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Convivencia and *filosefardismo* in Spanish Nation-building*

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Introduction: The Law of *reencuentro* or the old-new Philo-Sephardism

“¡Cuánto os hemos echado de menos!” – “We have missed you so much!” These were the words of King Philippe VI, Head of State of Spain, in the official reception organized on the 30th November 2015 to present and celebrate a Law, **Bill 12/2015 of 24th of June granting Spanish Citizenship to Sephardim of Spanish descent**.¹ The Law had been passed by the Parliament in June that same year and on the 24th of June the official Spanish Gazette published it,² as is the norm in the Spanish legal system. The exception in this case was the holding of an official gathering to present and celebrate ostentatiously the Law with much fanfare before representatives of Jewish communities and the Ambassador of Israel.

The bill became law before the 30th of November and Jewish representatives in Spain and abroad had already welcomed it. The law was said to have opened a gate to the so-called “right of return” for descendants of the Jews who were expelled by the “Catholic Monarchs” – Queen Isabella I of Castile and King Ferdinand II of Aragon – in 1492 could now come back to the modern Kingdom of Spain. The law was also welcomed by thousands of Jews across the globe. This reaction is evidenced by the many articles, blogs and news reports on the subject that appeared on the Internet and conveys the symbolic and political dimension of the law. Legislators anticipated this response when they presented the bill to the national and international public in 2014. The Spanish Government administration responsible for

* This paper is the result of research carried out at the Max Planck Institute for European Legal History in Frankfurt. It represents my contribution to the “Convivencias” Project directed by Professor Thomas Duve and Dr. Raja Sakrani. I thank Thomas Duve for the research stay in Frankfurt. I thank Dr. Maite Ojeda and Dr. Max Deardorff for reading the text and suggesting useful changes. Thanks to Berta Aragoneses for her assistance with the research on the 19th century parliamentary debates. I thank Bradley Hayes for the revision of the text. This research was co-funded by the Spanish Ministry of Science and innovation within the funded Project “Tradición y Constitución: problemas constituyentes de la España contemporánea” (Reference: DER2014-56291-C3-1-P).

¹ “El rey a los judíos sefardíes: ‘¡Cuanto os hemos echado de menos!’” La Vanguardia. 30.11.2015.

² Ley 12/2015, de 24 de junio, en materia de concesión de la nacionalidad española a los sefardíes originarios de España. BOE 51, 25.06.2015, pp. 52557-52664.

this bill emphasized that the law would represent the culmination of a process of reunion (*reencuentro*) and repay the “historical debt” Spain owed this community.³

The bill entered into force on the 1st of October. Two regulations were published after this date to develop it.⁴ Already before its promulgation, however, interest in this law was great both among Jewish communities in Israel and in law firms that specialized in immigration in Spain and abroad. Lists of Sephardic family names or guidelines and recommendations were published to recruit clients interested in obtaining Spanish passports. The English translation of this Law is easily found on the Internet, mostly on the webpages of law firms, Jewish organizations and of course the Spanish Ministry of Foreign Affairs.

Lamentably, the translators of the law did not include its preamble. It is true that the preamble is not directly relevant to lawyers or Sephardic Jews seeking Spanish citizenship, but in my opinion it expresses important cultural and political aspects of this regulation. The preamble⁵ has a political and symbolic dimension that merits analysis. According to Marie-Theres Fögen, preambles, or “Songs of the Law,” as she calls them, appeal to *pathos* through the ostentatious decoration of laws.⁶ The “preambles,” “expositions of motives” or “introductions” often contain the political or moral justification of the law and throw light on its particular context. While not exactly art, the preambles are in a way the symbol of the law or a political project implicit in it. It can also express the political projection or the perception of reality of the legislator that escapes translation into rules. Lacking directly applicable legal rules, the preambles also represent the will of the State. They are, as Fögen explains, part of the song of the legislator “shouting that what follows is not mere violence but rather beautiful and useful.”⁷

In the case at hand, what is beautiful and useful according to the Spanish legislator is the historical friendship between Spain and the Jews. The preamble starts with a particularly interesting historical introduction. It begins with reference to what we know as the expulsion of the Jews in 1492 and the “reencuentro” in the 19th and 20th centuries. As stated in the text, in 1492 “because of Imperatives of history the Jews took again the paths of the Diaspora.” Thanks to an amendment proposed by the Basque Nationalist Party (EAJ-PNV) the pream-

³ “Los judíos sefarditas tendrán la nacionalidad española con solo acreditar su condición.” *La Vanguardia*. 09.02.2014.

⁴ Instrucción de 29 de septiembre de 2015, de la Dirección General de los Registros y del Notariado, sobre la aplicación de la Ley 12/2015, de 24 de junio, en materia de concesión de la nacionalidad española a los sefardíes originarios de España, BOE 234, 30.09.2015, pp. 88635-88652; Resolución de 10 de noviembre de 2015, de la Dirección General de los Registros y del Notariado, por la que se dictan normas sobre la gestión y el pago de la tasa por la presentación de solicitudes en procedimientos de nacionalidad española por residencia y carta de naturaleza para sefardíes originarios de España, y por la que se aprueba el Modelo 790-Código 026 de autoliquidación de la tasa e instrucciones, BOE 271, 12.11.2015, pp. 107086-107092.

⁵ Marie Theres Fögen (2007): *Das Lied vom Gesetz*, München: Carl-Friedrich-von-Siemens-Stiftung. I used here the Spanish translation by Federico Fernández-Crehuet: Marie Theres Fögen (2013): *La canción de la Ley*, Madrid: Marcial Pons.

⁶ *Ib.* pp. 20 and ff.

⁷ *Ib.* 20.

ble included a reference to the “unfair pain” provoked by “persecution and suffering” of the descendants of those who abandoned Spain in 1492.⁸ There was no such reference in the original text presented by the government.⁹

There was reference in the original, however, to the *Decreto de expulsión*, although in this case the political responsibility for the expulsion of the Jews is shared between the “Decreto” and those Jews who, instead of converting, took the “drastic” path leaving the country.¹⁰ According to this text, then, the Jews were not actually expelled by the Catholic Monarchs; rather, some general and unspecified “Imperatives of history” forced them to convert while some voluntarily took the radical (“drastic”) decision to leave.

The preamble also refers to the period we are studying here, the 19th and 20th centuries. According to the text, the Spanish Bourbon Monarchy, represented here by Isabella II and Alfonso XIII, was always friendly to Jews. A “stream of opinion favorable to the Sephardim”¹¹ was said to have flowed since the reign of Isabella II (1833-1868) and since the end of 19th century, under the “Restauración” of Alfonso XIII, various governments had facilitated the nationalization of Sephardic Jews and the settling of Jews in Spain.

In 1924, during the monarchist dictatorship of Primo de Rivera and Alfonso XIII, a law was passed granting Spanish citizenship to Sephardic Jews under specific circumstances. This made it possible for some Spanish diplomats to save hundreds of Jews during the Holocaust, a moment in which the “brutal sacrifice of thousands of Sephardic Jews created the eternal link between Spain and the memory of the Holocaust.” No mention of the pact between Franco and Hitler was made, nor of the proven deportation of Jews – both Spanish and foreign – with the cooperation of Spanish authorities.

According to the preamble, then, Spain bore no responsibility for the expulsion of Jews; the liberal Monarchies were Jewish-friendly and Spain was on the side of the good guys during the Holocaust. No reference was made to the royal decree expelling the Jews in 1492 or to the fact that Spanish Constitutions in the 19th century both defined Spain as a Catholic country and banned other religions. Interestingly, neither are there references to the period between 1868 and 1874 when liberal and republican politicians like Emilio Castelar publicly defended the Sephardic Jews. The preamble does not mention the efforts of the Second Republic in Spain that helped thousands of Jewish refugees from Central Europe. Most important, however, is the lack of any reference to the complicity of Francisco Franco with Adolf Hitler and Spanish cooperation in the deportation of Jews from Spain to concentration camps until at least 1944.

⁸ Parliamentary debates, Interestingly, none of the Catalan or Basque nationalist parties criticized the Spanish-nationalistic language of the Preamble. *Diario de Sesiones del Congreso de los Diputados* 242, 20.11.2014, pp. 58-73.

⁹ “Anteproyecto de ley en materia de concesión de la nacionalidad española a los sefardíes que justifiquen tal condición y su especial vinculación con España”, Consejo de Ministros, 07.02.2014.

¹⁰ Ley 12/2015, Preamble.

¹¹ Idem.

Neither the preamble nor the rules of this law derogate or reinterpret the 1492 decree expelling the Jews from Spain and forbidding their return. Of course this 500-year old decree is no longer valid and has been derogated *de facto* in the development of the legal system since 1492, particularly after the first Constitutions recognizing fundamental rights. Yet Jewish communities have been demanding formal derogation since 1854 and if the preamble is meant to explain the symbolic, political and cultural content of law, specifically, the absence of derogation must be taken seriously.

The preamble recounts the past from a particular perspective to connect the present day law to a memory of past friendship with the Jews interrupted by the exceptional disagreement or “*desencuentro*” of 1492. It also creates a virtually single, homogenous identity of Sephardic Jews. If, following Fögen’s analogy, the ‘song’ of European Law was meant to ‘control minds’ while perpetuating “old clichés from the old Europe” in current processes of European construction.¹² The ‘song’ of this Spanish Law also perpetuates clichés about Jews in general and about the Sephardim in particular: they all apparently conserved knowledge of the Spanish language, harbored “nostalgia for Spain,” which was “without rancor” and maintained the same “the prayers, recipes, games and romance stories.”¹³ The “love for Spain” beats in the hearts of these communities, where “the memory and fidelity to Spain remained,” and was recognized in 1990 when the “Prince of Asturias” Award was given to the Sephardim communities.¹⁴

The preamble concludes that “emergent generations” have a “pragmatic and global identity,”¹⁵ thus imposing a single identity on all the Sephardic Jews around the world who have different identities and different relationships to Spain and the Spanish language, something the legislator indirectly accepts by requesting the applicants provide certificates of their knowledge of the Spanish language. At the same time the bill defines Spanish as Castilian; that is, as the only language capable of expressing Spanishness. The Sephardim applicants for Spanish nationality cannot exercise that accorded right if they only speak other Spanish languages such as Basque, Catalan or Galician. In a way the bill contributes to a national identity project based on only one language.

The song of this Law emphasizes beautiful and useful aspects and hides ugly ones. It refers to the Holocaust but also stereotypes. We can identify, in fact, two different trends within the text. On the one hand the text rescripts the role played by Spain during World War II and the Holocaust. Spain squarely appears on the side of the saviors of Jews, underlining the role played after 1944 by a few Spanish diplomats, and not among the executioners or collaborators – avoiding mention of the complicity between Franco and Hitler. In my opinion, this clearly reveals the will of the Spanish authorities to participate in the “cosmopolitan culture

¹² Marie-Theres Fögen, *La canción de la ley*, op. cit., p. 21.

¹³ Ley 12/2015, Preamble.

¹⁴ Idem.

¹⁵ Idem.

of the Holocaust” described by Levy and Sznajder in 2012.¹⁶ It is also clear that Spain wishes to please Jewish communities and Israel, especially to counterbalance Spain’s traditionally pro-Palestinian policies and the traditional Catalan-Israeli friendship.¹⁷

On the other hand, however, the language used in this reconstruction is surprising: “absence of rancor,” “fidelity to Spain,” “nostalgia,” and “brutal sacrifice” (referring to the Holocaust). This language does not strike me as part of the post-1960 literature about the Holocaust. It is more reminiscent of the 20th-century discussion between Américo Castro and Sánchez de Albornoz over *convivencia*, referring to the particular arrangement of peaceful coexistence, of Jews, Muslims, and Christians in medieval Spain. Those debates, however, as well as the imagery and stereotypes of the 2015 Preamble have an even longer trajectory: they rose out of discourse surrounding Sephardic Jews among the Spanish elites of the end of 19th century and the beginning of the 20th. This *filosefardismo* or “philo-Sephardic” discourse was used to advance the construction of a national identity and to legitimize the political presence of Spain in areas with a high number of Sephardic Jews. It does not reflect the 21st century language of countries like Germany or Austria participating in the global Holocaust culture through acknowledgment of their responsibility for and participation in atrocities.

This combination of new forms of expression in the 21st century with older 19th-century ideas and terminology conveys both Spain’s difficulties in facing its past and very particular ways of participating in the global culture of the Holocaust and approaching Spanish-Jewish relations. Spanish legislators want this legal text to symbolize a reunion between Spain and the Jewish world but they also want to use this law as a brick in the construction of a new collective identity for Spain that combines elements from a fairly distant past (*filosefardismo*) with ones from the present (i.e., the new global cultural trends regarding the Holocaust and World War II).

In the following lines I describe the historical trajectory of *filosefardismo* and references to *convivencia* in Spain and its reflection in the legal and political culture and the Nation-building process. In doing so, I consider not only the presence of Judaism in contemporary Spanish law and society but also, and especially, following the suggestions of David Nirenberg, how the references to Jews and to Judaism affected Spanish society, how the “Spanish Jewish question” influenced legal and political thought and the nation-building process in Spain¹⁸. The actual Jews, their presence and their role in contemporary Spanish society are only secondary because the object of analysis is an intellectual construction elaborated by Non-Jews in a country with almost no Jews, Sephardic or non-Sephardic. We know, however, thanks to authors like Nirenberg and Cohn, that prejudices against Jews originated not from interac-

¹⁶ Natan Sznajder, Daniel Levy (2012): “Memory Unbound. The Holocaust and the Formation of Cosmopolitan Memory”, *European Journal of Social Theory*, 5, 2002, pp. 87-106.

¹⁷ After Franco’s death, the first Spanish official visit to Israel, before the normalization of establishment of diplomatic relations between Spain and Israel, was by Catalonia President Jordi Pujol. During his 23-year presidency, ties between Catalonia and Israel were intense.

¹⁸ David Nirenberg (2013): *Anti-Judaism. The Western tradition*. New York- London: W.W. Norton & Company, p. 2.

tion with Jewish persons but from “collective beliefs, beliefs formed in the Middle Ages and transmitted to the present day.”¹⁹

The objects are imagined Sephardic Jews and *convivencia* between them, Muslims and Christians during the Middle Ages. The invented Jew and corollary coexistence were part of a project by the Spanish elites to position themselves and navigate different realities of their time.²⁰ The imaginary Sephardic Jew mediates the relationship between Spanish politicians and intellectuals and their conception of the Spanish Nation, the decadent Ottoman Empire and the reality of northern Morocco. This is why the perspective of the (real) Sephardic or Spanish Jews is deliberately absent from the analysis.

In many cases, references to Sephardim come up in discourse about tolerance in medieval Spain or “convivencia.” The memorial reconstruction of medieval Spain played a fundamental role in 19th-century politics and nation-building. Departing from complete Spanish identification with Catholicism in 1812, liberals and republicans advocated a tolerant, open Spain based on the idea of religious tolerance and model of coexistence of the three religions in the Middle Ages. After the restoration of the Bourbon monarchy and the 1876 Constitution, the medieval Spain becomes an instrument justifying the rights of Spain and its colonial project in Morocco. During the Second Republic the discourse of *convivencia* will be taken up once again. The historiographical essays of Américo Castro that gave form to the idea of *convivencia* do not only employ concepts and ideas of the liberal intellectuals of 19th and 20th centuries; Castro also appears to be thinking about Spanish national identity and the causes of the intolerance that led to the dictatorship and to his exile. In other words, when Américo Castro writes about medieval Spain, he also projects his own ideals, just as other intellectuals did in the decades before him.

To trace this reinvention of the medieval Sephardim, I analyzed legal and political texts. I have already mentioned the Preamble to the 2015 law. I will also refer to other legal and administrative texts and parliamentary debates, whose discourse about interpretation and/or legitimacy fulfilled important social and political functions in 19th century deliberations. I therefore focus on the symbolism employed, the political impact generated and the function they served in creating the political culture. In the end, I seek to understand the role of this legal and political discourse in the Spanish nation-building process.

¹⁹ Norman Cohn (1967) *Warrant for Genocide. The Myth of the Jewish World-Conspiracy and the “Protocols of the Elders of Zion.”* New York: Harper & Row, p. 16. Quoted by David Nirenberg (1996): *Communities of Violence. Persecution of minorities in the Middle Ages.* Princeton: Princeton University Press, p. 4.

²⁰ David Nirenberg, *Antijudaism*, op. cit., p. 5.

1812-1868: Religion and the definition of “Spanishness”

Following the departure of thousands of Jews from the territory controlled by the Catholic Crown in 1492, there remained almost no Jewish or Muslim presence to speak of in Spain.²¹ The Jewish problem disappeared with them and the attention of the religious and civil authorities focused on the category of the *conversos* (converts).²² The Expulsion in 1492 was supposed to solve the “Jewish problem” but a larger long-term problem took its place: the discrimination against and hatred for the “converts” or *Marranos* by the “Old Christians,” which lasted in some areas until the 19th century. Spanish identity was rooted in Catholicism and Spanish meant Christian, or more precisely Old Christian, as opposed to the “New Christian” converts from Islam or Judaism.²³

In the European corporatist society of the *Ancien Regime*, Jews were subjected to a special regime and legal system that differed from the one that regulated the lives of Christians. Then came the liberal revolutions that were supposed to eliminate all the different regimes by creating societies of citizens who were formally equally before the Law. The Jewish question was a major issue in almost every country transitioning towards some form of liberalism. Nirenberg recently reminded us of the discussion of the position of Jews and women in the new society during the French Revolution²⁴. Ultimately the Jews were emancipated, became citizens and gained the exercise of certain rights. In Germany, Jews participated in the 1848 Assembly in Frankfurt am Main and in the struggle for freedom. Not in all cases but in general, the liberal revolutions freed the Jews from the most severe forms of traditional discrimination they suffered even if the discrimination against their occupying public positions persisted in places.

Contrary to this first generation of individualistic European constitutionalism,²⁵ which to some extent recognized religious freedom and integrated the Jews, Spanish liberalism was

²¹ Thousands of Muslims were expelled between 1502 and 1526. Converted Muslims were expelled in 1614.

²² Vid. David Nirenberg: *Antijudaism*, Op. Cit. Chapter 6: “The extinction of Spain Jews and the birth of its Inquisition,” pp. 217- 245; James S. Amelang (2013): *Parallel Histories. Muslims and Jews in inquisitorial Spain*. Baton Rouge: Louisiana State University Press; Ricardo Forster (2007): “La ficción marrana,” in: Reyes Mate and Ricardo Forster (Ed.) *El Judaísmo en Iberoamérica*, Madrid: Trotta, pp. 221-256; Gonzalo Álvarez Chillida (2007) “El anti-Semitismo en España,” in: Reyes Mate and Ricardo Forster (Ed.) *El Judaísmo en Iberoamérica*, op. cit. 197-220; Joseph Perez (2005), *Los judíos en España*. Madrid: Marcial Pons, especially the Chapter “La Inquisición y la expulsión de los judíos,” pp. 161 and ff.

²³ Ingram, Kevin (2009): “Historiography, historicity and the Conversos,” in: Kevin Ingram (ed.) *The Conversos and Moriscos in Late Medieval Spain and Beyond*. Leiden / Boston: Brill, pp. 335-356, pp. 339-340. Also Maite Ojeda-Mata (2015): “Spanish’ but ‘Jewish’: race and national identity in nineteenth and twentieth century Spain,” *Jewish Culture and History*, pp. 1-18. Juan Hernández Franco (2011): *Sangre limpia, sangre española*. Madrid: Cátedra. Also Albert Sicroff (1960): *Les controverses des status de “pureté de sang” en Espagne du XVe au XVIIe siècle*. Paris: Didier.

²⁴ David Nirenberg *Anti-Judaism*, op. Cit., pp. 361 and ff; Robert Badinter (1989): *Libres et égaux... L’émancipation des Juifs (1789-1791)*. Paris: Fayard.

²⁵ About the individualist bases of fundamental liberties, Maurizio Fioravanti (2007): *Los derechos fundamentales, Apuntes de historia de las constituciones*. Madrid: Trotta, p. 35.

born of a fusion between liberal ideas and Catholicism, and from the identification of the concepts “Spanish” and “Christian Catholic.”

The first Spanish Constitution was proclaimed in Cádiz in 1812. It was drafted while French troops occupied the entire country save Cádiz. In 1808, the inhabitants of Madrid had revolted against the French, becoming the protagonists of an episode later considered by many politicians and historians as the founding moment of the Spanish Nation. But the truth is that no Spanish national identity or national conscience existed in 1808. The War against the French and the Constitution of Cádiz with its proclamation of the Spanish Nation are, according to the most modern historiography, its beginning.²⁶

The product of this alliance between liberals and Catholics in the context of the French-Spanish war was the Constitution of 1812. Its article 12 declared: “The religion of the Spanish nation is, and ever shall be, the Catholic Apostolic Roman and only true faith; the State shall, by wise and just laws, protect it and prevent the exercise of any other.” The representatives who drafted the Constitution were obliged to swear fidelity to the Catholic Apostolic and Roman Religion “without accepting any other religion in our Kingdoms.”²⁷ The original constitutionalism in Spain thus left no place whatsoever for Jews or Protestants at the outset of Spanish liberalism. It is true that some representatives in the *Cortes* felt the Catholic Religion should be imposed on all Spanish citizens, not just on the abstract idea of “Spanish Nation.” Their identification of Spanishness with Catholicism, which according to them followed the tradition of the Councils of Toledo (which were cited during the discussions) did not succeed.²⁸ Article 12 would remain, however, the basis for the continued identification of “Spanish” with “Catholic.”

Interestingly, the same assembly that drafted this Constitution did away with the Inquisition, albeit temporarily. Ferdinand VII reinstituted it on his return to Spain in 1814, when he also abolished the Constitution and much of the liberal assembly’s legislation, such as the statute eliminating lineage requirements to work in government administration. The elimination of the legal distinction between old and New Christians, however, was maintained.

I did not find any references to Sephardic Jews in the discussions surrounding the first Constitution, which is meaningful because 1812 can be seen as the beginning of legal historicism in Spain.²⁹ In the short preliminary speech of Agustín de Argüelles, a text meant to

²⁶ José Álvarez Junco (2002): *Mater Dolorosa. La idea de España en el siglo XIX*. Madrid: Taurus, p. 119 and ff. Also José Álvarez Junco (2016): *Dioses útiles. Naciones y nacionalismos*. Madrid: Galaxia Gutenberg, pp. 155 and ff.

²⁷ Tamar Herzog (2003): *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America*. New Haven: Yale University Press.

²⁸ Fernando Suárez Bilbao (2012): “Las Cortes de Cádiz y la Iglesia”, in: José Antonio Escudero (dirección) *Cortes y Constitución de Cádiz. 200 años*. Madrid: Espasa, pp. 23-68, 42. Suárez Bilbao asserts without evidence that the “plebiscite of the streets” expressed itself in favor of this “declaration of religion.”

²⁹ Luis Lloredo-Alix (2014): “El discurso preliminar de Argüelles a la Constitución de 1812 y los orígenes del historicismo jurídico en España”, in: *Revista de Historiografía (RevHisto)* 20, pp. 157-169.

convince absolutists to vote for the Constitution,³⁰ we find the Spanish Liberals' idealized version of the Middle Ages. For Argüelles, the various medieval *fueros* – the local legal systems of the different cities – recognized personal freedoms and national sovereignty. Accordingly, democracy and fundamental rights had existed in the Middle Ages. The Constitution represented a continuation of this medieval tradition of the “free and independent Nation” that was partially destroyed after the union of Aragon and Castile.³¹ In other words, the Spanish political tradition had been democratic and liberal until the foreign Hapsburgs occupied the Spanish throne in Spain. Argüelles was attempting to link the Spanish Constitution to English constitutionalism, which resulted in a historicist conception of fundamental rights.

Argüelles' preliminary *discurso* is highly important because, after 1812, all discourse on the Spanish Nation made reference to history, especially to the Middle Ages. Some of them refer to medieval history as a time of intolerance, others as tolerant; some emphasize the importance of 1492, and others minimize it. Regardless, the revision of historical accounts of medieval Spain became a contested space for political discourse.

This explains why the romantic liberal José María Blanco White may have been the first to write, from his English exile, about religious co-existence in the Middle Ages, criticizing the expulsion of Jews and its consequences for the formation of the Spanish Nation.³² This romantic revisal of medieval Spain would become, after the defeats of liberalism in 1814 and 1823, an instrument in liberal thought and the origin of the idealization of medieval religious tolerance as opposed to the intolerance of the modern times, marked by the expulsion of Jews and Muslims and the hegemony of the *Inquisición*.

The 1812 Constitution did not intend a complete break with the past, for it needed the legitimacy of history. The speeches of Argüelles defending the Constitution as the natural evolution of Spanish tradition of democracy are a good example of this historical discourse. The references to an idealized Middle Ages, particularly to the times of the Visigoths and the *Reconquista*, as a period of tolerance and freedom partially foreshadow the idealization of *convivencia* in Spain a few decades later.

The Napoleonic Wars marked the beginning of the confusion between Judaism and free-masonry in conservative Spanish sectors. In Spain, “Jewish” came to be synonymous with “liberal,” “freemason,” “anti-Spanish” and, in some texts, even “Catalan,” an important source of problems for Spanish nationalism. Jewish involvement was suspected in every conspiracy to end the Catholic-liberal order and, somehow, behind Spain's decline.

After the 1868 revolution, the number of freemason societies increased in Spanish cities. Freemasons became a force in the economy, in education and in politics. For the extreme right the freemasons were to blame for every disgrace since 1812: the Constitution of Cadiz,

³⁰ Agustín de Argüelles (1812,1981): *Discurso preliminar a la Constitución de 1812*. Madrid: Centro de Estudios Constitucionales.

³¹ *Ib.*, p. 76.

³² Eduardo Subirats (2000): “La reforma de la memoria histórica en España”, in: Uriel Macías Kapón et alii. (Eds.) *Los judíos en la España contemporánea: historia y visiones, 1898-1998*. Cuenca: Ediciones de la Universidad de Castilla la Mancha, pp. 325-336, 329 and ff.

the loss of the colonies, and the revolutions in 1820 and 1868. In 1870, Priest Vicente de la Fuente published his *Historia de las sociedades secretas antiguas y modernas en España y especialmente de la franc-masonería*,³³ a work of reference where, according to Alvarez Chillida, we can locate an early identification of freemason with Jew.

This is when the first intellectual reconstruction of medieval tolerance and the first representations of Sephardic Jews appeared. Two authors that deserve mention are José Amador de los Ríos and Adolfo de Castro y Rossi. Amador de los Ríos wrote his book *Estudios históricos, políticos y literarios sobre los judíos en España* in 1848. In 1847 De Castro published his *Historia de los judíos de España*.

According to anthropologist Maite Ojeda, their works must be understood in the context of a “process of political opening, in relation not only to Jews but also to other discriminated groups as well.”³⁴ They are, according to Ojeda, “the first revisionist writings of the history of Jews in Spain.”³⁵ Their ideas cannot be described as characteristically modern for, in the case of Amador de los Ríos, anti-Semitism and the expulsion of the Jews was justified by the myth of the ritual murder of children by Jews that had spread in medieval times.³⁶ Nevertheless these books were the first attempts to alter the anti-Semitic vision about the Jews in Spain.

This moment of Spanish history is also when the invention of the *Reconquista* originated as one of the pivotal myths of Spanish history. The war to retake Spain from the Arabs is framed as the country’s national destiny. It explains the idealization of the Royal Alliance between the Crown and the Jews to finance the *Reconquista* and expel the Moors.³⁷

In the 1850s we find references to the Jews in official and political documents. Some resulted from letters received by Spanish institutions from Jewish communities abroad. In 1854 the Spanish Parliament started drafting a new Constitution, (known as the 1856 Constitution) that was never promulgated. News of this constitutional project provoked the reaction of Jewish communities who sent letters to the Spanish Parliament asking for freedom of religion and the derogation of the 1492 decree of expulsion. These letters, seven in total, are kept in the archives of the *Congreso de los Diputados* in Madrid and have been recently studied by Mónica Manrique Escudero.³⁸

The Rabbi of Magdeburg, Ludwig Philippson was the author of the first petition to the Spanish *Cortes* asking for the derogation of the decree³⁹. He did not send the letter directly

³³ Quoted by Gonzalo Alvarez Chillida (2002): *El anti-Semitismo en España. La imagen del judío 1812-2002*, Madrid: Marcial Pons, p. 188.

³⁴ Maite Ojeda Mata (2006): “Thinking about ‘the Jew’ in Modern Spain: Historiography, Nationalism and Anti-semitism”, in: *Jewish Culture and History* 8, pp. 53-72, 59.

³⁵ Idem.

³⁶ Gonzalo Alvarez Chillida, *El anti-Semitismo en España* op. Cit., pp. 188 and ff.

³⁷ About the “Alianza real,” see Esther Benbassa y Aron Rodrigue (2004): *Historia de los judíos sefardíes. De Toledo a Salónica*, Madrid: Abada, pp. 32 and ff.

³⁸ Mónica Manrique Escudero (2016): *Los judíos ante los cambios políticos en España en 1868*. Madrid: Hebraica Ediciones, pp. 41 and ff.

³⁹ *Ib.*, p. 45.

to Madrid; rather representatives of the important Sephardic communities of Bordeaux and Bayonne sent them.

The liberal press in Madrid welcomed the initiative, which was used to advocate for religious freedom. Nonetheless, the letter also provoked the reaction of right wing papers.⁴⁰ Parliament recognized freedom of conscience but not freedom of cult and refused to derogate the infamous decree⁴¹. The episode shows how important the symbol of this legal rule and its desired derogation were for the Sephardic Jews in Europe⁴². It also shows the importance of its symbolism for both the Jewish communities and the Spanish institutions.

This episode might have played a part in the intensification of commercial and political ties between the Jewish communities, especially the one in Bayonne, and Spanish politicians and tradesmen. The Jews in France and Germany were not indifferent to the political changes in Spain and were expecting freedom of religion to be guaranteed. These relationships on either side of the border influenced without doubt the reaction of Jewish communities to the revolution of 1868.

What also influenced the Spanish approach to Jews was the military campaign in Moroccan Africa in 1859 and 1860. It is well known that the Spanish army attacked the northern area of Morocco from Ceuta and Melilla under the pretext of protecting the two Spanish enclaves. When troops entered Tétouan they discovered Jewish families speaking Spanish; according to the press the Sephardim in these Moroccan towns welcomed the troops in Spanish.⁴³ This may sound anecdotic but this episode made the existence of Jews descending from those who lived in the Peninsula and speaking Spanish visible to the Spanish public. This African campaign is at the origin of an intense relation between Jewish communities in northern Morocco and the Spanish authorities during the rest of 19th century. Later we will examine the policy of nationalization of this area's Sephardic Jews.

1869-1874: the “Jewish debate” and national identity

Without any doubt, the rewriting of medieval Spain as a land of religious tolerance and the construction of the image of Sephardic Jews in liberal discourse started in the democratic period between 1868 and 1874. The revolution of 1868 made way for the legislative reforms of the *Cortes Constituyentes* and approval of the Constitution of 1869. The crisis of 1872 caused the transition to the 1st Republic, which was ended in 1874 by the Army and the Monarchists, who restored the Bourbon dynasty to the Spanish throne.

⁴⁰ *Ib.*, p. 54.

⁴¹ José Amador de los Ríos (1984): *Historia social, política y religiosa de los judíos de España y Portugal*, vol. I. Genova: Turner, p. VIII; Joseph Perez, *Los judíos en España*, op. Cit., p. 289.

⁴² Gonzalo Alvarez Chillida, “El anti-Semitismo en España”, op. Cit., p. 145.

⁴³ Isidro González (1991): *El retorno de los judíos*. Madrid: Nerea, p. 68.

Catholicism and religious intolerance were the rule in constitutional Spain until the democratic revolution of 1868. This is probably why the discussion of religious freedom was central in parliamentary debates, especially during the discussion of the article of the 1869 Constitution regulating religious freedom. These debates and discussions were also affected by inputs from two foreign sources, one direct and one indirect. The indirect influence was that of the Liberals and Republicans exiled until 1868 in Bayonne, Bordeaux and other French cities. They made contacts with Protestants and Jews who supported the reforms in Spain.

The other influence comes from Jewish communities outside Spain who had interest in Spain, as described above, and who addressed, as in 1854, petitions to the Spanish institutions asking for religious freedom. Haim Guedalla from London was the first Sephardic Jew to ask general Prim and the *Cortes* for the derogation of the Edict.⁴⁴ After his letter came others from Bayonne and Bordeaux, the Netherlands and the United Kingdom.

As discussed above, religion and religious freedom were at the center of political discussions. The debates between opponents and defenders of religious freedom occupy more pages than any other question in the *Diario de Sesiones* of the *Cortes constituyentes*.⁴⁵ Parliament dedicated numerous sessions to discussion of the articles of the Constitution regarding religion but also to the petitions from Spanish citizens and communities for or against religious freedom. Religion was important in the political and social debates and religion introduced the ideas of *convivencia* and *filosefardismo* into the debate. Both supporters and opponents of religious freedom made specific reference to the Jews, especially during the debate over the new Constitution of 1869. To use the expression of the Catholic conservative Manterola, a “part of the debate concerning the Jews” was in almost all parliamentary discussions.⁴⁵

The first reference to the Jews during the constitutional debate was made by the Minister of Justice. He announced on the 1st of April 1869 that he would present to the Parliament the “petitions of Jews from London, Lisbon, Amsterdam, Bordeaux and other places in Europe, of descendants of Spanish families who want to come back to Spain, where the remains of their ancestors are buried.”⁴⁶

One member of the Parliament, however, played a capital role in this process and introduced the “Jewish question” into the debate: Emilio Castelar. Historian, Professor at the university of Madrid, he had sent into exile for his ideas. He was liberal, republican, “philosephardic” and was elected Member of the Parliament in 1869. He was considered a great speaker even admired by his opponents. His prestige was so high that his speeches’ references to the Jews and to religious tolerance in the Middle Ages became predominant and shaped the way that both his supporters’ and also his opponents’ introduced references to the same topics in their discourse. Because of him, the religious question and the reference to Sephar-

⁴⁴ Mónica Manrique Escudero, *Los judíos ante los cambios políticos en España en 1868*, op. Cit., pp. 60 and ff.

⁴⁵ *Diario de Sesiones* 12th April 1869, p. 980.

⁴⁶ *Diario de Sesiones* 30 7th April 1869. p. 782.

dic Jews and religious tolerance in the Middle Ages came always together in Spanish political discourse.⁴⁷

In his speeches before the Spanish Parliament in 1869, Emilio Castelar introduced the basic ideas which would be reproduced by the authors of *filosefardismo* a few decades later. He presented an idealized vision of religious tolerance in medieval Spain. He introduced references to Jewish excellence in science and economics. He also refers to Sephardic Jews as Spanish. This equivalence was also made by the liberals of the *Restauración*.⁴⁸

For Castelar the Middle Ages was an era of tolerance. The Castilian Kings, after re-conquering the territories of Al-Andalus, recognized the “rights” of Muslims and Jews. The “Spanish” legislation, that is Castilian and Aragonese, respected the privileges of both communities. Religious intolerance started – according to Castelar – in the 14th Century.⁴⁹

“Remember the Middle Ages” – says Castelar – “when the principle of religious tolerance dominated imperfectly but dominated our soil!”⁴⁹ Castelar uses a recurrent image in the reinvention of medieval tolerance: the city of Toledo as example of *convivencia* “where next to the Gothic cathedral” stood the synagogue and the mosque.⁵⁰

This was the atmosphere in the Middle Ages. The intolerance, according to Castelar, started in the 14th century. He even dared accuse the famous Saint Vicente Ferrer of having provoked the 1391 pogrom that caused the death of some 3000 Jews in Toledo. Castelar explicitly links the Church, as well as its saints, to intolerance from the 15th century on.

Another element of *filosefardismo* that comes out clearly in Castelar’s writings is the importance he attributes to Jews in science and industry and the loss of intellectual and industrial capital caused by the expulsion. Two famous Sephardic Jews “lost by the Glory of Spain” mentioned by Castelar are Spinoza and Disraeli, the implication being that, if the Jews had not been expelled, the Spanish Nation would have had the benefit of their genius.

Here again there is a link found between the expulsion of the Jews, religious intolerance and Spanish identity. In his words:

We do not have agriculture because we expelled the *Moriscos*, those who built the three paradises of our country: the *huertas* (gardens) in Murcia, in Granada and in Valencia. We have no industry because we expelled the Jews who taught Alfonso X to read, who dictated with him and the Arabs the *Tablas alfonsinas*, the greatest monument of the Middle Ages.⁵¹

The economic and technological *retraso* (backwardness) of Spain because of the expulsion of Jews and *Moriscos* is another recurrent aspect of this idea. Castelar, who ended one of his speeches with the sentence “Great is God in the Sinai,”⁵² introduced the fundamental ideas

⁴⁷ Gonzalo Alvarez Chillida wrote about this famous debate: Gonzalo Alvarez Chillida (2002): *El anti-Semitismo en España*. See his chapter “La Revolución de 1868 y la libertad religiosa. El debate entre Manterola y Castelar,” pp. 131 and ff.

⁴⁸ *Diario de Sesiones* 47, 12th April 1869, p. 989.

⁴⁹ *Ib.*, p. 900.

⁵⁰ *Idem.*

⁵¹ *Idem.*

⁵² *Diario de Sesiones* 47, 12th April 1869, p. 991.

of *filosefardismo*. Castelar managed to put the “Jewish question” at the center of all discourse. Tolerance of the Jews meant religious tolerance.

The reactions of conservative Catholics to his discourse also reflect the basic ideas of traditional anti-Semitism in 19th and 20th century Spain. The Bishop of Jaén answered with a defense of the Church in Parliament on the 14th of April. Parliament member García Ruiz also contrasted the tolerant legal system of medieval Spain with the intolerance under Torquemada’s Inquisition⁵³ and argued for allowing Jewish immigration to Spain⁵⁴.

Valera, another important member of the Parliament identified the union of Castile and Aragon and the end of the *Reconquista* as the original moment of Spanish intolerance and, in his opinion, “religious persecution has existed among us ever since.”⁵⁵

Vicente Manterola, a priest from the Basque Country, was charged with answering Castelar on the question of religious freedom. He had to answer to references made by Castelar to the Jews and to the role played by the Church – “the part of the debate referring to the Jews,” using Manterola’s words.⁵⁶ For the priest the Jews were partly responsible for their expulsion and for the pogroms; it was their “fanaticism” that had provoked the Christians to kill them. The cause of the pogroms was the fatal combination of Jewish conduct and Spanish character.⁵⁷ Manterola referred to stories of ritual murders of Christian children by Jews. It is a familiar pattern in Spanish traditional anti-Semitism: the crimes against Jews in the Middle Ages are formally condemned, but the condemnation often mentions the Jews’ culpability for having provoked the crimes with improper “sectarian” behavior in general and the murder of Christian children in particular.⁵⁸

Manterola also argued that the Jews, contrary to what Castelar thought, had made little contribution to industry or art:

Where is the Architecture of the Jews today, the sciences and the schools of the Jews? Apart from some knowledge in Chemistry they learned from the Arabs, Jewels (*Díges*) and the small industry of slipper (*babuchas*), I do not know what the Jews Know.⁵⁹ What do the Jews have? They have money! Money they should use to rebuild their temple in Jerusalem⁶⁰.

Echoes of this debate will continue after the promulgation of the Constitution of 1869. The monarchist Agustín Esteban Collantes sharply criticized the Revolution and the reforms. He stated that although religious freedom was recognized, no synagogue or Protestant church has been built. He also wonders where might be “the group of millionaire Jews you [the liberals] expected to come from Germany to give an impulse to our backward [*atrasada*] industry and our dejected agriculture” in reference to the discussion in 1869 over freedom

⁵³ *Diario de Sesiones* 59, 26th April of 1869, p. 1363.

⁵⁴ *Ib.*, p. 1365.

⁵⁵ *Diario de Sesiones* 62, 29th of April 1869, p. 1476.

⁵⁶ *Diario de Sesiones* 47, 12th April 1869, p. 980.

⁵⁷ *Ib.*, p. 979.

⁵⁸ *Idem.*

⁵⁹ *Idem.*

⁶⁰ *Idem.*

of religion. From Castelar on, freedom of religion and the Jewish question went hand in hand together.⁶¹ Castelar asked whether the conservatives would “expel the dissidents as you expelled the Jews and the *Moriscos*. This single phrase clearly reveals the parallels drawn between medieval tolerance and liberalism and religious intolerance and the position of the conservatives.⁶²

The debate over this article in the *Cortes Constituyentes* was agitated and ended in a relative victory for Castelar and his liberal and republican colleagues. The 1869 Constitution stated in Article 21: “The public exercise of other [non-Catholic] religions by foreigners residing in Spain is guaranteed. If some Spaniards profess a different religion, the previous paragraph is applicable to them.” It was a way of declaring religious tolerance by presuming that Spaniards are, in principle, Catholic. As stated by Ojeda Mata, “this implied that the perception of Spain as a religiously homogeneous country was still at work and that religious diversity was associated with foreigners.”⁶³ In fact, however, this article granted religious freedom and represented an important change in the legal system of 19th century Spain.

This famous debate shows that by 1869 a particular trend in the Spanish political elites had begun. Liberals and republicans drew parallels between liberalism and medieval Spain and between intolerant conservatives and the Catholic Monarchs and the Inquisition. Defending tolerance and freedom and a tolerant Spanish Nation meant referring to an idealized *convivencia* of the three religions in medieval Spain and also praising the Spanish Jews as part of their political project against conservative Catholics, who were compared to the officers of the Inquisition. This romantic approach to the Middle Ages influenced political discourse and the historiographical reconstruction of the Spanish past. The myth of religious tolerance and the Sephardim was used to build an alternative national identity distinct from the one defended by the Catholic Church and the conservatives.

Catholic conservatives defended the role played historically by the Catholic Church and the Inquisition. It defended the glory of the Spanish Empire created by the Catholic Monarchs the very same year of the expulsion of the Jews. It cultivated traditional anti-Semitism but also received and reproduced the ideas of French anti-Semitism growing those years on the other side of the Pyrenees. They were defeated during the first Spanish Republic, when for the first time Church and State were separated in Spain, but they regained power when the monarchy was restored and the ‘Philo-Semitism’ of liberals and republicans took another form.

⁶¹ *Diario de Sesiones* 32, 6th June 1872, p. 688.

⁶² *Diario de Sesiones* 67, 5th May 869, p. 1639.

⁶³ Maite Ojeda Mata (2006): “Thinking about ‘the Jew’ in Modern Spain”, op. cit., p. 60.

The beginning of the *Restauración*: Between *filosefardismo* and *Hispanidad*

In 1873, the First Republic was declared, and a constitutional project entered discussion in the National Assembly. No references to Jews or *convivencia* are to be found in the *Diario de sesiones*, probably because the republicans in favor of absolute separation of Church and State were then in power. The constitutional project recognized absolute freedom of religion and banned public finance of any religion.

The coup d'état of general Pavía in 1874 put a quick end to the First Republic and nearly six years of revolutionary liberal-progressive rule. It marked the beginning of an authoritarian, Catholic regime with democratic dressings that is known as the *Restauración*. The regime was shaped by Antonio Cánovas del Castillo, one of the authors of the Spanish Constitution of 1876.⁶⁴ According to some historians, this period shaped Spain's political and social identity. Some patterns from the *Restauración* were reproduced during the early Franco administrations and still today some refer to this period with the expression "First Restoration"; the regime established by the 1978 Constitution would be the "Second Restoration."

This regime repressed the republican and left wing movements which had given birth to the 1868 Revolution and the First Republic. This meant exile for many radical republicans, federalists and other progressive movements, who took their philo-Semitism and sharp critiques against the Catholic Church with them. Conservative Catholicism survived the instauration of the Catholic conservative regime. And, naturally, the references to the coexistence of the three religions, to religious tolerance and the Sephardim changed.

During the discussion of the Constitution of 1876, references were still made to *convivencia* and to the Jewish presence during Middle Age, however in my opinion their mention was due to the influence of the 1869 debates. In 1876, the ranks of the conservative Catholics opposing religious freedom clearly held hegemonic control over the discourse. Article 11 of the Constitution states: "The Catholic, Apostolic, Roman religion is the one of the State. The nation obliges itself to finance the cult and its ministries. Nobody shall be disturbed for his religious opinion or for the exercise of its cult, with the exception of due respect to Christian morals. Public ceremonies and manifestations of religions other than that of the State, however, will not be allowed."

This article eliminated religious freedom. Only Catholics could freely and openly practice their religion. Yet the political landscape, especially for the repression of liberals and republicans, was different from that of 1869. The discussion of Article 11 of the Constitution did yield, however, discussions where references to the Jews and to *convivencia* surfaced.

The debate was over religious tolerance and religious unity. The government's proposal was that of Article 11: The Catholic religion was to be the State religion but other religions

⁶⁴ About the *Restauración* see Stephen Jacobson / Javier, Moreno Luzón (2000), "The political system of the Restoration. 1875–1914. Political and social Elites", in: José Alvarez Junco and Adrien Shubert (Ed.), *Spanish History since 1808*, London: Arnold / New York: Oxford University Press, pp. 93-109.

were tolerated, as long as they were not publicly manifested. Present were supporters of religious unity and also supporters of religious freedom. And in all cases references to history were made during the debate.

The members of the Parliament who supported the official position in Article 11 rejected that the Inquisition or the “tyrannical” expulsion of Jews and *Moriscos* were signs of intolerance.⁶⁵ According to these politicians, in the Middle Ages there was a State Religion alongside tolerance towards Muslims and Jews, exactly the way Article 11 of the Constitution projected. Interestingly, in 1869 the liberals were defining a national project involving the reinvention of *convivencia*, tolerance and freedom in the Middle Ages. In 1876 the conservatives were also projecting their vision of the Nation by inventing the medieval origins of linguistic, territorial and religious unity to generate the idea of *Hispanidad*.

José Fernández Jiménez was against religious unity. He blamed it as an instrument of the monarch’s absolute power after the end of the Middle Ages, starting with the Catholic Monarchs⁶⁶. He criticized the Inquisition and the expulsion of Jews and *Moriscos* as an anti-Catholic decision.⁶⁷ He supported tolerance because it was a Spanish tradition and because it resulted in the *Reconquista* of the Nation; intolerance “produced its depopulation, its decay and the inexhaustible seed of civil discordances.”⁶⁸

Castelar also intervened in the discussions, but of course his was no longer the dominant position, as it had been in 1869, but rather was a minority view. Again he made reference to history, blaming religious unity for the disappearance of “the Jews who took the products of our trade and the ideas or our mind to Provence, Italy and Greece.”⁶⁹ He also drew, as he had in 1869, the parallels between past religious intolerance and political intolerance in 19th century.⁷⁰

During the debate, however, the supporters of religious unity were adamant: only one legal religion. The conservative and monarchist Duke of Almenara Alta gave a long speech explaining the history of Spanish religious unity to support his position, a ban of all other religions. In it, he referred to Spain as “this soil of good customs, noble *fueros* and the holy freedoms of the Middle Ages” in comparison with the “Caesarism” or dictatorship of the Kings of the Renaissance who oppressed the *Comuneros*; the Castilians who fought against Charles I to defend the „liberties“ allegedly contained in medieval Laws.⁷¹ These freedoms in medieval Spain did not include non-Catholics. The Catholic faith appears now and again as the defining feature of “Spanishness”: “Only one God, only one Religion, only one cult is

⁶⁵ These were the words of Francisco de Paula Candau, member of the Constitutional commission. *Diario de Sesiones* 53, 5th May 1876, p. 1161.

⁶⁶ *Diario de Sesiones*, 48, 28th April 1876, pp. 985-987.

⁶⁷ *Ib.*, p. 988.

⁶⁸ *Ib.*, p. 990.

⁶⁹ *Diario de Sesiones* 56, 9th May 1876, p. 1257.

⁷⁰ *Ib.*, p. 1268.

⁷¹ *Diario de Sesiones* 48, 28th April 1876, p. 971.

the motto of our race.”⁷² The *Reconquista* appears as victory of the Catholic faith against the Muslims and religious unity as the basis for stability and independence. “The tendency of our race – says the Duque of Almenara Alta – has been the extermination of the sects in the times of the Goths or the expulsion of Jews and *Moriscos* in later times”⁷³. The Duke of Almenara was, of course, against religious tolerance, even in the way formulated in Article 11.

The Count of Llobregat, another monarchist Member of the Parliament, supported religious unity for ‘historical’ reasons. For him, “religious ideas” had given shape to Spain and inspired the conversion of the Goths, the war against the Muslims, the conquest of America and the expulsion of the Jews and the *Moriscos*.⁷⁴ He admitted that not all these episodes were positive but without the Inquisition or the expulsion Spain could have suffered the religious conflicts experienced in France.⁷⁵ Again we find here the use of the Catholic religion to define the Spanish Nation, its origin and its imperial destiny.

The political landscape had changed. Now the supporters of religious freedom were on the defensive. The conservative monarchists supporting a State religion and religious tolerance were in power. References to the Middle Ages were present. There were also, however, references to the conquest of America and to religious unity as essential to the Spanish Nation. Interestingly, 1492 was considered less as the year of the expulsion of the Jews than as the beginning of the Spanish Empire. This was the start of the idea of *Hispanidad* based on religious, linguistic and territorial unity.

The institutional architecture of the Restoration, the one designed in the Constitution, was both authoritarian and based on a systematically corrupted electoral system that gave no voice to the social and political movements and great power to the army and the Catholic Church. During the Restoration, historiographical and political discourses praising the Reconquista, religious unity and the Spanish empire would become hegemonic. The ideas of Menéndez y Pelayo, the myths of El Cid and others, would be of central importance in the elaboration of a national identity in Spain.

1876-1931: the Golden Age of *Filosefardismo*

In this political and legal context, an important transformation began; the industrialization and globalization of the Spanish economy intensified. At the end of 19th century, the Spanish economy was undergoing a process of industrialization and internationalization. The workers’ movement started developing the first socialist trade unions and political parties were created. Spain was not completely isolated from Europe and was interested, especially

⁷² *Ib.*, p. 973.

⁷³ *Ib.*, p. 992.

⁷⁴ *Diario de Sesiones* 50, 1st May 1876, p. 1056.

⁷⁵ *Idem.*

after 1898, in international politics in Africa and the Ottoman Empire. These circumstances influenced in the intellectual constructions about Judaism and the Sephardic Jew and about religious coexistence in the Middle Ages.

The opening and modernizing of the Spanish economy attracted some foreign families to Catholic Spain. Some Protestant and also some Jewish families settled there, particularly Barcelona and Madrid.⁷⁶ Most of these families were not Sephardic but Central European Jews. The legalization of civil marriage for non-Catholics in 1870, during the revolutionary years, facilitated the lives of Jews and also Protestants and Muslims in Spain. Yet other aspects of Jewish life remained a challenge for Spanish Law.

The colonization of Morocco played an important role in the perception of the Jews in Spain. Just before and after the loss of Cuba and Puerto Rico in 1898, the Spanish Crown increased its presence in Morocco, establishing a Spanish Protectorate in 1912. This area of the Maghreb had been inhabited by Sephardic communities continuously since the 15th Century and those communities still spoke Spanish.

At the same time Spain, no differently than many other Central and Western European powers, was interested in the political and economic developments of the Ottoman Empire, which also had a strong Sephardic presence. As did other countries, Spain had economic and geo-strategical interests in that part of the world. The pogroms that took place there in 1881 generated sympathy in other parts of Europe for the Jews.

Spain also observed how France developed a network of French-speaking Jewish organizations in the Balkans through the *Alliance Israélite Universelle*,⁷⁷ creating French-speaking schools and forging alliances with the Jewish elites in Eastern Europe and Morocco, where Sephardic families were abandoning Spanish and adopting French.

These are the circumstances that coupled with the intellectual legacy of the earlier debates described above produced the phenomenon of *filosefardismo*: an intellectual construction favorable to the Sephardim that was built on clichés together with a strong racist component by Spanish elites at the end of 19th century. This discourse praised the Sephardic Jews, condemned the expulsion and promoted a political approach by the Spanish authorities to the Sephardic communities living abroad, especially in Morocco and the Ottoman Empire. This “Philo-Sephardism” was based on a romantic reconstruction of medieval coexistence in Spain where the three cultures – Islamic, Jewish and Christian – lived together. This discourse, as all intellectual constructions, created a Sephardic identity which did not always match the plural reality of Sephardic communities in Europe and northern Africa. In many cases they were romanticized ideals. In others, a “*photo-fixe*” or “still life” image of the life of communities which were actually in constant flux as Europe itself changed and globalization intensified.

⁷⁶ Danielle Rozenberg (2010): *La España contemporánea y la cuestión judía*. Madrid: Casa Sefarad-Israel – Marcial Pons. (1st Ed. in French 2006).

⁷⁷ *Ib.*, pp. 125 and ff.

Interestingly, *filosefardismo* underlined the condition of *Españoles sin patria* – “Spaniards without a homeland,” or “Spanish by race or by history,” and hid the “Jewishness” of these Sephardim. *Filosefardismo* praised the culture, tradition and use of the Spanish language of the Sephardim without mentioning religion. Indeed, *filosefardismo* was even compatible with anti-Semitism. Some authors actually based their philo-Sephardism on anti-Semitic prejudices: they considered the Sephardim as cosmopolitan, wealthy businessmen, members of a vast network of interests and resources. It is interesting to observe that in much of the discourse the Spanish identity of Sephardic Jews in Morocco or in the Balkans is underscored while, at the same time, their Jewishness is somehow absent or at most secondary. That is why *filosefardismo* was more interested in traditions or language than in religion. The Sephardim are referred to as *españoles sin patria* (Spaniards without a homeland), *españoles sefarditas* (Sephardic Spaniards), but very rarely as Jews. “Philo-Sephardism” was far from anything link “Philo-Semitism.”

Maite Ojeda has studied the ambivalence of the term “Sefardí” in 19th century Spain⁷⁸. According to her, “Sephardim” appears in the discourse as a mixture between Jew and Spanish. This “notion of a mixed identity needs to be examined in terms of the specific historical, socio-political and ideological context as well as the hegemonic system of social classification”;⁷⁹ that of the Spanish elites, of course. We should not forget that *filosefardismo* coexisted with the discourse of religious unity and the Reconquista developed by Menéndez y Pelayo and his disciples and followers. *Filosefardismo* was not hegemonic.

As mentioned, *filosefardismo* was compatible with anti-Semitism. Very often the construction of the Sephardim was based on clichés: the rich Jew; the cosmopolitan Jew. The proposals of these intellectuals were to approach to the Sephardic Jews in the Balkans and, especially, in Morocco, where the Sephardim were in favor of Spanish presence and colonization. However, very often the same intellectuals referred negatively to the possibility of Jewish migration to Spain. They felt that the *problema judío* (Jewish problem), which was very significant in many parts of Europe was to be avoided in Spain.⁸⁰ The fact that Philo-Sephardists always drew a clear line between the Sephardim and the Ashkenazy Jews is meaningful.

Instead, as touched on earlier, the intellectual construction focused on cultural and linguistic aspects. This discourse, however, was also influenced by European racialism: race impregnated all intellectual debates on politics, economy and law. Of course *filosefardismo* was no exception. The Senator and writer Angel Pulido, perhaps the most important *filosefardita* of the Restoration period, published a book with the telling title *Españoles sin patria y la raza sefardí*.⁸¹ The expression *Españoles sin patria* was and remains to this day very prominent in the discourse of the elites. The expression “Sephardic race” was also a leitmotif that ran through the work.

⁷⁸ Maite Ojeda-Mata: “Spanish’ but ‘Jewish’”. Op. cit.

⁷⁹ *Ib.*, p. 2.

⁸⁰ Daniela Rozenberg, *La España contemporánea y la cuestión judía*, op. Cit., p. 140.

⁸¹ Angel Pulido Fernández, (1905): *Españoles sin Patria y La raza sefardí*. Madrid: Establecimiento Tipográfico de E. Teodoro.

In *Espanoles sin patria*, he praised the “Sephardic race” and, at the same time, he speaks about the superiority of the Sephardic race in regard to the Ashkenazy Jews. For Pulido, the Spanish language is superior than the Germanic Yiddish used by other Jews. Pulido projects the positive stereotypes of Castilians (nobility, chivalry⁸²) to the Sephardim and contrasts it with the decadence of the Ashkenazy. When comes this difference? The freedom the Jews enjoyed in the Iberian Peninsula was unique in Europe as there was no other place where Jews could live in peace. *Convivencia* and its Golden Age (the 12th and 13th centuries) appear again as something having defined the identity of the members of the Spanish Nation inside and beyond its borders.

The Sephardim superiority over the Ashkenazim was not an invention for Pulido. The Spanish Senator’s ideas reflected those of certain Sephardic authors themselves who were sometimes critical of the Ashkenazy⁸³. Even many German Jews gave credence to these differences between Sephardic and Ashkenazy. Actually, according to authors such as Mark R. Cohen, this superior attitude could be the root of the “lachrymose conception of Jewish history” and the myth of “interfaith utopia”: the Sephardim were supposedly superior to the Ashkenazim because they developed their arts and intellectual production in the atmosphere of freedom and tolerance of Medieval Spain.⁸⁴

Angel Pulido and José Amador de los Ríos, whose 1848 book was mentioned a few pages earlier, emphasize the fact that Spain, that is the Crowns of Castile and Aragon, were the European territories where the Jews enjoyed the most freedom and where they occupied the highest posts in the royal administration.⁸⁵ Nowhere in Europe were the Jews more accepted and respected than they had been in Spain. This, according to these authors, may have influenced their self-identity and differentiated them from the Ashkenazy „race.”

This racist approach, perhaps a consequence of scientific positivism and Darwinism, explains the paradox of anti-Semitic Philo-Sephardism. In some cases, and Pulido is not an exception, *filosefardismo* contained a certain degree of islamophobia. Historians agree that the interest in the Sephardim came before the interest for Muslims living in Spain and the *Moriscos* (Muslims who converted to Christianity and remained in Spain). Pulido, for example, speaks in very negative terms about the Islamic culture and describes Islam as aggressive and cruel,⁸⁶ while Amador de los Ríos often brings up the bad human qualities of the “Moorish race”.⁸⁷ José Amador de los Ríos is actually very representative of the evolving attitude of the Spanish elites towards Sephardim. As already explained, in his 1848 book he referred to

⁸² *Ib.*, p. 21 and ff.

⁸³ *Idem.*

⁸⁴ Mark R. Cohen (1994): *Under Crescent and Cross. The Jews in the Middle Ages*. Princeton: Princeton University Press, p. 4.

⁸⁵ José Amador de los Ríos, *Historia de los judíos en España*, op. Cit., p. 40; Angel Pulido Fernández, *Espanoles sin Patria y La raza sefardí*, op. Cit., p. 21.

⁸⁶ Angel Pulido Fernández, *Espanoles sin Patria y La raza sefardí*, op. Cit., p. 17.

⁸⁷ José Amador de los Ríos, *Historia de los judíos en España*, vol. I, op. cit., v.g. Introduction.

Jews as murderers of God and murderers of children in rituals.⁸⁸ In 1875, almost thirty years later and under the Restoration, he publishes his work *Historia social, política y religiosa de los judíos en España y Portugal* in three volumes. In them his position becomes more philo-Semitic. He praises the genius of the “Hebrew race” and the role played by the Jews in the *Reconquista* – “the first and highest duty, and national aspiration, of the old monarchies of the Pyrenaic Peninsula.”⁸⁹ But in this important work, which has gone through many editions and remains a reference in the field, the author also, in some cases, treats as fair some anti-Semitic accusations⁹⁰ and, when explaining the causes of the wave of violence against the Jews that started in 1391, he is ambivalent about the motives of the populace, often victim to Jewish money lenders, and blames the mass killings on the Church and some prominent nobles.⁹¹ He seems to be cautious when criticizing the myths coming from the historiography of the previous centuries or praising the *conversos* or New Christians of the Golden Age. According to Kevin Ingram, “[i]t would seem [...] that Amador was not at all sure his readers were ready to admit New Christians into the Golden-Age literary pantheon”⁹².

This ambivalence between philo-Sephardism and traditional anti-Semitism is also present in another author from the previous period, Adolfo de Castro y Rossi, introduced in the earlier section on the 1840s. He published in 1847 his *Historia de los judíos de España*⁹³ praising the Sephardim and the *convivencia* and condemning the expulsion and the Inquisition. This did not prevent him from publishing a book in 1865 on *Vidas de niños célebres* (“Lives of Famous Children”) depicting as real the myth of the ritual murder of the Holy Child of La Guardia.⁹⁴ We also find this ambivalence in a novel by Gloria of Benito Pérez Galdós published in 1877. The protagonist and hero is a Jew whose mother had the “defects” of the Jewish race (*los de la acera de enfrente*).⁹⁵ Such was also the case of Juan Valera. In his speech in favor of freedom and tolerance in 1876 he pejoratively described the Sephardic race, accusing them of not being a hard-working people⁹⁶.

This is understandable since neither the Jewish question nor the discourse over Sephardic Jews was considered neutral. Hundreds of years of anti-Semitism and 19th century anti-Semitism made any expression of philo-semitism or philo-sephardism suspicious of being Jewish or “Jewishizing”. Amador de los Ríos wrote the following in the introduction to his 1875 book: “While writing the *Historia social, política, y religiosa de los Judíos de España y Portugal*,

⁸⁸ *Ib.*, 23 and ff.

⁸⁹ *Ib.*, p. XI.

⁹⁰ *Ib.*, p. 23.

⁹¹ José Amador de los Ríos, *Historia de los judíos en España*, Vol II, pp. 325 and ff. While explaining the Decreto he excuses the Catholic Kings expressing that they committed a mistake but thinking they were doing a good thing for their subjects. Vid. Vol. III, p. 420 and ff.

⁹² Kevin Ingram (2009): “Historiography, historicity and the Conversos”, in: Kevin Ingram (ed.) *The Conversos and Moriscos in Late Medieval Spain and Beyond*. Leiden – Boston: Brill, pp. 335-356, 339-340.

⁹³ Quoted by Joseph Perez, *Los judíos en España*, op. Cit., p. 291.

⁹⁴ *Ib.*, p. 291.

⁹⁵ *Ib.*, p. 292.

⁹⁶ *Idem.*

we worked very hard to avoid covering our heads with the *philin* of the Jews and also to cover our breast with the shield of the *Santo oficio*.”⁹⁷ For his part, Angel Pulido makes clear in his introduction to *Espanoles sin patria* that “We are Christians. We descend from *Cristianos Viejos* [not descendants from converted Jews or Muslims] and we hope our children will practice the religion of Jesus Christ, in which they have been educated.”⁹⁸ These precautions are only understandable in a climate of anti-Semitism.

Functions of *Filosefardismo* in the Restauración (1876-1931)

Filosefardismo was a discursive instrument created and developed under particular circumstances that played specific functions in liberal projects. The reconstruction of a past, peaceful *convivencia* also performed a political function of legitimizing liberalism and attacking reactionary forces.

All political and intellectual debates were influenced by *filosefardismo*. The polemic discussion between Sánchez de Albornoz and Américo Castro about the influence of Jewish and Islamic culture in the configuration of Spanish identity was actually the continuation of debates that took place at the end of the 19th and the beginning of the 20th centuries. This was also the moment of “neo-Arabism” in art and architecture as well as the discovery of Sephardim and *Mudéjar* culture.

Filosefardismo was an intellectual construction containing an ideology and a vision of Spain and the world. Neither this phenomenon, nor “philo-Arabism” nor the idealization of *convivencia*, were, as they became in the 1960s and 70s, the product of interest amongst those minorities. For the liberals it was **an instrument of nation-building**. Spain, a young nation-state in search of its national identity, like the other nations in Europe, reinterpreted its past. Attention was paid to the Middle Ages and the *Reconquista*, conceptualized in Spain during the 19th century as the country’s manifest destiny. The Middle Ages were supposedly a time when the minorities of the different kingdoms and cities enjoyed freedom and tolerance. Such discourse helped construct a national liberal discourse and delegitimize the ideas of the Catholic right, especially that of the Catholic and traditional Carlists, who were presented as the heirs of the Spanish intolerance represented by the Inquisition. As we saw, this was not a new phenomenon; in the Parliament of 1869 the liberals and republicans defended *convivencia* and criticized the Catholic Monarchs and the expulsion of the Jews. We observed this use of the past in the analysis of the discourse over religious freedom in 1869 and 1876.

Filosefardismo, but specially *arabismo* and the myth of *convivencia* also helped in **legitimizing Spain’s imperialist policy**. In the era of late 19th century colonialism, right before and after the loss of Cuba and Puerto Rico, Spain was forced to redefine its foreign and colonial

⁹⁷ José Amador de los Ríos *Historia de los judíos en España*, op. Cit., vol. I, p. XV.

⁹⁸ Angel Pulido Fernández, *Espanoles sin patria y La raza sefardí*, op. Cit., p. 17.

policy. Spain tried to take part in the colonization of Africa but at the Congress in Berlin it was only recognized as sovereign power over a small piece of land in what today is Equatorial Guinea. Spain had intervened in the Sultanate of Morocco in 1860. This country possessed great geostrategic and economic potential and was the object of conflicts between different powers who wished to occupy it. Spain had possessed the enclaves of Ceuta and Melilla for centuries, which were very much integrated into the economy of that region.

Convivencia played a very important role in legitimizing the presence of Spain in Morocco. One of the arguments of the pro-colonial lobby was presenting Spain as the country best prepared to occupy Islamic countries for historical reasons: because Spain had much past experience in managing different cultures.

Spain did not participate in the formation of the imperialist ideology in the second half of the 19th century. It still had some of its old colonies, vestiges of the great Catholic Empire, in Cuba, Puerto Rico and the Philippines. When these territories were lost the imperialist adventure in Europe was already well underway. The Berlin conference had taken place 15 years earlier, leaving Spain with only a small bit of sub-Saharan Africa. Spain had influence in Morocco, of course, but no imperialist discourse or structure. The discourse of the *convivencia* of three cultures and resulting brotherhood between Spaniards and Moroccans would be an instrument to legitimize Spanish presence in northern Africa.

The Spanish Society of Africanists and Colonialists organized a series of famous conferences in the “La Alhambra” Theater in Madrid with the title *Los intereses españoles en Marruecos* in March 1884.⁹⁹ The speakers were representatives of the intellectual elite of the time: Joaquín Costa, Gumersindo de Azcárate, Francisco Coello, Gabriel Rodríguez and Edauro Saavedra. The purpose of this conference was to finance explorations of the Sahara and northern Morocco. These Spanish Africanists or “Moroccanists” underscored the historic links between Spain and Morocco.

The famous intellectual Joaquín Costa made the most important speech for the intervention of Spain in Morocco for geographical, racial and historical reasons. He did not mention the Jews in medieval Iberia but used the history of the *Reconquista* to legitimize the protectorate in Morocco. The *Reconquista* was, according to Costa, a civil war with Muslims and Christians on both sides.¹⁰⁰ It was not a religious war but a political conflict.¹⁰¹ The friendship between Moroccans and Spaniards had a long history starting with the “nine centuries of *convivencia* in the same territory under the same sky.”¹⁰² This is why Morocco had to be the “disciple” of Spain and not of any other nation: “during the Middle Ages Morocco was the mediator by which the Eastern civilization came to Spain. In the modern times Spain has to be the mediator through which European civilization penetrates into Morocco.”¹⁰³

⁹⁹ Joaquín Costa et alii. (1884): *Los intereses de España en Marruecos*. Madrid: Fontanet.

¹⁰⁰ Joaquín Costa (1884): *Los intereses de España en Marruecos son armónicos*, Madrid-Barcelona: Imprenta de España en África, pp. 10-11.

¹⁰¹ Idem.

¹⁰² Ib., p. 14.

¹⁰³ Ib., p. 29.

In the same meeting Francisco Coello referred to the historical union between Spaniards and Moroccans starting in Roman times of the Romans, through the rule of the Visigoths and the Middle Ages and ceasing, against the will of the Queen Isabella, only because of the discovery of America.¹⁰⁴ Only José Carvajal made references to the Jews that evening at the Theatre La Alhambra. He held that the sympathy of the Jews towards Spain was something to be taken into account.¹⁰⁵

Filosefardismo was also used as **an argument in favor of increasing Spanish presence in the Ottoman Empire**. The need to defend the “Sephardic Spaniards” in Eastern Europe facilitated the deployment of commercial and diplomatic missions in that area. The Count of Rascón, the Spanish Ambassador in Constantinople, wrote letters to the Ministry of Foreign Affairs in the 1880s suggesting that the Spanish Government establish contact with the Sephardim living in the Ottoman Empire, saying “they have in their hands all the international trade.”¹⁰⁶ The opening of diplomatic missions and steamboat lines between Barcelona and the cities of the Ottoman Empire with Sephardic communities would be, in Rascón’s opinion, beneficial for the Spanish economy. We do not know his opinion about the Jews, but he states in his letters that the nationalization of Sephardic Jews could benefit Spain because “Jews control the economy in Istanbul and the Ottoman Empire.”¹⁰⁷

Filosefardismo and the nationalization of the Sephardim during the Restoration

The Jewish and Sephardic questions were present in the discussion of legal texts. We have already seen how important the Jew was as a symbol during the constitutional debates in 1869 and 1876. From the 1860s on, and especially during the Restoration, but also during the Second Republic (1931-1936) *filosefardismo* had another legal aspect: the nationalization of Sephardim Jews. In many cases individual or family nationalizations, performed under the right of Spanish Government to grant Spanish citizenship “*por carta de naturaleza*” (Article 21 of the Civil Code of 1889). In other cases we find naturalizations of groups like the one granted to a group of 500 Greek Sephardim, or the Decree of Primo de Rivera that we will analyze here. We can also find, especially at the beginning of 20th century, the legal normalization of Jewish presence in Spain. Permissions were given to open synagogues in Barcelona and Madrid, and in 1870 non-Catholics were allowed to marry following the newly-created rules of civil marriage.

¹⁰⁴ Los intereses de España en Marruecos, op. Cit, p. 9.

¹⁰⁵ Ib., p. 98.

¹⁰⁶ Quoted by Joseph Pérez, *Historia de los judíos en España*, op. Cit., p. 298.

¹⁰⁷ Ib., p. 299.

From 1865 on, we find cases of nationalization of Moroccan Jewish families as well. As already hinted at, political and economic interests were behind these nationalizations. Maite Ojeda has explained how these naturalizations targeted specific Sephardic families with social or political significance in the northern part of Morocco. It was an instrument of Spanish foreign policy to penetrate that part of the Maghreb.¹⁰⁸ These Sephardic Jews, who still spoke Spanish, were in favor of Spanish presence in that area, which was much more tolerant to the Jews than the Muslim authorities. The Spanish government used this naturalization policy as a political instrument. The official Gazette offers a very useful instrument to look up the names of Sephardic Jews nationalized by the Spanish government.

At the end of 19th century, economic interests and the beginning of pogroms in Russia and anti-Semitism in the Ottoman Empire led to increased sympathy for Sephardic Jews by a part of the Spanish elite. As already explained, the Count of Rascón, the Ambassador in Constantinople, suggested naturalizing Sephardic Jews living in the Ottoman Empire in 1881 and deploying diplomats in Eastern Europe to assist the Sephardic Jews, following a stream of solidarity towards persecuted Jews that originated in the United Kingdom and France.

This philo-Sephardic discourse acquires a special dimension after the end of World War I. The Peace Treaties redesigned the map of Europe. New nation-states were created from the ruins of the Ottoman and the Austro-Hungarian Empire. These states sought to build homogeneous societies by expelling those considered “non-nationals.” As Giorgio Agamben explains how the difference between the concepts “man” and “citizen,” which lacked significance in the French Revolution, became transcendent after the First World War.¹⁰⁹ It was at that moment in the development of biopolitics that only citizens had rights. Those who did not belong to the national community according to the political elite were denationalized and were deprived of the rights they had enjoyed under previous empires. The states seeking to build homogenous national communities deported the non-nationals.

As a consequence, massive deportations took place in the years that followed. Turks were deported from Greece, Greeks from Turkey, Turks from Bulgaria, and so on. Hundreds of thousands of people were deported in dramatic episodes still remembered and researched. For most of those deported, there was a nation-state where they could seek refuge. For almost all of them, in fact, all except the Jews. The Jews were, in many cases, the weakest minority in the Austro-Hungarian and Ottoman Empires. Among the Jews affected, the Sephardim comprised an important sector.¹¹⁰

Filosefardismo, meanwhile, remained in vogue among the Spanish elites. Spain developed a philo-Sephardic policy, signing agreements with Greece to protect the Greek Sephardim. Lists of Jews to be protected and nationalized were put together. This atmosphere and the

¹⁰⁸ Maite Ojeda (2014): “Protección y naturalización española de judíos en el Marruecos colonial”, in: *Los judíos en Ceuta, el Norte de África y el Estrecho de Gibraltar. XVI Jornadas de Historia de Ceuta*. Ceuta: Instituto de Estudios Ceutíes, pp. 277-299.

¹⁰⁹ Agamben, Giorgio (1998): *Homo sacer. El poder soberano y la nuda vida*. Valencia: Pre-textos, pp. 167 and ff.

¹¹⁰ Todorova, Maria (1997): *Imagining the Balkans*. New York-Oxford: Oxford University Press.

corresponding philo-Sephardic moment in Spanish politics also explains why Sephardic Jews were nationalized during the monarchist dictatorship of Primo de Rivera and Alfonso XIII in 1924.

During this *dictadura*, the *Directorio Militar* issued a decree granting Spanish citizenship to certain Sephardic Jews. The decree, as well as its preamble, are worth reading. They contain many elements of the now historied *filosefardismo* that we have studied here.

The words “Jew,” “Jewish” or even “Sephardic” do not appear in the text of the Royal Decree. The text makes reference to previously “*protegidos españoles*” (protected Spaniards) or their descendants and to individuals in general who belonged to families of Spanish origin and wished to be Spanish. The legislature was generous here, considering these individuals as originally Spanish “for ethnic or historical grounds of long *convivencia*.” Nationalization, then, was not a concession but explicit recognition (*reconocimiento*) of an existing reality. This norm translates the main ideas of *filosefardismo* without mentioning the Sephardic Jews – or better said, the Sephardic Spaniards – whom this rule was supposed to benefit.

The procedure for obtaining Spanish nationality is also interesting. Lawmakers made an exception to the general rule that the Spanish nationality could only be bestowed in Madrid. In this case, it was sufficient to appear before Spanish authorities in Eastern European countries. A possible explanation could be that the regime wanted to avoid Jewish immigration to Spain, or would that be exaggerated? Actually, official documents discovered by Antonio Marquina and Gloria Ospina¹¹¹ show that, a few weeks after the publication of this decree, Madrid sent instructions to its representatives in Eastern Europe to prevent immigration of Jews to Spain. The *problema judío* had never escaped them.

Because of the decree, between 3000 and 4000 Jews obtained Spanish citizenship before it expired in 1930. Naturalizations did continue, however, under the Second Republic. It is worth noting that the Spanish Republic renewed the policy of nationalization of Jews but, if we read the Spanish Gazette, we see by the names that most of the Jews obtaining Spanish nationality were Ashkenazy or German. In 1936 an initiative by the government to nationalize a group of hundreds of Greek Jews was halted because of the outbreak of the Civil War.¹¹²

Franco’s role during the Holocaust will not be taken up here, as it has been studied by numerous authors.¹¹³ Worth mention, however, is that Francoist anti-Semitism led to the

¹¹¹ Antonio Marquina – Gloria Inés Ospina (1987): *España y los judíos en el siglo XX. La acción exterior*. Madrid: Espasa.

¹¹² Decreto autorizando al Ministro de este Departamento para que presente a los Cortes un proyecto de ley aprobando el Acuerdo concertado entre España y Grecia mediante canje de Notas de fecha 7 de Abril del corriente año, reconociendo la nacionalidad española a las 144 familias residentes en territorio heleno que figuran en las listas anejas al texto de las Notas mencionadas, Gaceta de Madrid 175, 23.06.1936, 2580 a 2581.

¹¹³ See: Haim Avni (1982): *España, Franco y los judíos*. Madrid: Altalena; Antonio Marquina – Gloria Inés Ospina (1987): *España y los judíos en el siglo XX*, op. Cit.; Alejandro Baer (2011): “The Voids of Sefarad. The Memory of the Holocaust in Spain”. *Journal of Spanish Cultural Studies*, 12, pp. 95-120; Sílvia Marimon (2014): “Salvats de l’Holocaust per un passaport espanyol”, *Diari Ara*, 18.01.2014; Daniela Rozenberg (2010): *La España contemporánea y la cuestión judía*, op. Cit.; Alfons Aragoneses (2011): “Història i

de-nationalization of thousands of Jews who held Spanish citizenship. In 1943, the Spanish government ordered its diplomats not to provide assistance to these Spaniards because, even if they were formally Spanish citizens, according to Foreign Policy Director José María Doussinague, starting on the 18th of January, 1943 these Spanish Jews could not be “likened [*equiparados*] to Spaniards from Spain, who had Spanish parents and lived in the atmosphere [*ambiente*] and spirit of Spain.”¹¹⁴

Spanish identities and the Jewish Question under the Second Republic (1931-1945)

In 1931, during the first weeks of the Spanish Republic, President Alcalá Zamora visited the Spanish city of Tétouan in Morocco. He paid a visit to the synagogue, which he entered holding hands with the representative of the Jewish community and the Khalifa. The episode is very representative of the presence of *filosefardismo* in the discourse of tolerance and its continuity and reinforcement during the Second Republic.

Jews from all around the world welcomed the proclamation of the Spanish Second Republic on the 14th April 1931. During the period between 1931 and 1936, the Spanish government implemented pro-Jewish and pro-Zionist policies, which may be one of the explanations for the high number of Jews participating in the International Brigades during the Civil War. At the same time, the 1930s were years of rampant anti-Semitism in Europe as well as in Spain¹¹⁵.

This influenced the evolution of philo-Semitic and philo-Sephardic discourse and their role in the Spanish nation-building process during not only the short-lived Republic but also during the four decades of Franco’s dictatorship that started, according to the Francoist propaganda, with a “National Crusade” in 1936 to stop a “Jewish –free-mason conspiracy” to destroy Spain.

Republican politicians and diplomats like Américo Castro and Salvador de Madariaga were in contact with Jewish communities and intellectuals. As early as 1931 they tried to persuade their contacts of the new Republic’s philo-Semitism and its will to derogate the 1492 decree.¹¹⁶ Salvador de Madariaga, however, was aware of the anti-Semitism of the right wing anti-Republican parties and how it would be fueled if the Spanish government facilitated Jewish immigration to Spain¹¹⁷.

memòria dels jueus espanyols als camps nazis: lliçons per al segle XXI”, in: www.elpalimpsest.wordpress.com.

¹¹⁴ Aragoneses, Alfons (2015): “Polishing the past? The Memories of Deportation and the Holocaust in Spanish Law and Society”. *Ius fugit. Journal of legal Culture* 18, 2015, pp. 125-139, 131.

¹¹⁵ Isidro González (2004): *Los judíos y la Segunda República. 1931-1939*. Madrid: Alianza.

¹¹⁶ Isidro González (2004): *Los judíos y la Segunda República*, op. Cit., pp. 111 and ff.

¹¹⁷ Idem.

Américo Castro, historian and diplomat, along with the politician Alejandro Lerroux, were among the philo-Semitic Republicans who were receptive to the demands of Jewish communities abroad. Both were in favor of Jewish immigration and considered even the return of the Tránsito Synagogue to the Jewish communities and the revision of the history of Spain.¹¹⁸ The liberal ideals of 1869, 1873 and the Restoration could now become reality.

Again, this philo-Semitism fueled the anti-Semitism of the anti-Republican parties. Anti-Semitism did not start in Spain in 1931. It had a long history. During the Second Republic, however, right-wing Spanish movements, Catholic Monarchists, the Confederation of Autonomous Right-wing Groups (CEDA), the *Carlistas* and the Falange resorted to the familiar formula of Freemason-Jewish or Jewish-Russian conspiracy. After 1933, this anti-Jewish discourse was promoted by the German Embassy in Madrid, where anti-Jewish propaganda was made up for publication in right-wing papers. This is also the moment when some radical groups began to identify Jewish with Catalan.

The Spanish far-right, as well as the Falange and Francoism after 1936, intensified rhetoric about the Spanish Empire; the “national destiny” of Spain according to the official Francoist doctrine. The discourse of *Hispanidad* or the Spanish *raza* was central on the side of the nationalists who conspired against the Republic, who organized the coup d’Etat in 1936, who won the civil war and who built a state and a national discourse on old concepts. This national discourse developed during and after the Civil War, emphasized the importance of imperial national destiny and the concept of spiritual, national and social unity. These values, destiny and unity, were given legal stature under the doctrine of the *Caudillaje*; the laws legitimizing the power of the *Caudillo* – in the figure of *Generalísimo* Franco – and the *Fuero de los Españoles* in 1945.¹¹⁹

¿What happened to *filosefardismo* in Spain after 1945? In my opinion, it never completely disappeared. The interest for Jewish and also Muslim heritage in Spanish history increased in cultural and scientific circles. Yet the special relation between the elites, or part of the elites, and the Jewish world, which after 1948 included the State of Israel, disappeared or lost the importance it had held at the end of 19th century and during the Spanish Republic. This is one of the circumstances that explains the late normalization of relations between Spain and Israel.¹²⁰

This also explains the famous book marking the beginning of the use of *convivencia* as a term to refer to religious coexistence in medieval Spain and its influence in Spanish identity. I am talking of course of Américo Castro’s book *España en su historia*, published for the first

¹¹⁸ *Ib.*, p. 100.

¹¹⁹ Francisco Javier Conde (1942): *Contribución a la doctrina de Caudillaje*. Madrid: Ediciones de la Vicesecretaría de Educación Popular.

¹²⁰ The day after the normalization of relations with Israel Felipe González, President of the Spanish Government in 1986 wrote a letter to the Arab leaders explaining them that this normalization did not mean that Spain abandoned its support to the Arab World. “Carta de Felipe González a los dirigentes árabes”, *El País*, 17.01.1986.

time in 1948.¹²¹ In my opinion this book continued in the republican exile the tradition of liberal and republican *filosefardismo*. The polemic after its publication was also a political one. The different visions of Spain's identity and not only historiographical theses were in conflict.

This could also explain the identification of some anti-Francoist intellectuals with the Jewish world as evidenced in the poem "Sefarad" written in 1960 by the Catalan author Salvador Espriu¹²².

The Law 12/2015: between *filosefardismo* and "cosmopolitan memory"¹²³

The reinvention of the Sephardim, as well as the reinvention of religious tolerance in the Middle Ages or *convivencia* between three cultures has played an important role in political discourse and in the nation-building process in Spain. The discourse emerged in moments of crisis and conflict, especially when two models or projects of Spain confronted each other: tolerance and intolerance, liberalism and Catholic fundamentalism, democratic Republic and national-Catholicism and exiled democratic Republicanism with Francoism.

In each case liberal authors referred to the ideal of *convivencia* to defend a project of tolerance and democracy for the Spanish nation. Those who opposed these projects referred to the Spanish Empire or to religious unity of Spain as the defining quality of national identity.

In 2015, the deeply entrenched *filosefardismo* reemerged in Bill 12/2015 granting Spanish citizenship to Sephardic Jews. As already explained at the beginning of this paper, the language, the ideas and the clichés are the same as those used during the Restoration. This time, however the symbolic imagery of the Sephardic Jews was accompanied by references to the Holocaust and to the savior role played by Spain, skipping the complicity of Franco with Hitler and the denationalization of Spanish Jews in 1943.

In my opinion the reasons for this "*filosefardismo* 2.0" are similar to the reasons the intellectuals and members of Parliament had in 1868, or during the Restoration to update or reconceive the *convivencia*: in order to define or redefine national identity and find in *convivencia* an effective symbol of the Europeanism and cosmopolitanism of the Spanish Nation. Spain tries to find a symbol precisely in moments of political and institutional crisis: beginning with the territorial crisis of the Napoleonic Wars, all the way to the crisis surrounding the 1978 Constitution project and subsequent crisis of legitimacy left unresolved by the concessions made to the previous regime.

¹²¹ Américo Castro (1948): *España en su historia. Cristianos, moros y judíos*. Buenos Aires: Losada.

¹²² The poem is in the book: Salvador Espriu (1963^a, 2010): *La Pell de Brau*. Barcelona: Generalitat de Catalunya.

¹²³ The expression is from Natan Sznaider and Daniel Levy (2012): "Memory Unbound. The Holocaust and the Formation of Cosmopolitan Memory", op. cit.

This law represents reconciliation and unity. The Spanish lawmakers, however, are single-handedly dictating the terms of the reconciliation. In it, they recreate once more a homogenous identity of Spain: always philo-Sephardic, always helping the Jews, not directly responsible for the 1492 decree. The law also establishes a homogeneous identity for the Sephardim: cosmopolitan, pragmatic, ever faithful to the country that expelled them, never rancorous.

It is difficult to predict whether this law will alter or even influence the collective conscience or if it will have “emotive *Mobilisierungskraft*”¹²⁴ for Spanish citizens and Sephardic Jews or Jews in general. It is also difficult to foresee what effects such discourse can have in shaping the appearance of a new Spanish collective identity, one more international, closer to the cosmopolitan memory of the Holocaust and its emotional charge, one closer to the memory of World War II and Auschwitz that Hollywood has left us.¹²⁵

What is clear, in my opinion, is that the latest rewriting of medieval coexistence between Christians, Muslims and Jews and the nostalgia for the loss of the Jews has been a forceful idea and a recurrent reference in moments where the Spanish elites needed to elicit support for their projects in a national discourse.

Reconceiving the past as a way of legitimizing a political or legal institution or national identity has a long story, as has been demonstrated by several authors¹²⁶. In the case of Spain, it seems the references to *convivencia* or the “three cultures” to support national projects have been employed for almost two centuries. Considering the ‘song’ of Bill 15/2015, we can conclude that the political use of *convivencia* legitimize the Spanish nation-state still has a bright future ahead.

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¹²⁴ About this concept see Werner Gephart (2006): *Recht als Kultur. Zur kultursociologischen Analyse des Rechts*. Frankfurt am Main: Vittorio Klostermann.

¹²⁵ Alfons Aragoneses (2015): “Polishing the Past”, op. Cit.

¹²⁶ Christian Giordano (1996): “The past in the present: actualized history in the social construction of reality”. *Focaal* 26/27, pp. 97-107. António Manuel Hespanha (1998): *Cultura jurídica europea. Síntesis de un milenio*. Madrid: Tecnos, pp. 16 and ff.

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