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“THE JEWS ARE COMING!”: ANTISEMITISM FOLLOWING THE PORTUGUESE CITIZENSHIP ACT

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In 2015, the Portuguese Citizenship Act was amended as to permit the acquisition of Portuguese citizenship by the descendants of Portugal’s Sephardic Jews. The amendment comes as a kind of “historical reparation” for the expulsion of Jews from the Iberian Peninsula which began in 1492 and was followed by waves of migration of Jews subject to forced conversion and persecution by the Inquisition.¹

According to the new law, descendants of Sephardic Jews may acquire Portuguese citizenship by naturalization, provided that they meet certain requirements, among which was one that requires the applicant to prove that he has maintained a connection to a Sephardic community of Portuguese origin. The law specifies certain elements of such linkage, such as tradition, family name, Ladino as a family language, Jewish Portuguese ancestry.²

Until February 2020, 51,000 Jews have applied for Portuguese citizenship under the new law, 85% of them from Israel. Of the total of applicants, 12,000 have already obtained citizenship under the present Portuguese government. In April 2020, the ruling Socialist party, in a suggested proposal approved internally, requested that one of the new pre-conditions for obtaining citizenship would be a two-year period of residence in the country.³

¹ The law, Lei da Nacionalidade, was modified by the law decree “decreto-lei 30-A/2015” of February 27, 2020,

² See, art. 24-A.2 of the Citizenship Law. The Preamble of the law decree also comprises a list of such family names.

³<http://app.parlamento.pt/webutils/docs/doc.pdf?path=6148523063446f764c324679626d56304c334e706447567a4c31684a566b786c5a793944543030764d554e425130524d5279394562324e31625756756447397a5357357059326c6864476c3259554e7662576c7a633246764c7a41304d6d59344e4441324c574a6a4e5467744e4455314e5331694f4451334c5459785a5449784f57457a4f4449334e5335775a47593d&fich=042f8406-bc58-4555-b847-61e219a38275.pdf&Inline=true>.

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This reflects the disparity of treatment of Jewish communities: of all the communities with Portuguese ancestry existing in the world, this is a condition that is required only from Jews.⁴

Following heavy pressure from the Jewish Portuguese Community, alongside with Jewish organizations worldwide,⁵ NGOs⁶ and prominent voices from Portuguese society, including the Bishop of Porto, Padre Victor Melícias - the Parliament withdrew the proposed pre-condition, and agreed to a more vague one – applicants will have to prove a “contemporary relationship” with Portugal.

Other politicians and commentators voiced a preoccupation that a potential invasion of applicants under this law is to be awaited, using some antisemitic tropes under the banner of “The Jews are coming!”. Interestingly, the Portuguese language does not distinguish between Jews and Israelis, and the word “israelita” is used for both meanings.

Here are a few public statements on the subject: Vice President of the Socialist Party Constança Urbano Sousa said that “one family with 4 members in 250 years will be tens of millions. They will be tens of millions.”⁷ And in the same intervention she compared the Sephardic descendants to the spread of Covid19. For that comparison in the Parliament commission, later on, she apologized before the Lisbon Jewish Community.

Rui Pena Pires, Socialist Party direction board member and professor at the Instituto Universitário de Lisboa,⁸ said that “the Jews and their descendants are going to be tens of millions in a short time”.⁹ The same stance was voiced by Paulo de Morais¹⁰ - PSD/Independ - https://en.wikipedia.org/wiki/Paulo_de_Morais: “They are asking for the nationality by the millions”.¹¹

⁴<https://www.publico.pt/2020/05/17/opiniao/opiniao/dia-triste-antisemitismo-mochila-1916715>

⁵<https://observador.pt/2020/07/01/judeus-europeus-pedem-a-ar-para-nao-por-em-causa-o-essencial-da-lei-dos-sefarditas/>.

⁶<https://expresso.pt/sociedade/2020-05-13-Cresce-movimento-contra-alteracao-da-lei-da-nacionalidade-de-judeus-sefarditas>.

⁷<https://observador.pt/opiniao/vem-ai-os-judeus/>.

⁸<https://ciencia.iscte-iul.pt/authors/rui-pedro-pena-pires/cv>.

⁹<https://www.publico.pt/2020/05/26/opiniao/opiniao/nacionalidade-reparacao-efeitos-perversos-1917997>.

¹⁰<https://www.publico.pt/2020/05/26/opiniao/opiniao/nacionalidade-reparacao-efeitos-perversos-1917997>.

¹¹ <https://www.publico.pt/2020/06/29/opiniao/opiniao/lei-sefarditas-entregou-portugal-bandeja-1921743>.

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The current Minister of Foreign Affairs suggested that the applicants are “defaming the good name of Portugal internationally”; adding that “they are turning the Portuguese passport into a commercial object”.

So far, nothing has been said by these Government voices, about the fact that it is their responsibility to apply and enforce the law eliminating excesses or illegalities related to the citizenship law. It has been easier to be “alerted” by the Justice Minister that Sephardic Jews are “a factory of artificial citizens”.¹²

The way the public debate was handled by governmental and political figures left a clear impression on the general public that: “Jews are coming by the millions”; “they are abusing the new nationality” and “damaging the good name of Portugal worldwide”.

Moreover, Israeli law firms were described as the “bad” law firms that put Portuguese nationality to shame, and “only view the commercial side”. In the proposed amendment to the PC law, one of the reasons invoked is, in addition to the exponential increase in requests for naturalization, the argument that the legal regime procedures “boosted the creation of specialized companies that sell nationality with aggressive advertising in Israel or Turkey”. This reason was refuted by the Israeli Bar Association: "The advertising regime of Israeli lawyers does not allow the practice of advertising of a commercial nature", they emphasize in a letter to Portuguese government.¹³

As explained in the letter above mentioned, they only charge for the monitoring of the registration process to obtain nationality, which is a legal activity. The analysis of the processes and the granting, or not, of Portuguese nationality is the exclusive responsibility of the Minister of Justice and its officials. In the many articles on the subject (TV, newspapers and social networks) as in Parliament sessions speeches, they “blame” and even “suggest “the Israeli Law firms are giving Portugal a “bad fame” and “taking advantage of Portuguese generosity”. Of course there are also many Portuguese law firms,

¹⁰ <https://www.timesofisrael.com/no-drastic-change-to-portugals-law-of-return-for-jews-government-says/>.

¹² <https://observador.pt/2020/07/15/ps-retira-proposta-e-remete-para-governo-regulamentacao-sobre-descendentes-de-sefarditas/>

¹³ See, <https://portal.oa.pt/comunicacao/imprensa/2020/06/4/ordens-dos-advogados-de-portugal-e-israel-contra-alteracao-da-nacionalidade-a-judeus-sefarditas/>.

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Brazilian and others but the only nationality mention is the Israeli one. An article in a very popular site, (the only national polygraph check) “confirms”, as “truth”, the above in an article titled: “Portuguese-nationality-is-for-sale-on-the-internet-with-discount”.¹⁴

Note: This paper was written in August 2020. On August 25, 2020, the Portuguese Parliament sent the Nationality Law (Lei da Nacionalidade 2020) for the approval of the President of the Portuguese Republic.

On November 10, 2020 the amendments to the Nationality Law were officially published.¹⁵ Concerning the Sephardic Law, the President left it with the changes mentioned above and sent it back to the Government, which is required to clarify the meaning of "proving a contemporary relationship with Portugal" within 90 days.

¹⁴ <https://poligrafo.sapo.pt/fact-check/nacionalidade-portuguesa-esta-a-venda-na-internet-com-desconto>

¹⁵ the New Nationality Law is available at <https://dre.pt/home/-/dre/148086464/details/maximized> (Lei Organica 2/2020,2020-11-10).