

Bucknell University

Bucknell Digital Commons

Faculty Journal Articles

Faculty Scholarship

12-2020

“Spanish Citizenship and Responsibility for the Past: The Case of the Sephardim, Moriscos, and Saharawis”

Michael James
mjames@bucknell.edu

Follow this and additional works at: https://digitalcommons.bucknell.edu/fac_journal



Part of the [Political Theory Commons](#)

Recommended Citation

James, Michael. "Spanish Citizenship and Responsibility for the Past: The Case of the Sephardim, Moriscos, and Saharawis." (2020) .

This Article is brought to you for free and open access by the Faculty Scholarship at Bucknell Digital Commons. It has been accepted for inclusion in Faculty Journal Articles by an authorized administrator of Bucknell Digital Commons. For more information, please contact dcadmin@bucknell.edu.



Spanish citizenship and responsibility for the past: the case of the Sephardim, Moriscos, and Saharawis

Michael Rabinder James

To cite this article: Michael Rabinder James (2020): Spanish citizenship and responsibility for the past: the case of the Sephardim, Moriscos, and Saharawis, *Politics, Groups, and Identities*, DOI: [10.1080/21565503.2020.1852944](https://doi.org/10.1080/21565503.2020.1852944)

To link to this article: <https://doi.org/10.1080/21565503.2020.1852944>



Published online: 06 Dec 2020.



[Submit your article to this journal](#)



Article views: 11



[View related articles](#)



[View Crossmark data](#)



Spanish citizenship and responsibility for the past: the case of the Sephardim, Moriscos, and Saharawis

Michael Rabinder James

Social Sciences, Bucknell University, Lewisburg, PA, USA

ABSTRACT

In 2015, Spain passed a law expediting citizenship for the descendants of the Sephardic Jews expelled in 1492, but not to the descendants of the Moriscos expelled in 1609. In this essay, I use Spain's 2015 citizenship law as a test case for assessing three normative models for linking citizenship with collective responsibility for the past: reparations for historic injustice; the principle of coercively constituted identities; and remedial responsibility. I argue that the first two models confront intractable philosophical problems that are circumvented by the third model, remedial responsibility, which prioritizes contemporary suffering and looks to the past only to identify agents who must provide a remedy. However, remedial responsibility subordinates the obligation to expedite citizenship to descendants of the Sephardim and the Moriscos in favor of the Saharawis, citizens of the former Spanish colony of Western Sahara who still languish in refugee camps forty years after decolonization.

ARTICLE HISTORY

Received 17 June 2020
Accepted 30 October 2020

KEYWORDS

Spain; citizenship;
Sephardim; Moriscos;
Saharawis; reparations;
David Miller; Rogers M. Smith

In 1492, Columbus sailed the ocean blue. That was on August 2. Four months earlier, something else happened. Isabel and Fernando, Spain's so-called Catholic Monarchs, issued the final edict requiring all Jews either to leave the kingdom or to convert to Catholicism. That was on March 31. Three months earlier, something else happened. Those same Catholic Monarchs entered Granada, the last Muslim-ruled kingdom on the Iberian Peninsula, completing the Reconquista (reconquest) that brought all of Spain under unified Catholic control. That was on January 2. In short, 1492 was an important year in Spain. Spaniards still remember it as such.

In contrast, 1609 is largely obscure to contemporary Spaniards. However, for a large minority of Spanish subjects at that time, it was an important year. On April 4, the Spanish king issued the final edict to expel all Moriscos, or Muslim converts to Catholicism. Over the next five years, 300,000 Moriscos fled the peninsula, dwarfing the roughly 50,000 Sephardic Jews who left over a century earlier (Kamen 1997, 23, 227; Bernabé Pons 2009, 141).

Most contemporary Spaniards would rather forget 2015, the seventh year of Spain's economic downturn, replete with 20% unemployment and a sovereign debt crisis. However, for hundreds of thousands of Sephardic Jews, this was potentially an important

year, since the Spanish Parliament passed, by a unanimous voice-vote, a law expediting citizenship to the descendants of all Sephardic Jews expelled back in 1492 (Garea 2015). Spain's 1982 citizenship law already eased the naturalization of descendants of Sephardic Jews, who, along with immigrants from adjacent Iberian states and former Spanish colonies, could acquire citizenship after only two years of residence in Spain, as opposed to the ten-year residency requirement demanded of all other immigrants, including those from Morocco (Gutiérrez Calvo 2014). The new law, in contrast, eliminated any residency requirement for descendants of expelled Sephardim, so long as they could certify their Iberian lineage and cultural connection, and pass tests covering contemporary Spanish language, laws and customs (González 2016). Such a generous citizenship policy was never extended to the descendants of the Moriscos, most of whom ended up in Morocco. This differential treatment bears a significant contemporary effect, since unlike the Sephardic diaspora, Morocco constitutes a large source of contemporary Spanish immigrants, both regular and irregular, due to its proximity to and relative poverty compared with Spain.

In this essay, I use Spain's 2015 citizenship law as a test case for assessing three liberal models for linking citizenship with collective responsibility for the past: *reparations for historic injustice*; *the principle of coercively constituted identities*; and *remedial responsibility*.¹ After first surveying contemporary justifications and criticisms of the 2015 citizenship law, I then probe the historical record in order to identify *coercive minority identity suppression*, not mere expulsion, as the *fundamental injustice* imposed on religious and ethnic minorities in early modern Spain. This reading of history reveals that the first two models, reparations for historic injustice and the principle of coercively constituted identities, confront intractable philosophical problems that are circumvented by the third model, remedial responsibility, which prioritizes contemporary suffering and looks to the past only to identify agents who must provide a remedy. Focusing on remedial responsibility, however, weakens the case for a blanket extension of citizenship to descendants of either the Sephardim or the Moriscos, while strengthening the case of such a policy for the Saharawis, stateless inhabitants of Spain's former colony of Western Sahara, whose plight received only scant attention during the parliamentary and public debates over the 2015 citizenship law.

To facilitate a comparative assessment of these three models, I will assume the philosophical coherence of collective, diachronic responsibility, or the idea that a group of people can bear responsibility for injustices committed by those understood to be their collective ancestors. This is a philosophically nettlesome issue that raises questions about individual versus collective responsibility, whether the nation or the state is the proper locus of collective responsibility, and whether responsibility can be inherited by future generations (see Kukathas 2003; Lippert-Rasmussen 2009; Miller 2007; Spinner-Halev 2012). However, the specific case of the 2015 citizenship law merits circumventing it, since the Spanish legislature unanimously and voluntarily accepted diachronic, collective responsibility for the decision of the Spanish Monarchy in 1492 to expel the Sephardim. Its decision not to extend expedited citizenship to the descendants of the Moriscos expelled in 1609 or to the Saharawis abandoned in 1976 had nothing to do with any general rejection of diachronic, collective responsibility, but rather to the Spanish government's own substantive justifications for preferring the Sephardim. It is to these justifications that we will now turn.²

1. Contemporary justifications for the 2015 Sephardic citizenship law

Contemporary Spain can reasonably be understood as a polity that adheres to liberal-democratic norms of justice, such as freedom of conscience, religious toleration, equality before the law, and protections for minority linguistic groups. It is in this context that the Spanish government approved and justified its decision to expedite citizenship for the descendants of the expelled Sephardim but not of the expelled Moriscos. In contrast, post-Reconquista Spain was illiberal, undemocratic, and deeply anti-Semitic and Islamophobic, and most of its Catholic members felt fully justified in expelling the Sephardim and Moriscos and coercively suppressing their religious or ethnic identities. Although contemporary Spain no longer practices such illiberal policies, its government decided to facilitate the naturalization of descendants of the Sephardim but not the Moriscos. And as suggested by its passage via an open, voice-vote, this decision provoked little controversy among lawmakers and the broader public.

Spanish officials proffered two justifications for the law. The dominant justification framed it as a reparation for past historic injustice. When proposing the law in 2012, Justice Minister Alberto Ruiz-Gallardón described it as a recompense to those Jews “who had been unjustly deprived of their nationality” (El País 2012).³ After its passage in 2015, Gallardón and Exterior Minister Rafael Catalá jointly depicted it as a means to “repair an injustice from 500 years ago” (Garea 2015). Spanish King Felipe VI similarly invoked the reparations frame, stating that Spain “shares the horror of the victims of the absurd and cruel sacrifice of the Sephardim” (Alberola 2016). This frame also appeared in statements given by Sephardic leaders, such as Mario Eduardo Cohen, who viewed the law as “an act of historic reparation for a tragic and serious error” (Minder 2015).

However, representatives of descendants of expelled Moriscos also invoked the reparations frame to challenge their exclusion from the law. Riay Tatory of the Islamic Commission of Spain, viewed the law as “a very good gesture of justice towards the Sephardim. But we want justice as well” (Gutiérrez Calvo 2014). Similarly, Muhammad Escudero Uribe of Spain’s Islamic Council emphasized that “the cause and historical background is the same. And for this we want this same right to be extended. From a legal standpoint, it’s only just.” Most pointed was the criticism levelled by Najib Loubaris, President of the Association for the Memory of the Andalusians, who demanded that the Spanish government “should grant the same rights to all those who were expelled. Otherwise the decision is selective, not to mention racist” (Kassam 2014).

In response to such criticisms, Spain’s Deputy Minister of Justice, Juan Bravo, defended the preference given to the Sephardim by citing their maintenance of a Hispanic linguistic culture following their expulsion. Although both groups were expelled, Bravo emphasized that only the descendants of the Sephardim “maintained the signs of identity that recall their condition,” specifically citing their retention of Ladino, the Sephardic language closely related to Spanish. Conversely, “the Moriscos assimilated into the culture of the places where they settled after their expulsion. They disappeared as communities with a common origin.” As a result, Bravo concluded that the law is a response to “not simply expulsion, but rather the maintenance of links with Spain and Spanish culture” (Gutiérrez Calvo 2014).

In fairness, this linguistic-cultural justification had been invoked previously. In introducing the law in 2012, Justice Minister Gallardón highlighted how descendants of the

Sephardim “had recreated through affect a Spain that they never lost,” while one of the objectives of the law cited by Exterior Minister García-Margallo was to “recover the memory of the Spain that was silenced for such a long time” (El País 2012). Nevertheless, this justification remains contradictory in its application. In order to acquire Spanish citizenship, Sephardic applicants must pass a test of comprehension of *contemporary Spanish*, not Ladino. As Karen Gerson Sarhon, Coordinator of the Center for Sephardim in Istanbul, pointed out, although Ladino and contemporary Spanish are mutually understandable orally, “there are big differences in their written translation.” The contradiction, she emphasized, is that while Spain praises the Sephardim for maintaining their Hispanic culture for more than five centuries, the government does not let them pass a language test in their own version of Spanish (González 2016). Due to this linguistic barrier, along with the required test covering contemporary Spanish law and customs, only 387 Sephardim had acquired Spanish citizenship by February of 2017, leading the Spanish government to waive both tests for Sephardic applicants over the age of 70 (González 2017).

Moreover, descendants of expelled Moriscos also claim to have retained cultural links to Spain. Although these descendants do not speak a version of Spanish, Loubaris cites the Spanish influence on their music, architectural style, clothing, and cuisine (Kassam 2014). Morisco descendants also have family names that are either Spanish (Álvarez, Aragón) or derived from it (e.g., Loubaris from Olivares or Buano from Bueno). Tatory, of the Spanish Islamic Commission, even cites Morisco families in North Africa who keep the keys of the houses that their ancestors abandoned back in Spain (Gutiérrez Calvo 2014). Moreover, Morisco descendants emphasize that the cultural influences go both ways. Today’s Spanish language contains thousands of words derived from Arabic, such as *alcalde* (mayor) or *alfombra* (rug), while some of Spain’s most distinctive – and most financially remunerative – architectural gems, such as Granada’s Alhambra palace or Córdoba’s Mezquita, were built by Muslims (Kassam 2014).

The inconsistent and contradictory invocation of the cultural affinity justification prompts concerns that ulterior motives may animate the preference for the Sephardim over the Moriscos. Given its passage during Spain’s economic crisis, some suggest pecuniary interests lie behind the law. Israeli writer Michael Freund finds it “decidedly ironic” that “the Expulsion happened in part because Spain wanted the Jews’ assets, and now they are welcoming Jews back for the same reason” (Freund 2014). Less cynically, Jorge Fuentes, director of the Israelite Circle of Santiago, Chile, suggests that the citizenship law would “really help multiply commercial links” between Spain and Latin American countries with significant Sephardic communities (Minder 2015). Alternatively, Islamophobia and prejudice against racialized Moroccan immigrants could also animate the differential treatment, as suggested above by Najib Labouris.

However, we need not speculate about the hidden motives of the Spanish government in order to challenge its justifications for preferring the Sephardim over the Moriscos. We can simply look back to the situation faced by both groups in early modern, post-Reconquista Spain, since from a contemporary liberal-democratic perspective, the perspective from which we must evaluate the 2015 citizenship law, both groups suffered the same fundamental injustice. By fundamental injustice, I mean a broader scheme of injustice that encompasses smaller, albeit still abhorrent, instances of injustice. In the context of early modern Spain, expulsion was but one component of the broader, fundamental injustice faced by Muslims, Jews, and converts: *coercive minority-identity suppression*. While Catholic

Spaniards back then widely, though not universally, considered this policy wise and just, today's Spaniards would clearly repudiate it as a violation of liberal-democratic norms. As a result, if contemporary Spaniards wish to justify any law meant to repair the injustice suffered by the Sephardim or Moriscos half a millennium ago, they must do so in light of the fundamental injustice that, from today's perspective, members of those groups faced.

2. The fundamental injustice of coercive minority-identity suppression

Both defenders and critics of the 2015 citizenship law cite expulsion as the injustice that requires reparation. But the edicts of expulsion applied to the Sephardim in 1492 and the Moriscos in 1609 were merely part of the fundamental injustice of *coercive minority-identity suppression*, which preceded and followed the expulsions. This broader scheme had two forms. The first form was a *coercively imposed choice* either to convert to Catholicism or to face expulsion or punishment up to death. The second form might be called *post-conversion identity suppression*, since it targeted converted Jews (known as *Conversos*) and converted Muslims (*Moriscos*) even after they chose to adopt the Catholic faith.

Let us begin with the Sephardic subjection to *coercively imposed choice*. Although anti-Jewish legislation and violence in Iberia can be traced back to the sixth century (Netanyahu 1996, 34–40), the 1391 wave of pogroms in Southern Spain initiated the ultimate phase of Jewish oppression. Despite the killing of hundreds of Jews and the destruction of major Jewish ghettos, these pogroms are most distinctive for the high proportion of Jews who chose conversion over death (Gerber 1993, 114). The coercively enforced choice to convert sharply reduced the Sephardic population and created a new group of formerly Jewish “New Christians” or *Conversos*. Nearly a century later, the descendants of Jews who refused conversion were themselves forced to choose between conversion and expulsion from jurisdictions of Catholic Spain with large Converso populations, in order to minimize any religious influence they could have on their former co-religionists. The failure of these internal expulsions to settle such concerns led to the 1492 Edict of Expulsion, which coercively imposed the choice to either convert or leave Spain entirely. About half of the 80,000 practicing Jews still in Spain at the time chose to convert rather than leave, due to the risks of the sea voyage and the financial costs of expulsion. Indeed, conversion rather than expulsion may have been the primary motivation behind the edict, leading Henry Kamen to conclude: “The edict did not seek to expel a people, but to eliminate a religion” (1997, 22).

But even the effective elimination of Judaism from Spain did not end the broader policy of coercive minority identity suppression. *Conversos*, even after adopting the Catholic faith, continued to suffer *post-conversion identity suppression*, most prominently through the Spanish Inquisition, which was established in 1480 ostensibly to root out Judaizing, or the secret practice of the Jewish faith. Although the original *Conversos* forced to adopt Catholicism in 1391 were likely insincere in their new faith, substantial evidence suggests that by 1480, the great majority of their descendants, now two generations removed from forced conversion, were actually sincere Christians who inadvertently retained Sephardic linguistic and cultural practices (Netanyahu 1996). This suggests that the Inquisition stemmed from resentment over *Conversos'* wealth, noble titles, and tendency to claim a superior identity as the people who shared not only the faith but also the ethnic lineage of Jesus (Kamen 1997, 42–45).

But while most members of the original *Converso* communities had become sincere Catholics, the second wave of conversions prompted by the fifteenth century edicts of expulsion created a new cohort of *Conversos*, whose religious sincerity could be more validly questioned (Kamen 1997, 64). As a result, descendants of Jews were subject to a new form of *coercive minority identity suppression*, which differed from its 1391 and 1492 antecedents by eliminating conversion as a viable choice, since they had already converted to Catholicism. Instead, they were forced to admit to engaging in practices that violated Catholic norms, and even after doing so were punished financially (by the seizure of their assets), socially (by stigmatization and shame), and physically (through torture or execution by burning).

Post-conversion identity-suppression was also manifest in rules of *limpieza de sangre*, or blood purity, which excluded any individual tainted by Jewish or Muslim heritage from certain Catholic religious orders and educational institutions (Kamen 1997, 231). Importantly, this exclusion reflected not simply religious intolerance but an early form of modern racism (Frederickson 2002, 31–35). *Limpieza* eventually faded away in most of Spain by the late seventeenth century, primarily because the broader policy of coercive minority-identity suppression succeeded. *Conversos* were largely integrated into a broader Catholic Spanish identity, and most of them felt no affinity with their distant origins (Kamen 1997, 284). As a result, contemporary Spain does not really contain a broad, *Converso* identity group, and its roughly 50,000 practicing Jews mainly stem from immigrants from North Africa, Latin America, and the rest of Europe. In short, the policy of *coercive minority-identity suppression* was a smashing success.

Coercive minority-identity suppression also succeeded with respect to Muslims and *Moriscos*. Although some defend the expulsion of the *Moriscos* as the decolonization of Spain by foreign invaders, we must recall that parts of the Iberian Peninsula were under Muslim rule for nearly seven centuries, longer than the period of European or white control over North America. As a result, Iberia contained hundreds of thousands of Muslim commoners, who held no political office, often lived under Christian rulers, and thus formed as much a part of the Iberian society as did Jews and Christians (Bernabé Pons 2009, 17).

The Catholic *Reconquista*, completed in 1492 with the fall of Granada, fundamentally changed this. The official terms of surrender were generous, allowing the Muslims to retain their religion, customs, and Arabic language. Initial efforts at conversion roughly complied with John Locke's model of "peaceful persuasion" (Locke [1685] 1983, 30), whereby Catholic priests sought to win over converts by engaging in theological debates, expressing an appreciation for their culture, and conducting Catholic masses in Arabic. But because this approach produced few converts, the coercively imposed binary choice of convert or face punishment was adopted in 1499, with subsequent mass baptisms and the conversion of mosques to churches. This led to a Muslim revolt in Granada, which was met by a harsh response, this time the *coercive trinary choice of conversion or punishment or expulsion*. The result was the forced conversion of Granada's entire Muslim population, save for a small minority who were allowed to emigrate. The apparent success of this strategy led to its adoption in Castilla in 1502, where most Muslims chose conversion over expulsion or punishment (Kamen 1997, 214–215; Bernabé Pons 2009, 20–31). Eventually, a *coercive binary choice of conversion or punishment up to death* was imposed on the entire Spanish kingdom in 1525.

The forcibly converted Muslims now officially became Christian *Moriscos*, who like the *Conversos* became subject to *post-conversion identity suppression*. In Granada, local officials suppressed *Morisco* cultural identity by burning Arabic books and prohibiting spoken Arabic, traditional Moorish clothing, the ritual slaughter of animals, and circumcision. Exogamous marriages between *Moriscos* and Old Christians were also legally encouraged. In other parts of Spain, the Inquisition burned all books written in *aljamía*, a form of Spanish written in Arabic, thinking that they were Korans (Kamen 1997, 215–218; Bernabé Pons 2009, 27, 34–36, 52–56).

Unsurprisingly, post-conversion identity suppression sparked a revolt by the *Moriscos* in Granada, which was suppressed only after 30% of the *Morisco* population were killed (Bernabé Pons 2009, 44). Of those left alive, 80,000 were expelled from Granada and sent to other parts of Spain, while thousands were enslaved. Fears of a *Morisco* fifth column allied with foreign powers like Turkey led to further post-conversion identity suppression via the Inquisition, with *Moriscos* constituting 82% of its prosecutions in Granada (Kamen 1997, 215, 223–226; Bernabé Pons 2009, 44, 62–64). Anti-*Morisco* anxieties spread to other parts of Spain, eventually leading to the 1609 expulsion edict. By 1614, 300,000 *Moriscos* were forced out of Spain. Choice, perhaps, remained for the *Moriscos*. But because they were already converted to Catholicism, the binary choice faced by Jews in 1492 of conversion or expulsion was no longer operative. Instead, the *Moriscos* faced the different binary choice of punishment or emigration (Kamen 1997, 227–229).

3. Reparations for historic injustice

Recall that the point of this brief turn to history is *not to justify or condemn* the Spanish Catholic monarchy for its policies of coercive minority-identity suppression, either through coercively imposed religious choice or post-conversion identity suppression. Rather, the point is to evaluate the decision by the Spanish government in 2015 to grant expedited citizenship only to the descendants of expelled Jews. *Reparations for historic injustice* constitutes the most common framework for both justifying this law and criticizing its exclusion of *Morisco* descendants.

The framework of reparations has most famously been applied to the case of African Americans who suffered enslavement, de jure and de facto segregation, and ongoing racial discrimination and social disadvantage in the United States. The descendants of the Sephardim and the *Moriscos* differ from African Americans in at least two important ways. First, African Americans remain members of political community that enslaved and formally segregated them in the past. In contrast, the descendants of the expelled Sephardim and *Moriscos* are members of polities other than Spain. Second, African Americans continue to suffer forms of oppression and disadvantage at the hands of the United States. Conversely, whereas the Sephardim and *Moriscos* of early modern Spain certainly suffered oppression in the form of coercive minority identity suppression, it is doubtful their twenty-first-century descendants suffer oppression at the hands of the Spanish state due to their inherited identities. These key differences between the situations faced by the descendants of African American slaves versus the descendants of expelled Sephardim and *Moriscos* limits the types of reparations arguments applicable to the latter.

There are at least three models of reparations. The classic “tort model” is a form of rectificatory justice that seeks to compensate the descendants of victims of an injustice that has occurred in the past (Valls 2007, 124; Valls 2018, 23). As I will explain below, this model confronts certain difficulties when applied to the descendants of the expelled Sephardim and Moriscos, but for now let me briefly turn to two alternative reparations frameworks, in order to show why they cannot apply to the case of the descendants of the expelled Sephardim and Moriscos.

The political argument for reparations turns away from a strict concern with rectifying past injustices in favor of reforming contemporary political relations. Thus, Balfour (2014) reformulates the argument for reparations for American slavery and segregation as a means of reforming American democracy rather than combating economic injustice. This democracy over justice model, however, is less well suited to grounding a claims to Spanish citizenship, since the descendants of the Sephardim and Moriscos, unlike African Americans, are not members of the Spanish state they may wish to join. As a result, they lack the existing type of democratic political relations that Balfour’s model of reparations seeks to improve.

The fact that the descendants of African American slaves continue to suffer oppression today obviates the application of a third model of “reparations for the future.” As suggested by Wenar (2006), this model seeks reparations not just to remedy a past injustice but to combat *present* injustice and achieve *future* justice for African Americans (and others) who continue to suffer based on their identities as descendants of past injustice. The problem for the Spanish case is that while the early modern Spanish state clearly did oppress Sephardim and Moriscos (along with Conversos and Muslims) due to their identities, it does not today engage in identity-based oppression of their descendants, who live in other countries. It is true that some descendants of Sephardim and Moriscos in other countries may trace present deprivations to the expulsion of their ancestors from Spain, but these claims derive from the past actions of the Spanish state, not present ones. Consequently, reparations for the future works fit poorly the case of the Sephardim and Moriscos, even though it is promising in the case of African Americans.

As a result, the “tort model” of reparations, which is the version clearly alluded to by defenders and critics of the 2015 Spanish citizenship law, is the only one that fits the case of the Sephardim and Moriscos. The “tort model” analytically comprises three components: a wrongdoer (W), who commits an unjust act (A_u), thereby injuring a victim (V). Understood as a form of rectificatory justice, the tort model requires that V be returned to the status quo ex ante prior to A_u , through either restitution of some good or commensurate compensation. Because W bears moral responsibility for committing A_u , the absolute or even relative wellbeing of V is irrelevant: even if V were much richer than W , the latter would still owe restitution or compensation for A_u . Applying the tort model to reparations for historic injustice normally raises difficult questions regarding the diachronic collective responsibility of later generations. But as I mentioned earlier, the case of Spain’s Sephardic citizenship law allows us to circumvent such questions, since Spain’s government voluntarily accepted responsibility for providing reparations to the descendants of the Sephardim expelled in 1492, even as it evaded such responsibility for descendants of the Moriscos expelled in 1609. Nevertheless, other difficult issues confront the reparations framework in this case.

The first problem is *correctly identifying A_u* , the unjust act requiring reparation. Both defenders and critics of the 2015 Sephardic citizenship law understand A_u as the expulsion of the Sephardim and the Moriscos. But from a contemporary liberal-democratic perspective, A_u is more accurately understood as the fundamental injustice embodied by the entire policy of *coercive minority-identity suppression* adopted by the Spanish state during the early modern period. To reinforce this point, imagine that we could turn back the clock and rescind the two edicts ordering the expulsion of the Sephardim in 1492 and the Moriscos in 1609. In this scenario, would the Sephardim and Moriscos have been able to maintain their distinct religious or cultural identities in the manner expected by liberal-democratic justice? Almost certainly not, since the Sephardim and Moriscos who did not to emigrate suffered post-conversion identity suppression under the Inquisition, *limpieza de sangre* rules, language prohibitions, and even inducements towards miscegenation with Old Christians. As a result, descendants of those who stayed were assimilated into mainstream Spanish Catholic identities and remain indistinguishable from other contemporary Spaniards (Pita 2014). Seen in this light, reparations for minorities in early modern Spain should identify A_u as the entire policy of coercive minority-identity suppression, of which expulsion represents only one part.

Correctly identifying A_u leads to the second, *generalization problem*. If contemporary liberal-democrats identify A_u as all forms of coercive minority-identity suppression, reparations are owed to at least five distinct sets of victims of fundamental injustice. (1) *Those forced to emigrate* under the coercive choice of emigrate or convert (Sephardim) or emigrate or be punished (Moriscos). (2) *Those forced to convert* to Catholicism under the similar coercive choices of convert or emigrate or be punished (Sephardim and Muslims). (3) *Those punished or killed* rather than converting under the illiberal choices described above. (4) *Those forced to abandon their distinct ethnic or cultural identity* through post-conversion identity suppression (*Conversos* and *Moriscos*). (5) *Those punished or killed* while trying to maintain their distinct identities in spite of post-conversion identity suppression. Both defenders and critics of the 2015 Sephardic citizenship law recognize victims only in set (1), completely overlooking victims in the other four sets.

Perhaps pragmatic reasons justify focusing only on victims in set (1), since they lived to procreate descendants who might be identifiable as Sephardic or Morisco today. Conversely, descendants of other victims either do not exist, if their ancestors in sets (3) and (5) were killed prior to possible conception, or if they do exist, they are now almost completely indistinguishable from other Spaniards today, given the profound efficacy of post-conversion identity suppression, the second form of coercive minority-identity suppression. However, is the pragmatic ability to identify descendants a sufficiently strong justification for contemporary Spain to try to compensate them? Victims in set (1) did not suffer a greater injustice than those in sets (2–5). It is hard not to think that those killed in sets (3) and (5) suffered the greatest injustice. So the decision to provide reparation to descendants of those expelled in set (1) is simply based on the ability to find a compensable party today. It is a bit like saying, “We need to compensate somebody, and these are the only ones we can find.” But one could also ask, “Why compensate anybody, given the wide variety of victims?”

Indeed, this pragmatic justification becomes even less compelling when we confront the third type of problem endemic to reparations arguments. This *non-identity problem* states that the specific descendants or rightful heirs of the original victim V ,

would not exist in their present form absent the unjust act A_u . Three versions of the non-identity problem can be distinguished. The *individual biological non-identity problem* claims that absent prior unjust act A_u , it is all but impossible that the same individual descendant would have existed, given what we know about the biological processes of human reproduction. For example, if the unjust act of enslavement did not exist, then any specific descendant of a slave would not exist, since it is unlikely that her parents would have met and procreated. Even if they had met and procreated under some counterfactual circumstance that excluded A_u , it is unlikely that the same sperm would have fecundated the same egg, given the hundreds of millions of sperm contained within a male ejaculation (Morris 1984, 176–177). A second version of the non-identity problem occurs on a *non-biological, collective* level (Morris 1984, 181). The rich culture produced by African Americans, for instance, would most likely not exist absent numerous unjust acts such as enslavement or segregation. Similarly, post-colonial national cultures would not exist absent the unjust acts of colonization (Wenar 2006, 400). We can also identify a third non-identity problem at a *non-biological, individual* level. Here, biological individuals would not exist *qua* members of these collective cultures or identities absent the original unjust act A_u .

In each version of the non-identity problem, reparations arguments are confronted with the fact that the original unjust act (A_u) bears not only costs but benefits. As Andrew Valls puts it in response to the individual-biological non-identity problem, if we assume that existence is superior to non-existence, then we cannot say that the descendants of slavery are worse off had slavery not existed (Valls 2018, 25). Non-identity problems strike defenders of African American reparations as tedious, academic quibbling, given the various injustices suffered by African Americans today. However, if we identify A_u as the expulsion of the Sephardim and Moriscos, as most defenders and critics of the Sephardic citizenship law tend to do, non-identity problems become more compelling. This is because expulsion, as opposed to execution or forced conversion and assimilation, is precisely what allowed Sephardic and Morisco individuals and cultural communities to exist today. Let us start with the *individual-biological* level. Absent expulsion, the same individual, biological descendants of these groups would not exist. This is not simply because of indeterminate effects of expulsion on the biological processes of procreation. It is also because the binary choices facing so many Sephardim and Moriscos included punishment up to death as the alternative to emigration. Victims in set (1) experienced a dramatically greater capacity to beget biological descendants than victims in sets (3) and (5).

Even more apt are the non-biological, non-identity problems. At the *collective, non-biological* level, expulsion was a necessary condition for the present existence of a collective Sephardic culture as it exists today. If the Sephardim were denied the option of emigration and were forced to choose between conversion and punishment up to death, their collective culture would have been eliminated and their biological descendants would have been coercively assimilated into a broader Spanish Catholic identity. Instead, expulsion has allowed Sephardic culture not only to persist but also to develop: for example, the sojourn in North Africa, the Middle East, and the Ottoman Empire led the Ladino language to incorporate Arabic, Turkish, and Bulgarian words (Morales and Pita 2018). Sephardic culture in general, and the Ladino language in particular, exists in its contemporary form precisely because of the expulsion of the Sephardim in 1492.

In turn, at the *individual, non-biological* level it is clear that descendants of the expelled Sephardim and Moriscos can exist *as* Sephardim and Moriscos only due to the expulsion of their ancestors. The descendants of victims forced to abandon their identities in sets (2) and (4) cannot exist as Sephardim or Moriscos individuals. Despite attempts to identify contemporary Spanish individuals as descendants of the Sephardim or Moriscos (Freund 2014), the dispersion of Sephardic and Morisco genetic markers among the Spanish population renders this effort Quixotic at best (Pita 2014). The fact of the matter is that today, the descendants of the Sephardim and Moriscos forced to convert to Catholicism are socially, culturally, economically, and genetically indistinguishable from the descendants of the Old Christians. So past expulsion is a condition for the existence of individuals capable of identifying *as* Sephardim and Moriscos today.

From the above considerations, I find reparations argument incoherent not only for justifying the Sephardic citizenship law but also for criticizing its exclusion of the Moriscos. Doing so fails to identify correctly the fundamentally unjust act A_u that merits reparation, to address the generalization problem faced by other sets of victims of A_u , and to overcome three non-identity problems that are particularly apt in the case of the descendants of the Sephardim and Moriscos.

4. The principle of coercively constituted identities

Let us now turn to the justification given for the 2015 Citizenship Law by Spain's Deputy Minister of Justice, Juan Bravo, who claimed that the Sephardim deserved preference because they, unlike the expelled Moriscos, retained a connection to Spain and Spanish culture through their maintenance of the Ladino language. While cultural and linguistic similarity often leads states to *prefer* certain immigrants over others, it is unclear whether it grounds a *responsibility* to do so. Although the government of the United States might prefer immigrants from predominantly Anglophone, white-dominant, liberal-capitalist countries like the United Kingdom, Canada, Australia, and New Zealand, it has no responsibility to do so.

However, could states incur responsibilities to include the linguistically and culturally similar, if those similarities have resulted from past coercion? Rogers Smith argues as much through his Principle of Coercively Constituted Identities (PCCI), which holds that governments may be obligated to grant "partial or full citizenship" to foreign persons, whose "identities, aspirations, and interests have been coercively constituted by past and present actions of" these governments (Smith 2015, 220). Smith develops PCCI in four steps. First, he claims that members of political communities should feel an obligation to live up to the demands of their ethically constitutive stories. Second, the ethically constitutive stories of constitutional democracies, in particular, include "embedded cosmopolitanism," which affirms the minimal moral worth, dignity, and capacity for freedom of all human beings, not just their own members. Third, Smith notes that governmental coercion often involuntarily constitutes the personal, ethical identities that form the "starting points in formulating their conceptions of the sorts of free, meaningful lives available to them." He concludes that the ethically constitutive stories of constitutional democracies may obligate them "to include as members, all persons whose identities and aspirations they have coercively shaped" (2015, 223).

Smith later imposes a pragmatic limit to PCCI, suggesting that these obligations fade away after “about three generations, roughly two-thirds to three-quarters of a century” (2015, 253; 2014, 387).

Importantly, Smith distinguishes PCCI from arguments for reparations. Although compatible with “duties to redress and repair specific historical injustices,” PCCI differs by denying the relevance of whether the past exercise of coercion was just or beneficial to the coerced party. The fact of coercive identity constitution alone generates “obligations to many who have been coerced but to whom no reparations for injustices are owed” (2008, 140–141; Cf. 2010, 5, 9; 2011, 549; 2015, 234). Consequently, PCCI avoids the non-identity problems associated with reparations arguments. Even if today’s descendants of the Sephardim and Moriscos owe their individual biological lives, their rich collective cultures, and their individual membership within these cultures to Spanish expulsion, the coercive manner whereby expulsion created their identities remains sufficient reason for receiving Spanish citizenship.

Smith also severs PCCI from considerations of the contemporary welfare of those seeking citizenship. As a result, Smith draws the “counterintuitive” conclusion that, by militarily occupying and politically restructuring post-war Japan and Germany, the United States has exercised greater coercion and incurred greater obligations over the identities of Japanese and German citizens than over Mexicans, whose country was merely coercively manipulated over the relevant 75-year timeframe and whose claims for inclusion thus present a “far more difficult case” (Smith 2008, 149; 2010, 10–11). The fact that Japan and Germany are wealthy countries whose citizens, according to some metrics, enjoy a higher quality of life than Americans, is irrelevant, as is the relative poverty of most contemporary Mexican when compared to their northern counterparts. The coercive constitution of identity, not the relative or absolute welfare of those subject to it, is the sole criterion that justifies granting citizenship on preferential terms.

If we relax the pragmatic time limit, PCCI bolsters Bravo’s defense of Spain’s 2015 Citizenship law. Contemporary Spain sees itself as a constitutional democracy committed to embedded cosmopolitanism, most famously when it claimed to have the universal legal jurisdiction to prosecute the former Chilean dictator Augusto Pinochet for violations of human rights. In this way, Spain satisfies PCCI’s first two conditions. However, the third step appears tricky, given the ambiguity of its core concept, *personal ethical identity*. Smith defines this as “persons’ senses of their core personal values, purposes, aspirations, and affiliations, which may have political, economic, moral, religious, ethnic, aesthetic, and other dimensions” (2008, 141, Cf. 145). This expansive definition lends itself to two competing interpretations, one which would support Bravo’s argument, and one which would not.

On the one hand, we could interpret personal, ethical identity as grounded in a linguistic identity. This interpretation would emphasize how Smith, in defining personal ethical identity, exclusively cites Will Kymlicka’s influential book *Multicultural Citizenship* (cf. Smith 2015, 223). Because Kymlicka provides a liberal argument for protecting cultures in as much as they facilitate the exercise of individual autonomy, he eschews protections for cultural identities based on thick content, like that of conservative religious groups with illiberal normative restrictions on women or non-heterosexuals. Instead, Kymlicka prioritizes the relatively thin “cultural structure” provided by a national “societal culture” grounded in language and territory (1995, 76–80).

Although Kymlicka's model is meant to defend self-government rights for linguistic, national groups, like Spain's Catalans, it might also justify granting expedited citizenship to the Sephardim, given the linguistic connections between the Ladino and Spanish languages. And though Smith's theory predates the 2015 Sephardic citizenship law, he does approvingly cite Spain's 1982 citizenship law precisely for granting expedited citizenship to linguistically similar Latin American immigrants from Spain's former colonies (2014, 387, 391). The fact that this was the first citizenship law adopted after Spain's transition from a fascist dictatorship to a constitutional democracy seemingly bolsters the linguistic interpretation of personal, ethical identity under PCCI.

But note that the 1982 Citizenship law, like its 2015 successor, did not expedite the naturalization of immigrants from Morocco, who were and still are subject to a ten-year residency prerequisite, in contrast to the two-year requirement for Latin Americans. The longer residency requirement stood even though Spain had exercised semi-colonial coercion over parts of northern Morocco from 1912 until 1956. The linguistic interpretation of personal, ethical identity would validate this distinction, since Spanish coercion was not coupled with a strong imposition of the Spanish language on Moroccans. This stands in contrast to France, which took greater pains to impose its language on its Moroccan subjects, leading French to be the second language in that country today. Smith himself cites linguistic imposition under the French *mission civilatrice* as a reason for contemporary France to favor immigration from its former colonies (Smith 2014).

But if the linguistic understanding of personal, ethical identity draws Smith's model closer to the Spanish government's position favoring the Sephardim, a non-linguistic interpretation of personal, ethical identity is also possible. Notably, Smith deploys PCCI to advocate for a more lenient American immigration policy towards immigrants from Mexico (Smith 2011). Drawing on past examples of American coercion, such as the annexation of northern Mexico in the nineteenth century and heavy-handed influence on Mexican governments in the twentieth century, Smith concludes that the personal, ethical identities of many Mexican citizens can only find fulfillment through immigration to the United States. Whether they speak English or Spanish is never considered. In a similar vein, one could argue that Spanish coercion led Moroccans to see their nation as the "colonial Al-Andalus," a concept originally coined by Spain to justify its Moroccan protectorate but later adopted by Moroccan nationalists to distinguish their country from other parts of the Arab world via its architectural and literary connections to the Iberian peninsula (Calderwood 2018). Even if most of its citizens speak Arabic rather than Spanish, this history bolsters the non-linguistic interpretation of personal, ethical identity. In this way, PCCI could be deployed to support expedited citizenship for Moroccan immigrants on the same terms as the Sephardim and Latin Americans. Indeed, if we enforce Smith's pragmatic, three-generation limit on PCCI, then Moroccans pose a stronger claim than the Sephardim or Latin Americans, given Spain's more recent coercion over their homeland.

But even if this is the case, potential problems confront PCCI. For although PCCI manages to avoid the non-identity problems associated with the model of reparations, it still falls prey to the generalization problem. Recall that the reparations model requires identifying the unjust act (A_u) to be rectified. Whereas the 2015 Citizenship law identified expulsion as A_u , the latter is better associated with the broader policy of *coercive minority identity suppression*. As a result, justifying the 2015 Citizenship law through reparations

fails to rectify those killed or forced to convert and assimilate, who were thus unable to beget culturally identifiable descendants. In a parallel fashion, using PCCI to justify the 2015 Citizenship law or an alternative that includes Moroccan immigrants similarly requires identifying a past *coercive act* (A_c), which can then ground present obligations.

The problem is that PCCI exclusively identifies A_c as coercive acts that *constitute* a personal ethical identity. For the Sephardim, A_c is the expulsion that transformed them into a linguistic-cultural group unmoored from its homeland of Sefarad. For Moroccans, A_c would be the colonial coercion that rendered them children of Al-Andalus. However, why should we consider *coercive identity constitution* as more normatively relevant than *coercive identity suppression*? Recall that most Jews and Muslims in early modern Spain ended up either dying or converting to Catholicism, under the regime of coercively imposed religious choice. And even after converting to Catholicism, these people still suffered post-conversion identity suppression. As a result, these victims either could not beget biological descendants or, if they could, their descendants are now completely assimilated into contemporary mainstream Spanish identities. In light of this, why should we normatively prioritize Spanish coercion that led to the *formation* for Sephardic or Moroccan identities over Spanish coercion that led to the *elimination* of *Converso* or *Morisco* identities? In this way, PCCI, like reparations, falls prey to the generalization problem. Both theories only generate obligations to the descendants of the individuals who, arguably, did not suffer the greatest effects of past coercion, for the merely pragmatic reason that these are the only descendants that either exist or can be identified. “We need to compensate somebody, and these are the only ones we can find.”

5. Remedial responsibility for enduring injustice

So far, I have argued that the tort model of reparations cannot surmount the three versions of the non-identity problem, which in the case of the Sephardic citizenship law, remain compelling. Although PCCI does circumvent non-identity problems, it still stumbles over the generalization problem, which haunts both models because they generate obligations only to the descendants of those past historical victims who plausibly did not suffer the greatest injustices or the most extensive coercion. If the majority of Sephardim, Muslims, *Conversos*, and *Moriscos* suffered fates worse than expulsion, their descendants either do not exist or cannot be identified due the cruel effectiveness of coercive minority identity suppression. Seen in this light, the expelled Sephardim and *Moriscos* were relatively lucky in being able to beget culturally identifiable descendants who can make claims for citizenship.

This problem arises because reparations and PCCI both derive contemporary obligations from *past* actions alone (A_w , A_c), rather than first identifying *present injustices*. A more promising alternative is Jeff Spinner-Halev’s concept of *enduring injustice*, which avoids the generalization problem by first identifying groups who suffer injustice in the present and are likely to do so in the future. Only then should we investigate whether past historical acts may have contributed to the present injustices in ways that generate contemporary obligations (2012, 56). This allows us to circumvent the generalization problem by prioritizing the claims of those individuals or groups who suffer injustice today over other individuals or groups who either do not exist or do not presently suffer injustice. A concern with enduring injustice seems to animate the model of

reparations for the future, which begins with an analysis of the present condition of historically oppressed groups within specific nation-states, such as African Americans (Valls 2007, 2018; Wenar 2006). David Miller's model of *remedial responsibility* provides a similar, forward-looking response to enduring injustice at the global level.

Miller defines remedial responsibility as “the responsibility we may have to come to the aid of those who are deprived or suffering in some way” (2007, 163). Its normative baseline is a set of conditions for a minimally decent human life. In terms of global justice, remedial responsibility focuses on individuals or groups who “fall below some threshold in terms of material resources, or they are in danger or distress” (98). Unlike the tort model of reparations or PCCI, remedial responsibility is primarily forward-looking: the goal is to assign some agent the responsibility to alleviate today's suffering. The centrality of the contemporary normative baseline – the fact that some people experience terrible conditions today – justifies ignoring the generalization problem. Yes, others victims may have suffered similar or even greater injuries in the past, but if those victims have not begotten descendants who suffer deprivation today, their injuries do not generate contemporary obligations or responsibilities. In effect, *contemporary deprivation* is the necessary condition for *contemporary responsibility*.

Remedial responsibility may be assigned through both forward-looking and backward-looking criteria (86). Although Miller himself does not rank these criteria, the forward-looking criterion of *capacity* clearly remains a necessary, if not sufficient, condition. If a state lacks the resources or the political stability to provide a remedy, it makes no sense to assign it remedial responsibility (Brooks 2011). But this does not mean that all wealthy and stable states are equally liable to remedial responsibility in all cases of suffering or distress. In some cases, such as a disaster precipitated by purely natural causes, remedial responsibility could be assigned to *any* capable state, or perhaps to *all* capable states through a global system of distributing responsibility. But in other cases, remedial responsibilities may be assigned to those specific states whose past actions have contributed to the present suffering. Miller identifies three backward-looking criteria for assigning specific remedial responsibility. *Moral responsibility* accrues to those states that willingly and intentionally injured another state or its members. *Causal responsibility* applies to those states that directly caused such an injury, even if unintentionally. *Outcome responsibility*, the loosest criterion, assigns liability for effects that can be reasonably derived from state actions (Miller 2007, 86–97).

At first blush, the backward-looking criteria for assigning remedial responsibility resemble the tort model of reparations. But strictly speaking, this is the case only with moral responsibility, and it clearly does not apply to the loosest standard, outcome responsibility. Like reparations, outcome responsibility draws on tort law. But whereas reparations relies on moral responsibility to deal with torts between two persons, a wrongdoer and a victim, outcome responsibility derives from remedies to ongoing, systemic dangers or injuries. The clearest tort analogy is liability for rear-end crashes, which accrues to the car that is following, even if its driver took all possible precautions to avoid crashing into the preceding car. By intentionally taking all necessary precautions, the driver is not morally culpable. Outcome responsibility also differs from causal responsibility. If a freak drop in temperature suddenly creates a patch of ice that leads me to crash into the car ahead of me, I remain outcome responsible, even if the primary cause was the

ice and not my driving. Miller concludes that “outcome responsibility ... has a causal component – the agent must in some way have contributed to producing the outcome, but outcome responsibility needs to be distinguished from causal responsibility as such” (86). The urgency of establishing a remedial agent for the recurring, systemic problem of rear-end crashes justifies tort law’s looser standard of outcome responsibility, as opposed to the stricter standards of moral or causal responsibility. Similarly, the urgency of addressing severe deprivation justifies assigning remedial responsibility through outcome responsibility.

Two criticisms of remedial responsibility should be addressed at this point. The first is whether deprivation or distress is too modest a standard for remedial responsibility (Holtug 2011; Cf. Miller 2011). Why can we not assign remedial responsibilities for realizing global equality of opportunity or a global difference principle? This criticism cuts to the heart of debates in global justice, which need not be resolved here, since the pertinent point for the present argument is that claims for citizenship lodged by individuals or groups suffering absolute deprivation or distress should take priority over claims lodged by those who are doing well or decently. In this way, remedial responsibility, unlike reparations or PCCI, allows us to avoid the generalization problem.

But even if we accept the priority of the worst off, Kasper Lippert-Rasmussen questions whether latter generations can be assigned remedial responsibility for outcomes over which they lack control (2009, 111). Since present Spaniards had no control over the decision to impose coercive minority identity suppression nearly half a millennium ago, why should they bear any responsibility for remedying the effects of those policies on descendants of the Sephardim, Moriscos, or others. However, control is more relevant to moral or causal responsibility than to remedial responsibility more broadly, which can accrue to people simply by the benefits that they receive from past or present collective actions. If my father bequeaths me a car which he stole, unbeknownst to me, I still bear the remedial responsibility to return the car once its provenance is revealed, even though I had no control over its illegal acquisition, since it is a benefit that I have acquired through a wrongful act.

Lippert-Rasmussen challenges the importance of benefits, by claiming that an American opposed to the Iraq War who received unemployment benefits is no more outcome responsible than a similar American who, due to a bureaucratic error, was unjustly deprived of unemployment benefits (2009, 121). However, both Americans still enjoy a multitude of benefits from membership in this political community, even if one of them was improperly deprived of one specific benefit. They thus retain outcome responsibility, for example by having their tax dollars diverted to post-war reconstruction efforts, even if neither of them should be held morally or even causally responsible. Similarly, because contemporary Spaniards enjoy benefits from membership in the Spanish state that emerged from the Reconquista in 1492, they remain outcome responsible for contemporary deprivations stemming from its past actions, even if they are not morally or causally responsible. And as I mentioned earlier, because the legislature of the Spanish state voluntarily and unanimously accepted collective, diachronic responsibility for its actions towards the Sephardim but not the Moriscos or the Saharawis, this lack of control critique of remedial responsibility seems inapposite in this case.

6. Remedial responsibility and Spain's Sephardim, Moriscos, and Saharawis

Assessing citizenship claims through remedial responsibility would transform the debate over Spain's 2015 Citizenship law. Instead of past instances of injustice or coercion, our focus would turn first to those individuals or groups whose contemporary deprivation or distress can be traced to the past actions of the Spanish state. Unless they faced material deprivation or social threat, descendants of expelled Sephardim or Moriscos, would lack any compelling claim to Spanish citizenship. The potential Sephardic investors alluded to by Freund and Fuentes earlier would not have a strong claim, nor would potential Moroccan investors. A better claim could be levelled by Moroccans suffering absolute poverty, or Sephardim fleeing anti-Semitism in Venezuela, Turkey, or even the United States (Yeginsu 2015; Sokol 2015; Romero 2018). But because the latter two countries possess the capacity to combat domestic anti-Semitism, they would retain primary remedial responsibility, not Spain. Conversely, if unstable Venezuela lacks the capacity to protect its Sephardim, remedial responsibility may fall to Spain.

Because the model of remedial responsibility avoids the generalization problem through reference to contemporary suffering or distress, successful claims for Spanish citizenship would have to be assessed on a case-by-case basis. Although this may require analyzing individual claims, well-defined collective cases could also succeed, if all members of the class suffer distress or deprivation that can be traced to previous actions of the Spanish government. However, a blanket extension of Spanish citizenship to all descendants of the Sephardim and the Moriscos would not be justified, given the disparate circumstances facing members of these groups. Conversely, a stronger, collective case for remedial citizenship can be made for an entire group barely mentioned in the debates over the 2015 Citizenship law, the Saharawis, stateless refugees from Western Sahara.

When Spain haphazardly abandoned this African colony in 1976, it was quickly invaded by Morocco and Mauritania, even as the Frente Polisario, a Western Saharan nationalist force, also sought control. Within months, roughly half of the Saharawi population fled to southwestern Algeria, where they and their descendants remain in refugee camps today. Despite Polisario's efforts to create a state without territory inside the camps, many Saharawis seek to emigrate, legally and illegally, in search of better opportunities (San Martín 2010; Boum 2013).

The Saharawis are the quintessential example of a group that suffers enduring injustice. Not only their present but also their future looks bleak, given the political impasse between Morocco and Polisario, whose main ally is Algeria. The pressing questions are what could constitute a remedy, and who bears responsibility for providing it. The ideal remedy would be a political solution – either an independent Saharawi state or an autonomous Saharawi region within Morocco (San Martín 2010, 6; Gabriel and Holley 2013; Zartman 2013). But because a political resolution is unlikely any time soon, a second-best remedy would be to help those Saharawis who wish to migrate and acquire citizenship in other countries. According to the framework of remedial responsibility, the country that should welcome the largest number of Saharawis is Spain. Spain's economic development and political stability grant it the capacity to take in many Saharawi refugees, while its historical relationship with Western Sahara reveals at least outcome responsibility for their plight.

Spain was granted much of Western Sahara's territory as a "protectorate" in 1884. It began exercising direct coercive control in the 1930s and exploiting its primary resource, phosphate, through industrial development and Spanish settlement in the 1940s, leading this territory to become a full-fledged Spanish province in 1958 (San Martín 2010, 22, 31, 50–54). An anti-colonial reaction emerged as many Saharawis joined the Moroccan anti-colonial Liberation Army, whose uprising was violently suppressed by Spanish and French military action. Ironically, if the Liberation Army had won, Western Sahara would have simply been incorporated into Morocco, and the present controversy might not have arisen. But because Spain's victory led to greater control over the territory, the first Saharawi nationalist movement, *Harakat Tahrir*, emerged. Although it sought only gradual independence under Spanish tutelage, it was violently suppressed, leading Saharawi nationalists to adopt armed struggle under the banner of the *Frente Polisario* in 1973 (San Martín 2010, 70–86; King 2013). Although Spain had agreed to conduct a Saharawi self-determination referendum prior to departing, it instead simply withdrew its troops in 1976 and handed over temporary administrative control of the territory to Morocco and Mauritania, who consequently invaded (San Martín 2010, 102–107; King 2013). Although Spain granted the Saharawis the opportunity to claim Spanish citizenship, the deadline for applying lasted only one year. That short window, combined with the chaos amidst the conflict between Moroccan, Mauritania, and the *Frente Polisario*, precluded any meaningful opportunity for most Saharawis to apply for Spanish citizenship.

In light of this history, we can assign to Spain the brunt of remedial responsibility for alleviating the suffering of Saharawi refugees by expediting their immigration and citizenship. Spain's colonization, repression, and botched decolonization provide evidence of outcome responsibility, and perhaps also moral and causal responsibility. Moreover, Spanish coercion strongly influenced the formation of a Saharawi national identity, distinct from Moroccan identity. Whereas Smith's theory of PCCI would claim that this fact alone justifies granting Spanish citizenship to the Saharawis, regardless of their contemporary plight, the model of remedial responsibility sees Spain's coercive constitution of Saharawi identity as important because it hinders resolution of the conflict, thereby contributing to their present suffering and imposing greater outcome responsibility upon Spain.

Of course, other countries may also bear remedial responsibility. Morocco and Mauritania invaded Western Sahara upon Spain's withdrawal, but their relative poverty hinders their capacity for absorbing Saharawi refugees. Remedial responsibility could also accrue to France and the United States, two capable states that lent diplomatic support to Morocco, its Cold War ally, during the time of the invasion (San Martín 2010, 104–105; Gabriel and Holley 2013; Tisseron 2013). Yet their outcome responsibility for the Saharawi condition pales in comparison with that of Spain. For these reasons, the model of remedial responsibility bolsters the position of jurist Manuel Peña Bernaldo de Quirós, who condemned the 2015 law for favoring the Sephardim over the Saharawis, the group most in need of Spanish citizenship (Gutiérrez Calvo 2014; Minder 2015).

7. Conclusion

In this essay, I have used the case of Spain's 2015 citizenship law, which granted expedited citizenship to the descendants of the expelled Sephardim but not to the descendants

of the expelled Moriscos nor to the formerly colonized Saharawis, in order to elucidate the strengths and weaknesses of three models of responsibility for the past. I have argued that intractable philosophical problems confront the two frameworks most closely associated with the Spanish government's justifications for the law – the model of reparations for past injustice and the principle of coercively constituted identities (PCCI).

The reparations model cannot surmount non-identity problems, whereby the injustice to be rectified, the expulsion of the Sephardim in 1492, itself created benefits to the descendants, such as the biological existence of the individual descendants of the Sephardim, the collective existence of Sephardic culture, and the capacity for individuals to identify as Sephardic. These non-identity problems also apply to the descendants of the expelled Moriscos, and as a result, simply extending citizenship to them does not surmount the broader philosophical problems associated with the reparations model.

While PCCI can avoid non-identity problems because it disregards possible benefits as irrelevant, it cannot avoid the generalization problem, whereby only descendants of the expelled Sephardim and Moriscos are cognized as worthy of normative attention, while those Sephardic and Morisco individuals who were either forced to assimilate into a Spanish Catholic identity or were killed while resisting assimilation are completely overlooked. Like the reparations model, PCCI cannot overcome intractable philosophical problems because it focuses its attention only on the past actions of the Spanish government, which generated far more victims than those who can be identified and recompensed today.

In contrast, the model of remedial responsibility begins with the enduring injustice facing individuals or groups today. *Contemporary* deprivation or distress justifies the remedial model's focus on some individuals or groups (those suffering today), while ignoring others (those who are not suffering), thereby circumventing the generalization problem. Moreover, the initial focus on contemporary suffering overrides the relatively minor benefits that lead to non-identity problems. Only after having identified which individuals or groups are suffering today does the remedial model then seek to assign responsibility to those actors who in the past have contributed to the present suffering and thus bear outcome responsibility for providing a remedy, so long as they are capable of providing one.

Consequently, the remedial responsibility model requires a case-by-case assessment of claims to Spanish citizenship. Only those Sephardic or Morisco individuals presently confronting deprivation or distress may be owed remedy by the Spanish government. While this model rules out a blanket extension of Spanish citizenship to all descendants of the expelled Sephardim and Moriscos, it could, however, justify a blanket extension of Spanish citizenship to Saharawis, stateless members of the "refugee nation" created by Spanish colonialism and stuck without resources in camps in Algeria. Their present political and economic suffering grounds a stronger claim to citizenship that overcomes the non-identity and generalization problems confronting the other two models for responsibility for the past.

Notes

1. I describe these as liberal models, since each assumes the ideal liberal norm of respecting all individuals as free and equal beings. Individuals, groups, or states incur responsibility for the

past when they violate that ideal by failing to treat individuals as free or equal, thereby requiring some contemporary response in order to come into compliance with liberal normative standards.

2. A later Spanish government in 2019 refused to apologize for the colonization of Latin America, even though that occurred after the expulsion of the Sephardim (Lafuente and Abellán 2019).
3. All translations from Spanish are my own.

Acknowledgements

The author wishes to thank Juan Pablo Dominguez Fernández, María Montserrat Herrero López, Burke Hendrix, Paulina Ochoa-Espejo, Elva Orozco, Maria Struble, and Brendon Westler for providing comments on earlier versions of this paper. This material was first delivered as the Class of 1956 Lecture for Inspirational Teaching at Bucknell University. Earlier versions of this paper were presented at the Western Political Science Association Meeting in San Diego, CA in April of 2019 and at the American Political Science Association Convention in Washington, DC in August of 2019.

Disclosure statement

No potential conflict of interest was reported by the author(s).

References

- Alberola, M. 2016. "El Rey evoca el 'sacrificio cruel de sefardíes y deportados republicanos españoles' en el Holocausto." *El País*, December 13. Accessed 7 May 2018. https://politica.elpais.com/politica/2016/12/13/actualidad/1481624132_784206.html.
- Balfour, L. 2014. "Unthinking Racial Realism: A Future for Reparations." *DuBois Review* 11 (1): 43–56.
- Bernabé Pons, L. 2009. *Los Moriscos: Conflicto, Expulsión y Diaspora*. Madrid: Catarata.
- Boum, A. 2013. "Refugees, Humanitarian Aid, and the Displacement Impasse in Saharawi Camps." In *Perspectives on Western Sahara: Myths, Nationalisms, and Geopolitics*, edited by A. Boukhars and J. Roussellier, 270–284. Lanham, MD: Rowman and Littlefield.
- Brooks, T. 2011. "Rethinking Remedial Responsibilities." *Ethics and Global Politics* 4 (3): 195–202.
- Calderwood, E. 2018. *Colonial Al-Andalus*. Cambridge: Harvard University Press.
- El País. 2012. "La condición de sefardí dará derecho automático a la nacionalidad española." *El País*, November 22.
- Frederickson, G. 2002. *Racism: A Short History*. Princeton, NJ: Princeton University Press.
- Freund, M. 2014. "From Expulsion to Expediency: Spain, the Jews, and Israel." *The Jerusalem Post*, February 19. Accessed 4 April 2019. <https://www.jpost.com/Opinion/Columnists/Fundamentally-Freund-From-expulsion-to-expediency-Spain-the-Jews-and-Israel-341941>.
- Gabriel, E., and R. Holley. 2013. "The Evolution of US and Moroccan Policy on Western Sahara." In *Perspectives on Western Sahara: Myths, Nationalisms, and Geopolitics*, edited by A. Boukhars and J. Roussellier, 175–194. Lanham, MD: Rowman and Littlefield.
- Garea, F. 2015. "Aprueba definitivamente la nacionalidad española a los sefardíes." *El País*, June 11. Accessed 7 May 2018. https://politica.elpais.com/politica/2015/06/11/actualidad/1434012238_482341.html.
- Gerber, J. 1993. *The Jews of Spain*. New York: The Free Press.
- González, M. 2016. "Solo 2.424 sefardíes han pedido la nacionalidad española." *El País*, August 27. Accessed 7 May 2018. https://politica.elpais.com/politica/2016/08/27/actualidad/1472323420_545660.html.
- González, M. 2017. "Justicia exime de examen para ser español a los sefardíes mayores de 70 años: 4919 judíos han obtenido la nacionalidad desde que entró en vigor la ley que busca reparar su

- expulsion." *El País*, February 25. Accessed 7 May 2018. https://politica.elpais.com/politica/2017/02/22/actualidad/1487786555_712348.html.
- Gutiérrez Calvo, V. 2014. "Otra vara de medir para moriscos y saharauis." *El País*, March 15. Accessed 7 May 2018. https://politica.elpais.com/politica/2014/03/15/actualidad/1394911518_246704.html.
- Holtug, N. 2011. "The Cosmopolitan Strikes Back: A Critical Discussion of Miller on Nationality and Global Equality." *Ethics and Global Politics* 4 (3): 147–163.
- Kamen, H. 1997. *The Spanish Inquisition: An Historical Revision*. London: Phoenix Press.
- Kassam, A. 2014. "If Spain Welcomes Back Its Jews, Will Its Muslims be Next?" *The Guardian*, February 24. Accessed 7 May 2018. <https://www.theguardian.com/world/2014/feb/24/spain-sephardic-jews-islam-muslim>.
- King, S. 2013. "The Emergence and Politics of the Polisaro Front." In *Perspectives on Western Sahara: Myths, Nationalisms, and Geopolitics*, edited by A. Boukhars and J. Roussellier, 87–105. Lanham, MD: Rowman and Littlefield.
- Kukathas, C. 2003. "Responsibility for the Past: How to Shift the Burden." *Politics, Philosophy and Economics* 2 (2): 165–190.
- Kymlicka, W. 1995. *Multicultural Citizenship*. Oxford: Oxford University Press.
- Lafuente, J., and L. Abellán. 2019. "España rechaza con firmeza la exigencia de México de pedir perdón por los abusos de la conquista." *El País*, March 26. Accessed 14 August 2019. https://elpais.com/internacional/2019/03/25/mexico/1553539019_249884.html.
- Lippert-Rasmussen, K. 2009. "Responsible Nations: Miller on National Responsibility." *Ethics and Global Politics* 2 (2): 109–130.
- Locke, J. (1685) 1983. *A Letter Concerning Toleration*. Edited by James Tully. Indianapolis: Hackett.
- Miller, D. 2007. *National Responsibility and Global Justice*. Oxford: Oxford University Press.
- Miller, D. 2011. "On Nationality and Global Equality: A Reply to Holtug." *Ethics and Global Politics* 4 (3): 165–171.
- Minder, R. 2015. "Spain Approves Citizenship Path for Sephardic Jews." *New York Times*, June 11. Accessed 7 May 2018. <https://www.nytimes.com/2015/06/12/world/europe/spain-approves-citizenship-path-for-sephardic-jews.html>.
- Morales, M., and A. Pita. 2018. "El Judeoespañol se resiste a morir." *El País*, April 1. Accessed 7 May 2018. https://elpais.com/cultura/2018/03/13/actualidad/1520953894_448441.html.
- Morris, C. 1984. "Existential Limits to the Rectification of Past Wrongs." *American Philosophical Quarterly* 21 (2): 175–182.
- Netanyahu, B. 1996. *The Origins of the Inquisition in Fifteenth Century Spain*. 2nd ed. New York: New York Review Books.
- Pita, A. 2014. "Spain Decides to Make Up for Its Persecution of Jews, but Won't Do the Same for Muslims." *Public Radio International*, June 25. Accessed 7 May 2018. <https://www.pri.org/stories/2014-06-25/spain-decides-make-its-persecution-jews-wont-do-same-muslims>.
- Romero, S. 2018. "Some Hispanics With Jewish Roots Pursue an Exit Strategy: Emigrate to Spain." *New York Times*, November 6. Accessed 5 April 2019. <https://www.nytimes.com/2018/11/06/us/jews-sephardic-hispanic-spain-new-mexico.html>.
- San Martín, P. 2010. *Western Sahara: The Refugee Nation*. Cardiff: University of Wales Press.
- Smith, R. 2008. "The Principle of Constituted Identities and the Obligation to Include." *Ethics and Global Politics* 1 (3): 139–153.
- Smith, R. 2010. "Constitutional Democracies, Coercion, and Obligations to Include." In *The Limits of Constitutional Democracy*, edited by Jeffrey Tulis, 280–296. Princeton, NJ: Princeton University Press.
- Smith, R. 2011. "Living in a Promiseland: Mexican Immigration and American Obligations." *Perspectives on Politics* 9 (3): 545–557.
- Smith, R. 2014. "National Obligations and Noncitizens: Special Rights, Human Rights, and Immigration." *Politics & Society* 42 (3): 381–398.
- Smith, R. 2015. *Political Peoplehood: The Roles of Values, Interests, and Identities*. Chicago, IL: University of Chicago Press.

- Sokol, S. 2015. "Spain Passes Law of Return for Sephardic Jews." *Jerusalem Post*, June 11. Accessed 15 May 2018. <https://www.jpost.com/Diaspora/Spain-passes-law-of-return-for-Sephardic-Jews-405742>.
- Spinner-Halev, J. 2012. *Enduring Injustice*. New York: Cambridge University Press.
- Tisseron, A. 2013. "Diplomatic Struggle in Africa and Europe over the Western Sahara Conflict." In *Perspectives on Western Sahara: Myths, Nationalisms, and Geopolitics*, edited by A. Boukhars and J. Roussellier, 154–174. Lanham, MD: Rowman and Littlefield.
- Valls, A. 2007. "Reconsidering the Case for Black Reparations." In *Reparations: Interdisciplinary Inquiries*, edited by Jon Miller and Rahul Kumar, 114–129. Oxford: Oxford University Press.
- Valls, A. 2018. *Rethinking Racial Justice*. Oxford: Oxford University Press.
- Wenar, L. 2006. "Reparations for the Future." *Journal of Social Philosophy* 37 (3): 396–405.
- Yeginsu, C. 2015. "Sephardic Jews Feel Bigotry's Sting in Turkey and a Pull Back to Spain." *New York Times*, May 26. Accessed 5 April 2019. <https://www.nytimes.com/2015/05/27/world/europe/sephardic-jews-feel-bigotrys-sting-in-turkey-and-a-pull-back-to-spain.html?action=click&module=RelatedCoverage&pgtype=Article®ion=Footer>.
- Zartman, W. 2013. "Morocco's Sahrana Policy." In *Perspectives on Western Sahara: Myths, Nationalisms, and Geopolitics*, edited by A. Boukhars and J. Roussellier, 72–86. Lanham, MD: Rowman and Littlefield.