

The Spanish Law of Return - Between Traumas and Wonders

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Aunque tú nos desterraste
como madrastra de tu seno,
no estancamos de amarte
como santísimo terreno
en que dejaron nuestros padres
a sus parientes enterrados
y las cenizas de millares
de tormentados y quemados.
Por ti nosotros conservamos
amor filial, país glorioso,
por consiguiente te mandamos,
nuestro saludo caluroso.

Although you exiled us,
from your breast like a stepmother,
we do not tire of loving you
as the blessed earth
in which our parents left
their relatives buried
and the ashes of thousands
who were tortured and burned.
For you we preserve
filial love, glorious country,
and so we send you
our warm greeting.
(Actas, 261)

Although You Exiled Us....

While some have refuted the idea of ever considering a return to the land of *autos-de-fe*, of the Holy Inquisition, of government-sanctioned xenophobia, and of the never-forgotten requests for *Limpieza de Sangre*, the possibility of a Sephardic return to Spain has for half a millennium allured the Judeo-Spanish. Somehow, a prevailing feeling of nostalgia for Sefarad has stayed within the exiled *Juderias* of Salonika, Istanbul, Tiberias, and even among the secret Jews of the Brazilian Sertão, and of

the Colombian mountains of Medellin. Indeed, for over 500 years that *Anhelo* could only be expressed through poems, stories, and synagogue chants. But today, in addition to having the soulful *Djudezmo* Songs of Yasmin Levi, the Sephardim may once again visualize walking in the land of Maimonides, as compatriots.

All this possibility flourishes as a draft bill was introduced this past February by Spanish Justice Minister Alberto Ruiz-Gallardon, with the intent to “repair a historical error,” in reference to the Spanish Inquisition of 1492, as it “forced hundreds of thousands of Jews to flee the Iberian Peninsula or convert to Christianity in an attempt to escape religious persecution led by the Catholic Church and the Spanish royal house” (1).

But in the field of legalities, there is no room for ambiguity. And so, one is compelled to ask: What is to be Sephardic? The *Merriam-Webster* dictionary defines as Sephardi “any member of the Jewish community, or their descendants, who lived in Spain and Portugal from the Middle Ages until their expulsion in the late XV century...They differ from the Ashkenazi Jews in their traditional language, Ladino, and in their preservation of Babylonian rather than Palestinian Jewish ritual traditions...” (2). Thus, vernacular language accepts the continuation of the Hispanic-ism of the Sephardi, not only by origin, but also through language, and ritualistic tradition. A discussion of what it means to be Sephardic is at the crux of this new Spanish bill, which aims to repair a wound that took place at the Zeitgeist of the Spanish Inquisition.

Contemporary Spain & Old Jewish Prejudices

As spurs of extreme right-wing nationalism and antisemitism are increasingly more common in today's social-political European arena, the Sephardim wonder if Spain should even be considered a potential destination where they may safely settle. The Brussels Journal reports a less-than-ideal scenario, reporting that “Spain is the only country in Europe where negative views of Jews outweigh positive views; only 37 percent of Spaniards think favorably about Jews. Pew’s latest

research about Spanish anti-Semitism corroborates the findings of other, similar surveys. For example, a report about European anti-Semitism published by the New York-based Anti-Defamation League says that 54 percent of Spaniards believe that “Jews have too much power in international markets,...” (14), an old belief that has been the source of persecution, expulsion, and pogroms throughout Jewish history.

Indicatively, a survey data on Spanish judeophobia may point-out to a surprising factor of antisemitism: When contemporary Spaniards were asked if they have actually ever met a Jew, not very many had much to say. In fact, “Spain today has one of the smallest Jewish communities in Europe; the country has only 12,000 Jews out of a total Spanish population of 42 million, which works out to less than 0.05 percent” (14). It does therefore appear that the lack of Jewish presence in the Spanish nation may be a factor in the continuation of old anti-Jewish sentiments, as there is a lack of Jewish voices to police and demystify such ideas. The implementation of the Law of Return could, therefore, arguably provide the Jewish exposure that Spain needs, through the immigration and the coming together of more Sephardim in Spanish soil.

The Proposed Sephardic Law of Return

As the Sephardic repatriation bill is yet to become law, let us analyze some of the inquiries pertaining to it: Do the Sephardim have a historicity that supports their cultural tie with the Iberian Peninsula ? What does it mean to be a Sephardi who returns to a home that has remained illusive for the past 500 years? And how do current Spanish laws differ from this proposed Sephardic citizenship bill? As this articles aims to show, the issue at hand is controversial, the stakes are undeniably high, and opinions are evermore contrasting.

The Spanish Council of Ministers and the Spanish Cabinet have proven admirably cooperative of the bill's prerogative, leading spectators to believe that an inclusive Sephardic repatriation gateway is soon to be open. As *The Forward* reported on the 6th of July, 2014, “The Spanish government...proposes to dispense with the need to relinquish foreign nationalities as required

for other new citizens...(1),” a truly atypical measure for the Spanish, as the current legislation states that Jews may only “apply for citizenship if they reside in Spain for more than two years and can prove family ties to expelled Spaniards. Each request is evaluated individually and approved or rejected by a senior Interior Ministry official” (1). Furthermore, the Spanish daily *El País* reported that an array of new creative criteria would be taken into consideration for one's qualification, such as a certification by “a competent rabbinical authority, ..., family ancestry and knowledge of Ladino, the Judeo-Spanish language” (1). Now the bill simply awaits parliament approval.

“El Español ” in the Sephardi

But what is the veracity of the claim that today's Sephardim remain culturally “Spaniards without a Homeland,” as Dr. Pulido coined it? History and contemporary culture may shed some light on this central question. In *Jewish History and Gentile Memory: The Expulsion of 1492*, Edward Peters explains that since the first quarter of the eighth century, as Spain was under Islamic rule, the kingdoms of Leon-Castila, Aragon, and Portugal already contained a greater numbers of Jews and Muslims than any other Christian territory in western Europe; “Until the late fourteenth century the kind of public life led in these states was termed *convivencia*, 'peacefully living together,' and in Jewish usage Iberia was termed *Sefarad* ...” (3). This somewhat social-religious idyllic environment was the norm, but intellectual thought and mutual cooperation came under threat between the XI – XIII Centuries, as the Christian kingdoms and principalities of northern Iberia were able to secure their power southward; “They acquired territory and [the] service of non-Christians for some governmental functions - chiefly financial and professional- that Christian subjects could not or would not perform. Although Jews were needed, they were also excluded from high public office, as were Jews elsewhere in Christian Europe” (3).

Even though this situation secured the Jews a comfortable place in the economic strata, anti-Semitic sentiment incredibly heightened by the XIV Century, and in 1391 a multitude of riots broke out in different parts of the Iberian Peninsula; “As a result, about half the Jewish population of

Iberia converted to Christianity...A generation or so later, in the 1440s, new anti-Jewish movements began again, directed this time also against the 'New Christians,'... and unbaptized Jews, [mainly due to] the success of converso individuals and families in achieving high public office and intermarrying with 'Old Christian' families, entering both the nobility and the church” (3).

Edward Peters expounds on the final moments of Jewish history in XV Century Spain; “Fear of the reconversion to Judaism of the New Christians...led to the establishment of an investigatory tribunal, the Spanish Inquisition, between 1478 and 1483. Results of the Inquisition's activities in the 1480s and 1490s appeared to confirm these fears, and steps were taken to segregate Jews from both Old and New Christians as early as 1480. By March, 1492, the rulers of Castile and Aragon, Isabella and Ferdinand ... decided to take a further step, of expelling all unbaptized Jews from the kingdoms of Castile and Aragon” (3).

Sephardic Identity – *Anhelo y Trauma*

Sephardic Jewry had a recorded history in the Iberian Peninsula of at least seven centuries prior to the Expulsion of 1492, as such, millions of contemporary Sephardim might still have carried the cultural flagship of Spain throughout their Diaspora. To be precise, 3.5 million Sephardic Jews, as Deputy Prime Minister Soraya Saenz de Santamaria have said, “may potentially apply for Spanish nationality” (4). With such great numbers in sight, some questions arise: Did the Sephardim preserve a cultural tie to the land of Cervantes? Do they demonstrate a historical longing for the loss of their Spanish citizenship? These are relevant queries in regards to the contemporary descendants of the exiled *Hebreos*.

An insight is offered on the book *Sephardim: The Jews from Spain*, where several case-studies of modern Sephardic mentality are investigated. The book cites senator Dr. Pulido's research, who worked arduously to analyze and reignite a warmer relationship between Spain and her ill-treated Jewish menage. Dr. Pulido's starting point was to simply answer the following inquiry: “What is and has been the Sephardi attitude toward Spain?” (5). In order to go about his probe, Dr. Pulido

disseminated information and instigated debate among the Sephardim and the Spanish population. He eventually succeed, as “Spaniards learned about the existence of the forgotten Sephardim, intellectuals began to take an interest in them...[and] Sephardim...found out that the country called Spain was a current reality and not just a historical vestige filed away in their memories from the time of the expulsion” (5).

In his correspondence with several Sephardic community members throughout the world, Dr. Pulido collected revealing findings, as newspapers often reported: Yosef Romanho, editor of the newspaper *El Meseret* in Smyrna stated; “en leyendo vuestro estudio en 'España' yo creí leer o sentir las palabras de un apóstolo (...)” (5). Isaac Pisa, also a respectable member of the Smyrna Sephardic community, expressed in Spanish to Dr. Pulido: “La España es nuestra patria, la tierra donde están nuestros padres. Allí duermen nuestras glorias y allí nuestros monumentos; allí se escribieron las páginas más gloriosas de nuestra historia. [Spain is our homeland, the land where our ancestors are. There sleep our glories and there are our monuments. There were written the most glorious pages of our history.] And the Sephardi Isaac Alcheh y Sapora, who spoke in the Ateneo in Madrid, strongly affirmed: “Spaniards we were, Spaniards we are and Spaniards we will be” (5).

Dr. Pulido's insistence yielded surprising results, as it sparked early Sephardi pilgrimage and immigration to Spain. For instance, from the Egyptian Sephardic community of 1946, most of which were Judeo-Spanish families from Turkey who had immigrated to Egypt at the beginning of the XX century, “126 Jews from Cairo and 146 from Alexandria and Port Said took on Spanish Citizenship (under the agreements between Spain and Egypt)..[and] in 1968, after the Six Day War, another 110 Sephardim were able to leave because their visas indicated that they were Spanish citizens” (5).

The pilgrimages caused a cultural exchange that was both moving and transformational, as the Sephardim “compared Madrid, Barcelona, or Alicante to the Jewish quarter in their native Smyrna, Bucharest, or Salonika. They emphasized the similarity of Spanish and Sephardic names, of physical characteristics and of thought processes, of foods and customs. They even found flamenco music like

synagogue chants or like Levantine ballads and songs” (5). Jose Estrugo described touching impressions: “...in October 1922 I first arrived in Spain...I was rejoining an ancient country from which my ancestors had been expelled so cruelly!... For the first time in my life I felt truly at home, like a native. Here I was not, I could not be an intruder! For the first time I felt completely at home, much more so that in the Jewish quarter where I had been born! I am not ashamed to confess that I bent down, in an outburst of indescribable emotion, and kissed the ground on which I was standing...I coincided with the observations of other Sephardic travelers and thought I saw everywhere faces of friends and relatives, the same women, the same children, the same classes, the same mindset and, above all, it was a stabbing joy to hear my language spoken for the first time in a Christian land...-- that language which in the Levant is called “Jewish” (5).

Nevertheless, as it is the case with most social-political issues, Spain's nationality proposal has also receive a fair share of negative criticism. Not only has the Spanish government been confronted by anti-return advocates, but also has any outspoken supporter of the reform; “Dr. Pulido himself once came up against the opposition of people who, considering Spain to be the country of the Inquisition and Exile, refused to have any contact with him, not even by letter or exchange of publications” (5). Gad Franco, a Jew from Smyrna, pointed out to Dr. Pulido that the Israelites “have no feelings of sympathy for [his] country. Such negative attitudes still continue, as this article will show.

The Current Laws of Citizenship Vs. The Sephardic Exceptionalism

It is imperative that one analyzes the current Spanish Naturalization Laws, so that the exceptionalism of the Sephardic Law of Return may be fully understood. In essence, the present-day Spanish Civil Code establishes ground for two types of nationality: Spanish nationality by origin, and Spanish nationality not by origin. Article 17 summarizes Spanish nationality by origin as; “individuals born of a Spanish parent, ... individuals born in Spain of foreign parents if at least one of the parents was also born in Spain, with the exception of children of foreign diplomatic or consular officers

accredited in Spain, ... individuals born in Spain of foreign parents if neither of them have a nationality, or if the legislation of either parent's home country does not grant the child any nationality, [and] individuals born in Spain of undetermined filiation, those individuals whose first known territory of residence is Spain, are considered born in Spain” (6). There is also the case of “foreigners under 16 years of age who are adopted by a Spanish national, [who] from the moment of adoption, [are granted] Spanish nationality by origin” (6). Exchangeably, in regards to Spanish nationality by option, Article 20 of the Spanish Civil Code describes the individuals who may opt for Spanish nationality. They are those who were “under the tutelage of a Spanish citizen, [and those] whose father or mother had been originally Spanish and born in Spain. Article 20 also clarifies that this option must “be claimed within two years after their 18th birthday or after their 'emancipation', regardless of age” (7).

There is also the case of individuals acquiring Spanish nationality by naturalization and residence, which may only be given via Royal Decree, for exceptional cases. Article 22 states that for naturalisation by residence it is necessary for the individual to have lived in Spain for: “ten years, or five years if the individual is a refugee, or two years if the individual is a national of a country of Iberoamerica, Andorra, Philippines, Equatorial Guinea, Portugal, or if the individual is a Sephardi Jew” (8). The current Law of Return, specifically, wishes to do away with this residence requirement for Sephardic Jews.

As there is legislation for the acquirement of Spanish citizenship, there also are ways to lose one's Spanish nationality, although not always irreversibly: One loses Spanish nationality by voluntarily “acquiring another nationality, [or by] exclusively using another nationality, which was conferred to them prior to their age of emancipation” (7). Also, Spanish nationals that “expressly renounce Spanish nationality if they also possess another nationality and reside outside Spain will lose Spanish nationality, ... minors born outside Spain that have acquired Spanish citizenship being children of Spanish nationals that were also born outside Spain, and if the laws of the country in which they live grant them another nationality, will lose Spanish nationality if they do not declare their will to retain it

within three years after their 18th birthday or the date of their emancipation”(7). An exception to all that prevails when Spain is at war. As for reversing this process, individuals may recover their Spanish nationalities by simply, once again, becoming legal residents of Spain.

And lastly, Spanish nationality may be acquired through the Law of Historical Memory, as in 2007 the government of prime minister José Luis Rodríguez Zapatero, approved a law which aimed “at recognising the rights of those who suffered persecution or violence during the Spanish Civil War (1936-1939), and the dictatorial regime that followed (1939-1975). In recognition of the 'injustice produced by the exile' of thousands of Spaniards...” (7). Honorably enough, this law also includes as eligible all “those foreign individuals members of the International Brigades who had defended the Second Spanish Republic in the Spanish Civil War” (7).

“Just a Piece of Paper”: Economics & Disapproval

While many have cheerfully received the news that Spain now wishes to grant citizenship to her distanced native Jewry, some in the Jewish world have expressed disgruntle. Drawing historical parallels, they believe that Spain is asking for the Sephardim to return for the same reasons they were once expelled; economics.

Josh Nathan-Kazis is an example of a descendant who strongly believes in such possibility, as he tells his experience when bidding for a potential Spanish passport. When Nathan-Kazis spread out four sheets of his genealogical charts on the glass conference table of spokeswoman for Spain's Jewish federation, María Royo, he pointed to the name of Luis Gomez, born in Madrid in 1660: Gomez “was my great-great-great-great-great-great-great grandfather. He died in New York City; a house he built upstate is now a museum” (9). After showing generations of recorded history of Nathans and Gomezes linking back to Spain, Royo did not seem impressed: “This is just a piece of paper” (9), said the spokeswoman, and Nathan-Kazis realized that this was going to be much harder than he originally thought.

Despite Nathan-Kazis' initial flirtation with the possibility of becoming a Spanish national,

the experience made the descendant of Luis Gomez reconsider other nuances of what it means to accept Spanish citizenship: “I worried about its implications for my historic guilt quotient. Would a Spanish passport make me responsible for Columbus and the conquistadors and that whole thing with Cortés pouring gold down Montezuma’s throat? What about the sinking of the Maine? The murder of Lorca? Bullfighting?” (9). Jonathan, a junior at the University of Chicago and a cousin of Josh Nathan-Kazis, was much more austere about the subject: “I think they lost their claim to me when they kicked me out the first time” (9).

Nathan-Kazis pressed on to understand the Spanish mindset on granting citizenship to the Sephardim: “I had gone to meet Don Juan Ramón Martínez Salazar in his office around the corner from Bloomingdales in Midtown Manhattan to see if I could learn anything about the status of the law” (9). As Nathan-Kazis expresses, “Martínez said the passports would be a symbolic gesture demonstrating the Sephardic connection to Spain...this Sephardic population belongs to Spain,..., it would be a good thing to, in a way, have them back” (9). Soon after, Josh Nathan-Kazis embarked on a plane to Spain to further study the prospects of this law, and by November 2013, he realized that “Madrid was suffocating amidst an endless recession, and the Jewish community there was dying along with it...the country...was trying to negotiate its new-found interest in its Sephardic past while figuring out how to capitalize on it - By the time I got on the flight back to JFK,..., I was certain I didn’t want to be Spanish” (9) - reports Josh Nathan-Kazis.

Likewise, the Jpost echoes such rationale, saying that “Spain has suffered enormously since the global financial crisis hit of 2008. Its current unemployment rate is 25 percent, a growing number of young people are emigrating and the country endured a double-dip recession from which it is only now beginning to emerge. The prospect of forging a new link with potentially millions of people of Sephardi ancestry, and the possible windfall that might ensue as a result of increased investment and tourism, was surely not lost on the decision-makers in Madrid when considering the citizenship bill. And that, of course, is what makes this development so decidedly ironic: the Expulsion happened in

part because Spain wanted the Jews' assets, and now they are welcoming Jews back for the same reason" (10).

Suffice to say that one may too easily find a handful of instances when expulsions occurred only to be reinstated some centuries, or even just decades, later. The two most famous European cases being that of King Edward I, when "English Jewry was expelled on July 18, 1290, (...), and were officially allowed to return in 1656 under Oliver Cromwell," and that of the early 14th century, when "over the course of less than two decades, France expelled its Jews, readmitted them and expelled them once again" (10). Critics of the new bill have further added that citizenship alone is not enough, and that monetary compensation should also be followed. Michael Freund, of Shavei Israel, mentions that "Jewish synagogues and structures, as well as religious artifacts that were confiscated after the Jews were forced out, have yet to be returned to Jewish ownership" (10).

Spain is Reconciling with All Sephardim. Will Israel?

Michael Freund recognizes that "regardless of their motivations, the governments in Madrid and Lisbon [who is also passing a Law of return for the Sephardim] are to be commended for the gesture, [for] these are historic moves, signifying that tangible steps are at last being taken to address the injustices that were perpetrated on the Iberian Jewry in the 15th century" (10). Freund takes the opportunity to remind that Israel should also act on the same spirit in regards to the plight of the Sephardic crypto-Jews: "It behooves Israel to take notice of this and to consider making its own historic gestures, particularly to the Bnei Anusim, the descendants of Spanish and Portuguese Jews who were compelled to convert to Catholicism in the 14th and 15th centuries."

On that note, in a speech in Ashdod, Jewish Agency Chairman Natan Sharansky, argued that it is time for the State of Israel to ease the way for their return. Freund further brings to mind that "the Bnei Anusim are our brethren and, through no fault of their own, their ancestors were torn away from us under duress. We owe it to them, and to ourselves, to strengthen the bonds between us and bring back to the Jewish people as many of them as possible. Steps should be taken to address the

myriad bureaucratic and religious issues that stand in their way so that the door of return for the Bnei Anusim can finally swing open. After all, if Spain, which cast their ancestors out, is seeking ways to reconcile with the descendants of Iberian Jewry, then isn't it time for Israel to do the same?" (10).

The Judeo-Spanish Culture: Forging a Sense of Ownership

One of the most poignant aspects of providing citizenship to the Sephardim, is that this measure could create a much-needed cultural umbrella among the descendant community. While a massive migration to Spain is highly unlikely, one could anticipate that Sephardic tourism would indeed increase, and that fact alone would carry certain benefits. A cultural revivalism would be likely to happen as Sephardim become more immersed in the Spanish environment. More of the Iberian culinary, music, and traditions would slowly seep into the Sephardic community, and at some point, the community would feel a deeper sense of ownership for all things Judeo-Spanish. It is not farfetched to even expect a resurgence of Ladino, since this almost extinct dialect is the clearest epiphany of Spanish Judaism.

Ladino, also known as Dzhudezmo, Spaniolit, or Judezmo, is the original dialect of Jews of Spanish origin. Even though the language is now known as a Jewish dialect, it only became so after the expulsion from Spain in 1492, when Jews "were expelled from Spain and Portugal [and] were cut off from the further development of the language,..., Ladino therefore reflects the grammar and vocabulary of 14th and 15th century Spanish, [coupled with] Hebrew, Arabic, Turkish, Greek, French, and to a lesser extent,..., Portuguese and Italian" (11).

In fact, in the past few years there has been renewed interest in Ladino, both by academia and by descendants who see the disappearance of their ancestral language. Statistics show that only about "160,000 and 300,000 Sephardim worldwide have some knowledge of Ladino, [and] in Israel, many estimate that 50,000 to 80,000 people are somewhat familiar with Ladino" (12). In recent years, even before the Sephardim were offered Spanish citizenship, an array of "conferences, study centers,

book-collection efforts and teacher-training programs” in Ladino started making an appearance (12).

Ladino was the main topic of a recent keynote lecture at a UCLA conference. In a symposium titled uLADINO, speakers from Israel, Hungary, Turkey, Mexico, Texas, Washington and Illinois, presented the current state of the language, and the urgent need to rehabilitate it into a living means of communication. Papo, one of the presenters, expressed that “many people have tried to kill Ladino,...,but somehow it’s survived. The Nazis massacred many Ladino speakers, like the Sephardim in Greece. Those who survived the Shoah were mostly in Turkey and Bulgaria, and many of them went to Israel after World War II” (13). Thus, many believe that it is moral obligation to bring Ladino back into colloquial use, specially now, with the Spanish Law of Return.

Marvels Yet to See

Will the Sephardim, after half a millennium, be able to replace the bitter memory of the Expulsion with that of a redemptive return to Spain? Can the Inquisitional fires be overshadowed, by the joyous prospect of once again reestablishing Jewish life in Andalusia? Will *Juderias* once more spring forth throughout the Spanish landscape for the Sephardim to cultivate, renovate, and propagate their ancient customs to their brethren? Will this close interaction with the Spanish onshore spark a new-found interest in Ladino? Romanticism apart, whether tourism dollars may be a significant factor or not, the land of *El Cid* now wishes to repair a historical error. In a world where Jewish presence and interests are evermore shunned by antisemitism, there is indeed great merit in Spain's recognition of the Sephardim as her legitimate progeny. The prospect is surely startling, but this Ladino saying distinctly expresses the Sephardic survivalist mentality: *Vivir dias, ver miravillas*, To live days is to see marvels!

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