lisbon or Porto is needed (Zimler 2017). Alternatively, applicants can submit authenticated documentation from the Jewish community authority in their place of residence plus evidence such as records of wills, deeds and burials (Decree-Law 30-A/2015). Since 2018, sending in a family tree is compulsory (Comunidad Israelita do Porto 2018, 6). Unlike in Spain, the Portuguese process does not require proof of connection to the country in which citizenship is sought. The timeline of the law is also different; Spanish repatriation was available for only four years whereas the Portuguese is open-ended. The Spanish bill demands meticulous and specific paperwork, but requires less connection to a Jewish community than the Portuguese. Although the Portuguese law appears to be less arduous, Spain has processed and granted more citizenships in a shorter amount of time (JTA 2018).

Methods and data

Addressing recent developments this article draws on a qualitative study, which should be regarded as an initial exploration of the topic, rather than a full-scale investigation. We conducted twenty interviews with applicants and other individuals involved in the citizenship process, and complemented these with a large number of relevant media articles. Ten of the interviews were with applicants, four with lawyers involved in the application process, and six with persons who were involved in other capacities, as genealogists, scholars or working at Jewish organizations or museums. The interviews took place approximately two years after the laws were enacted and were carried out by Arielle Goldschläger. The interlocutors were identified through an extensive process of reaching out to relevant individuals and organizations, including museums, Sephardic cultural organizations, Jewish community organizations, synagogues, Sephardic publications, Ladino art festivals, Ladino and Haketia music podcasts, open Facebook groups, Sephardic scholars, immigration attorneys, Sephardic genealogists, and journalists who had written on the topic. As the study targeted a dispersed and somewhat concealed group (Bernard 2006, 179), participants were recruited based on contacts made and willingness to participate. Most of the interviews (12) were carried out by phone, four by video call, two in person, while two persons preferred to answer the questions by email. Of the ten applicants interviewed, nine resided in the United States and one in Argentina, while the other interviewees were based in Israel, United States, Portugal, Spain and the Netherlands. Most applicants interviewed were connected to Sephardic organizations; this implies that the research is slanted towards individuals who display active membership in that community. None of the attorneys interviewed charged a fee for participation in the research; firms that demanded payment were excluded from the study. The interviewees did not consider Sephardic identity and citizenship applications to be a sensitive topic. Despite this, we have chosen to keep them anonymous by changing their names.

It is important to note that our small sample of interviewees does not properly reflect the wider, more diverse, group of applicants and other actors involved in the process. Particularly, most applicants interviewed resided in the US, and their stories do not

necessarily speak to the more varied experiences of applicants from other countries. One way we handled this was to supplement the interview data with information and narratives presented in memoirs, personal blogs, biographical web pages, journalistic accounts, and video lectures. We consulted over hundred media articles about Sephardic repatriation in English, Spanish, Portuguese and French from a broad range of countries, and many of these featured interviews with applicants or other key actors. We also drew on two recent academic studies of applicants from Israel and Turkey, as a complement to our own interviews (Shammah Gesser 2019; Corte-Real Pinto & David 2019). Together, this data provides valuable initial insights into the procedures, motivations and dynamics of identity construction in relation to the laws. We recommend further and more systematic research of this topic.

Returning 'Home': belonging and alienation

We now turn to the motivations people had to apply for citizenship in a country from which their ancestors were expelled centuries earlier. One of the applicants, who we call Javier, said that his incentives were 'completely emotional'. He stressed that he had 'no interest in living there or having a business [in Spain]'. Such emotional motivations usually related both to the sense that the citizenship offer constituted a recognition of the injustices committed against ancestors, and to a sense of connection and belonging to the Iberian Peninsula. Another applicant, Ilana, said that it was a great gesture for a country to pay for the sins of their fathers and that this should be acknowledged. 'For me, it was something that had been taken away from my family that I wanted to get back and I felt an affinity'; earlier in life she had studied and lived in Spain. Ángel Calderón, an applicant in Colombia, similarly stressed the reconciliatory aspect: 'The fact that King Felipe of Spain tells us face to face how much they wronged us, and that we are welcome home – this is something that heals, or seeks to repair the harm caused by a historical injustice' (quoted in BBC 2019).

Abraham Yehoshua, an Israeli writer, discusses the paradox of Sephardim cherishing the memory of Spain, even though their ancestors were so cruelly banished from the country during the Inquisition. 'It is as if they had said to those who drove them out: you succeeded in expelling us physically from Spain, but you will never succeed in expelling Spain from inside of us' (Yehoshua 2010, 151–152). Also for our interviewee Jonathan, his connection to Spain had motivated him to apply for citizenship: 'I guess my initial incentive was that I want to be Spanish, I feel more Spanish than American. I feel more comfortable there than I do here'. Elias explained his family's desire to pursue Spanish citizenship by the fact that his two daughters were studying Spanish at school. Moreover, for converts or hidden Jews, who are not recognized by the Jewish communities where they live, citizenship in Spain or Portugal could function as proof of their lineage and bring a sense of pride and connection with their heritage.

Almost all applicants we interviewed had grown up identifying as Sephardic or started identifying after a discovery (in the case of converts) later in life. There was more variation when it came to how strongly they felt connected to Spain or Portugal. Going through the process of applying for citizenship, and visiting the country, however increased the level of identification with these 'homelands'. One interviewee recounts a

trip to Spain saying: ‘I instantly felt connected’. For some, their family had always spoken Ladino and they had a feeling of being at home when visiting the Iberian Peninsula. Jonathan recalls his first trip to Spain at the age of 19, and the bond he felt: ‘[I remember] writing back to my parents ‘the whole country is Sephardic, except they are Catholic!’ I didn’t realize that being Sephardic was Spanish.’ For Dana it was the opposite, though: ‘Visiting all those sites in Spain, I did not feel a strong connection. So much of what was Jewish in Spain and Portugal is gone and the Catholic Church’s presence is so strong, everywhere.’

Many Sephardim chose to reject the offer of Spanish or Portuguese citizenship and were critical of the presumed apology and compensation for injustices incurred by their ancestors. Journalist Josh Nathan-Kazis quotes his 20-year-old cousin who says: ‘I think they lost their claim to me when they kicked me out the first time’ (2014, pt.1). Although this comment expresses a clear dismissal of the reconciliatory citizenship offer, it also speaks to strong identification with the ancestors – when saying ‘kicked *me* out’ he frames himself as one with the persecuted forefathers. Anger for what was done to Jews in the past meant that many were not interested in citizenship. A genealogist we interviewed commented: ‘For what it is worth, I don’t recall anyone wanting the citizenship because of a love of Spain or desire to return to the land of their ancestors. If anything, there is residual resentment because of what was done to their ancestors. Besides, antisemitism is still alive and well in Spain.’

So while in some cases the possibility to apply for citizenship triggered a sense of belonging to a lost homeland, in others it encouraged a revisiting of a painful past and attention to persisting problems in Spain and Portugal – something which caused alienation rather than bonding. This lingering resentment linked the expulsion and violence of the past to a present of continued insecurity and a future threatened by repetition of violence. As Mr. Halac, an Argentinian with Syrian Sephardic background said to the BBC: ‘I imagine if I were to move to Spain and settle there, I would not feel at ease. History repeats itself’ (Caselli 2016). His views were corroborated by our interviewee Elias, who said: ‘Spain is strongly antisemitic ... if they were more sincere about it, they should work to at least speak out against it. Spain hasn’t really done that.’ These concerns connect the present with the historical trauma of the past, forging a link with the ancestors while framing ‘Spain’ (or Portugal) as offender and unsafe.

Opening doors: gaining an EU passport

Repair for past injustices and a sense of belonging motivated many to apply for citizenship – but others had much more pragmatic reasons. Having a European Union passport was seen as a benefit that would make travel and business easier – and serve as an escape route in case of instability or danger in their current countries of residence. According to Heidi, a genealogist and applicant, ‘many in Argentina and Venezuela who identify as Jewish are trying to get this [citizenship in Spain or Portugal]. [They think:] ‘Let me have an EU passport in my back pocket as a plan B, not because I am connected to my ancestors’’. In Turkey, the insecurity that the Jewish community experienced, with attacks on synagogues, lack of protection from the state and mounting antisemitism,

led a large number of them to apply for Portuguese citizenship. This was considered a backup plan, not motivated by any sense of connection to the country. 'I did not apply in order to escape' one applicant told Corte-Real Pinto and David (2019, 795), 'because everything attaches me to Turkey: language, land, music, literature'. In Venezuela, the urgency of hunger and violence triggered an interest among Sephardim to discover their Iberian past and secure a Spanish passport that could safeguard the future for themselves and their children (Nahón-Serfaty 2019; Yáñez 2020). Jesse, who offers services as a genealogist, said to us that before the laws, many of his clients were descendants of forced converts who had a desire to return to Judaism and possibly emigrate to Israel. After 2015, 'the queries changed to overwhelmingly asking how to prove Sephardic ancestry to qualify for the repatriation. The majority of these requests came from Israel, Turkey, and South America.'

The political instability in the United Kingdom also led to an increased interest in alternative citizenships. After the Brexit referendum in 2016, the number of British Jews applying for Portuguese citizenship increased 80-fold (Jones 2016). One British applicant said: 'My going for Portuguese citizenship is in part symbolic; it's in part protest and in part the embracing of a particular cultural heritage. But it's in part the practicality of being able to travel in Europe without having to produce a non-European passport' (quoted in Jones 2016). Also the United States experienced an increase in people with Jewish background seeking citizenship in European countries in the wake of the election of Donald Trump in 2016 and in a context of mounting vandalism and harassment against Jews (Frankel 2017). Our interviewee Davita said that the fear of Trump and concern for her child's future was her main incentive to apply. She added: 'Being Jewish, you need to have a plan B'. Ilana echoed this, stating: 'You never know when you will need a place to go.'

A lawyer in Israel we interviewed said that 'people like to have a backup in case [Israel] goes down the drain, and with high unemployment rates, it is much more attractive at the moment to have an EU passport'. There was also a sense that Sephardim in Israel continue to be discriminated against (cf. Jacobs 2009). As Emel, a scholar who provides genealogical reports, told: 'If you are Sephardic, you don't have a chance in Israel.' Shammah Gesser (2019, 210) also found that applicants in Israel pursued dual citizenship as 'a sort of insurance policy against economic crisis, unemployment, chronic insecurity, war or persecution'. She noted that a European passport also carried some prestige.

A lawyer said to us that he had initially used 'Study in Portugal', 'Live in Portugal' and 'Retire in Portugal' as slogans to attract clients but that this generated poor response. A more successful catchphrase in the Israeli context, he revealed, was 'Don't stand in line at the airport'; making travelling smoother was apparently very appealing to his clients. Another lawyer uttered about some of his clients: 'These Israelis don't really care if they are Spanish or Portuguese, they just want a passport.' The fact that travelling on an Israeli passport can in some countries be a liability was another motivation for some. A Portugal-based law firm announced that 'Portuguese citizenship is one of the best second passports available to globally mobile citizens'.¹ Heidi, a genealogist, lamented this instrumental use of Sephardic ancestry. In the past, she was happy to help individuals find their roots free of charge, 'because it was something they were feeling in their soul'. With the new laws, people instead explored their Sephardic heritage for self-serving and economic purposes, she felt.

Gatekeepers of identity: providing evidence

Through the laws and their application, the Spanish and Portuguese governments in association with Jewish federations, scholars and Sephardic communities decide what it means to have Sephardic ancestry. In this process, certain identity traits are given importance; they are demarcated and made measurable, and come to make up seemingly objective criteria for defining the diaspora (cf. Sökefeld 2006, 267).

The Federation of Jewish Communities in Spain (FJCE) and the Jewish Community of Lisbon and Porto have a great deal of power in determining who has Sephardic ancestry, as documents of their approval are needed to apply. By outsourcing to religious entities to decide who is Sephardic, the Spanish and Portuguese governments follow the wider trend of delegation of state functions to non-state actors (Cranston, Schapendonk, and Spaan 2018, 552). ‘The governments have absolved themselves of the cost and expense of the vetting process,’ stated Isaac, one of our interviewees. The law does not prescribe how the Jewish organizations are to determine who is Sephardic, though (Pereltsvaig 2014). The outsourcing of the assessments and approval is based on the assumption that the religious institutions have the expertise, but also allows the governments to externalize costs and risks while avoiding accountability in cases of rejection (cf. Cranston, Schapendonk, and Spaan 2018; Menz 2013).

Although being Jewish is, obviously, a strong part of the Sephardic identity, some of those identifying as Sephardim are descendants of forced converts or not Jewish for other reasons. The pivotal role of Jewish organizations in determining Sephardic ancestry can pose a problem for them. Particularly in Portugal, much emphasis is put on being a practicing Jew, according to interviewees. That Spain obliges applicants to know Spanish has similarly attracted criticism. Many see this as preposterous; it makes little sense to be asked to speak Spanish when their relatives would have spoken Ladino (Akman 2016). Historically, Spanish was the language promoted by the Catholic Kings in their attempts to unify Spain – the same royal couple who persecuted and expelled the Jews in 1492. Both religion and language are hence ambivalent markers of Sephardic identity, and their use in the citizenship process is somewhat confusing.

For all applicants, expert reports by genealogists and historians make up important proof of Sephardic ancestry. Such reports can, for instance, establish that the applicant’s place of origin had a Jewish community and confirm that the surname is Sephardic and was in use by Jews before their expulsion. Historical studies of the area of the ancestors together with registries of births, deaths and marriages, property sales and Inquisition records are used to piece together relevant information (Fischel 2017). Whether someone will be able to trace back their ancestry to Iberia is hence determined by the availability of historical documents, and on the skills and efforts by genealogists and historians.

One curious way in which Sephardic identity can be verified relates to a historical list of Jews. In 1942, ethnologist Arie de Froe was commissioned by prominent members of the Sephardic community in The Netherlands to prove the ‘un-Jewishness’ of Sephardim using phrenology and physical characteristics to argue that they belonged to the Mediterranean race (d’Oliveira 2015, 28–29; van Houwelingen n.d.). The list was accepted and those on it were initially excluded from deportation. In 1944, however, the very same list of Sephardim, now considered ‘racially inferior’, was used to identify persons

to send to concentration camps. Today, the list is used to prove the ‘Jewishness’ and ‘Sephardicness’ of their descendants in the lineage reports required for Spanish and Portuguese citizenship (d’Oliveira 2015, 28–29).

The fact that the criteria of Sephardic ancestry and their application are complex and sometimes ambivalent has created space for applicants to navigate the requirements creatively. For instance, if one Jewish entity refuses to recognize a person’s ancestry as Sephardic, the applicant can try their luck with another congregation or federation. Likewise, applicants made strategic decisions about whether to apply in Spain or Portugal. The language requirements in Spain were seen as a burden by many, but did not apply to individuals under 18 or over 70 (Portero 2017). This meant that within a single family some members could be Spanish citizens while others held Portuguese passports. Moreover, the fact that Portugal does not demand applicants to trace their descent to Portugal opens up for a broader pool of applicants. Individuals navigated these variations and used their own skills and backgrounds strategically in their pursuit of citizenship (see also Shammah Gesser 2019, 211).

The migration industry: facilitating and profiting

Although the governments and associations claim that legal counsel is not required to apply for citizenship, the complex process is very difficult to complete without it. Scholars and genealogists (professional and non-professional) aid in research and providing reports, while attorneys help shepherd the documentation along. One of the main hurdles that applicants pointed to was that by the time they had received, translated and stamped all documents, some documents would expire, forcing them to start the process and pay the fees over again. Since all the paperwork had to be sent at the same time, it became a tricky choreography of timing. Lawyers were essential in managing this.

The cost for the official application process for Spain was 101 euros and for Portugal 150 euros. However, this is rarely the only cost. Lawyers’ fees, letters of recommendation from federations, genealogical reports, travel, language courses and exams at the Cervantes Institute (for Spain) as well as the costs to have documents translated, notarized, apostilled and sent away for records averagely cost 3,000–5,000 USD according to interviewees, or even upwards of 10,000 USD. None of the applicants we interviewed saw this as too big a financial burden; getting a passport was well worth this investment, in their view. A genealogist in Venezuela also echoed this when revealing that many of her clients had sold property to be able to afford the paper work for Spanish citizenship, and that they considered this ‘an investment rather than a cost’ (quoted in Yáñez 2020). Similarly, an applicant in Morocco found the process ‘time and money-consuming but worth it as it will allow me to travel freely to Europe and the rest of the world’ (quoted in Guerraoui 2015). While a broader sample of interviewees would most likely generate more varied views on this, the comments above attest to the high value applicants attach to a second citizenship.

The repatriation laws have been criticized for placing so many obstacles that only people with high purchasing power can apply (Fischel 2017; Kern 2015). This implies that what was officially framed as an apology and correction of a historical mistake benefits only a specific economic class. The fact that donations to Spanish or Spanish-

Jewish institutions can help prove one's connection to Spain also indicates that privilege is given to persons of a certain economic standing. The Jewish organizations tasked to approve the Sephardic background of applicants also often charged a fee. Davita said, 'I have noticed that some Jewish communities are taking advantage. In Israel and Istanbul they charge a fortune. Little congregations can be mean and will ask thousands [of dollars] for papers.' As stated by Mr. Buzaglo, Institute for Sephardi and Anusim Studies, Israel: 'the spirit of the law is not reflected in its reality' (cited in Fischel 2017).

A migration industry, consisting of lawyers, genealogists, historical experts, language teachers and travel agents has grown as a consequence of the laws. There is often a symbiotic relationship between Jewish federations in the diaspora, Spain and Portugal, and lawyers and experts, who collaborate closely. Many of the interviewees had through their own process of applying, become active members of the migration industry themselves. Some selflessly offered their time to help others. Others realized that they could use their skills to capitalize on a niche market, for instance immigration law, language teaching, genealogical or scholarly reporting. The migration industry and social networks are therefore deeply interwoven throughout the application process (see Cranston, Schapendonk, and Spaan 2018, 548).

Many applicants had become majorly involved in the study and promotion of Sephardic history and culture. Several interviewees had gained expertise on Sephardic genealogy, created archives and databases, and provided reports for others wishing to trace their family's roots. '[When the] law was passed ... We knew we could play a role in it because of our genealogical services', Nir said. Jonathan started a for-profit Spanish course to help people to pass their Cervantes exams. Javier runs a Sephardic news website which includes a section devoted to Spanish nationality as well as an online shop selling books, CDs and films with Sephardic themes, some in Ladino and Haketia. Some of the many cultural festivals, seminars or conferences organized explicitly state in their marketing that participation can be used for the application process. For instance, the invitation to a series of seminars about Ladino in Buenos Aires in 2019 promised participants – who paid a fee to attend – a certificate of participation which could be used among the evidence needed for Spanish citizenship. Similarly, the invitation to a festival celebrating the experience of Jewish communities in Spain and the Americas, held in Albuquerque, USA, in May 2019, stated that 'if you attend events for the full week, it can even count as one of your special connections to Spain'.²

The industry around the repatriation laws also closely relates to the tourism industry. Companies offer organized tours in collaboration with religious and cultural organizations (cf. Hayes 2015, 9). Sephardic repatriation is marketed by some of these actors as 'another path to your holiday destination' or as offering an attractive place to start a company or to retire (see Transferwise 2017; Shammah Gesser 2019). This points to the idea of migrants as consumers and also to a continuum between tourism and migration (Hayes 2015, 7). All applicants we interviewed said that they had gone to Jewish sites when visiting Iberia or that they intended to do so. 'I go to all the Jewish sites when I travel,' said Lee. Nathan-Kazis called this a 'Jewish sentimental gold rush' which many are capitalizing on (2014, pt.10). Spain has made efforts to archive and restore medieval documents and has created Los Caminos de Sefarad, a government-sponsored route of 15 Jewish historical cities (Weiss 2012). Portugal's tourism website and many private companies also offer a 'Jewish quarters' tour'. A tourist guide in

Lucena, Spain, described the strategy of the city in attracting tourists: ‘what they’re trying to do is, first, assemble all of our Jewish past ... [and] convert it into economic development [...] If we have a Jewish past, it’s a tourist resource’ (quoted in Nathan-Kazis 2014, pt. 7).

A new Sephardic identity?

The findings of this study suggest that the passing of the laws in Spain and Portugal has contributed to activating a homeland consciousness and prompting a dialogue with the past. The imagination of a Sephardic community is manifested into tangible events such as festivals, concerts, conferences and courses. The publication of numerous books and journals about Sephardic issues are also examples of this, as are memorial sites, commemoration days, exhibitions and heritage routes (Menny and Schlör 2015, 2). The awakened interest in connection with the citizenship laws form part of a broader trend of increased interest in Jewish heritage generally, and Sephardic heritage in particular, which preceded the laws. The plethora of initiatives contributes to forming a sense of community and belonging for those who take part in them, and at the same time, exhibits an outward idea of Sephardic history and identity.

An interviewee from Seattle, home of the third-largest Sephardic community in the United States (after New York and Los Angeles), told that they experienced a ‘tiny revival’ of interest in Sephardic history and culture. The community is tight-knit and people actively encourage each other and contacts elsewhere to search for their family history and obtain citizenship. Seattle is also visited by lawyers, Spanish and Portuguese officials and cultural administrators involved in Sephardic repatriation. Through its active community, Washington State has become a hub for the Sephardic renaissance, and the host of a Sephardic Studies Program at the University of Washington. The revival is hence anchored in a community locally, while transnationally linked to Spain and Portugal, migration industry actors and the wider diaspora. In Israel, a renewed interest in Sephardic history and culture and the Ladino language has been supported by the state, as well as by numerous cultural and educational centers (Shammah Gesser 2019, 208–209).

The possibility and process of acquiring Sephardic citizenship in Spain and Portugal has not only led more people to search for their Sephardic roots; it has also, we suggest, generated a slight shift in people’s sense of belonging. When we asked Isaac if he associated being Sephardic with the Iberian Peninsula, he said, ‘Not really. [But] I do now, because of the application. [...] Until three years ago I did not even think about [our] historical connection, we took it for granted.’

Many of the interviewees were closely tied to the customs, traditions and liturgical practices from their synagogue, but had not felt a sense of belonging to Spain or Portugal. Davita associated Sephardic far more with Turkey and Greece, because of Ladino which she was acquainted with since childhood. Isaac recalled a trip to Toronto: ‘I was astonished that the pronunciation, melodies, liturgy were so similar to those in my hometown [Seattle] where the Jews came from Turkey, Rhodes, and Greece. [...] That is when a pan-Sephardic identity really smacked me in the face.’ For him, being Sephardic was more about preserved traditions in the diaspora than a homeland orientation towards Spain or Portugal. This view was also visible in the media habits of interviewees: many followed

Sephardic news, but did not pay more attention to news from Spain or Portugal than from any other country. Jonathan declared, though, that ‘going through this process and doing this class has connected me [to Sephardic issues and news]’. In that way, we suggest that the passing of the repatriation bills can be understood as a critical event (Sökefeld 2006), which has mobilized the diaspora and reawakened an interest in relating to and identifying with a homeland and traumatic past left behind five centuries earlier.

The pursuit of citizenship was primarily an individual or family project, but also linked to a sense of community and shared past. Through participation in language classes, seminars, conferences and cultural festivals, and by reading narratives of the experiences of others in news articles, individual Sephardi solidified a self-understanding as belonging to a collectivity. By becoming active members of the migration industry and various support networks for applicants, they claimed and promoted their Sephardic identification.

The Sephardic identity, however, does not lack ‘others’ within. In our study, we came across discourses distinguishing between the genuine Sephardi who has a true connection with the homeland, culture and traditions, and an opportunistic ‘other’ who is only after the EU passport. A recurring theme was that those applying in Spain have a deep connection, while those applying in Portugal – with its more lenient process – are opportunists. ‘I think the people who are interested in getting some kind of recognition for their status for the historical history, [are] more interested in Spain. The people who go to Portugal, in my opinion, are more interested in getting into the EU’, Inbar said. In her study of applicants from Israel, Shammah Gesser (2019, 210–211) noted a generational gap when it came to motivations: while those aged above 65 approached the process of gaining citizenship as a sentimental issue of enormous importance to their sense of belonging and self-image, the younger generation was after the rights and mobility that came with a European passport. This tension between instrumental and emotional approaches to Sephardic citizenship, we propose, also shapes people’s self-understanding. However, the efforts put into gaining citizenship may in themselves encourage a stronger sense of belonging also among those seeking it for practical reasons. At the same time, applicants motivated by an attachment to their Iberian heritage were pushed towards taking pragmatic stands in order to navigate the intricate procedures.

Apart from the contradictions and debates that the laws have triggered around instrumentalism and ‘genuine’ interest in one’s ancestry, there is also a concern about whether it maintain stereotypes. As the citizenship offer is perceived to target only Sephardim of high economic standing – those who can afford to apply and who are potential tourists and investors – they risk playing into prejudice about the archetypical Jew. The historical awakening and connection to the Iberian Peninsula, encouraged by the laws, draws on stereotypes of the ‘golden age’ Jew, who before the Inquisition thrived on their intellectual and mercantile talents. This image may underpin the understanding also of contemporary Sephardim as they ‘return’ to Spain and Portugal.

Conclusions

This article has looked at the construction of Sephardic identity in the wake of the 2015 laws which allowed descendants of Jews expelled in the 1490s to gain citizenship in Spain

and Portugal. We have seen a variety of motivations to apply – from a sense of belonging and desire to receive compensation for past injustices to pragmatic aspirations for a second passport for convenient travel or as a plan B in case of having to leave one’s country of residence. With the enormous time lags between the expulsion and the reconciliatory move to enable ‘return’, numerous issues of how to verify Sephardic ancestry arise. Markers of Sephardic identity are many and sometimes ambivalent, as they are evoked in the process of applying for citizenship. The complex procedures and many forms of evidence required have given rise to an assemblage of associations, businesses and social networks which support applicants, but also benefit from the process. This extended ‘migration industry’, we argue, works not only as facilitators but also as gatekeepers of Sephardic identity.

With the laws, the growing interest in Sephardic genealogy, history and culture which was already under way, received a further push, but there was also a slight shift towards more attention to and identification with Spain and Portugal as ‘homelands’. Many Sephardim are now beginning to relate personally to these countries; they go on vacation, join Jewish tour groups, make donations and help other people to pursue citizenship. However, the laws have also given rise to discussions about who is ‘genuinely’ Sephardic and who instrumentalizes the laws only to gain access to an attractive passport.

The framing of the laws as a measure of reparation and acknowledgment of atrocities committed in the past suggests similarities with other processes of transitional justice. In practice, however, the laws have turned out to relate more closely to global trends of states reaching out to their diasporas to attract entrepreneurship, investments and tourists. Still, the bills have drawn attention to a highly troubled past and underscored the difficulties involved in compensating descendants of victims. It is worth noting that both processes of addressing past injustices and of harnessing diasporas for economic development bring about reconstructions and renegotiations of diasporic identity. The arbitrariness of these initiatives become even more evident, though, when considering the lack of recognition of and engagement with the Moors who shared a similar expulsion fate as the Sephardim. Issues of reparation, heritage and ‘return’ are likely to trigger debate and fervor for a long time to come.

Notes

1. <https://www.lugna.pt/private-client-advisory/portuguese-benefits-sephardic-jews/> (Accessed 29-11-2017).
2. Email from Sephardic Heritage Certificate Program <spain@jewishnewmexico.org>, Wed, Apr 10, 2019 at 7:28 PM, Subject: Festival Resiliencia, May 16-23.

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