1 Codifying the Nation

Law and the Articulation of National Identity in Jordan

It has become commonplace to theorize nationalist discourses of the colonial and anticolonial varieties as aiming to produce national identities as essences that transcend time and space that are internalized by national subjects.[1] This view, however, does not consider how these identities are codified in the laws of nation-states and is generally oblivious to the importance of the juridical in its constituting of nationalism. This chapter will explore the juridical dimension of national identities. Arguing that nationalist discourse and juridical discourse subsume each other while simultaneously maintaining a certain separateness, this chapter will attempt to demonstrate how the law produces juridical national subjects. Unlike nationalist discourses that posit national identities as anterior to them, as immutable essences of which nationalist discourse is a mere effect, the juridical discourse of the nation-state will be shown to enact nonessentialist national identities that are deployed, changed, and rescinded by the law. Whereas juridical discourse claims the status of the juridical subject as prediscursive, and in that it is similar to nationalist discourse, unlike the latter it posits national identity as an effect of the law, not its precedent. All postcolonial national identities are anchored in the laws of nation-states. This chapter will demonstrate, however, that while the juridical secures the precepts of nationalism by *interpellating* subjects as nationals, it simultaneously reveals nationality as a fiction to be molded and remolded by the law.[2] Moreover, this chapter will argue that the juridical is not a mere repressive manifestation of the political, but that it also plays a central *productive*, albeit regulatory, role: it produces and regulates identity.

The importance of laying down the law and applying it through enforcement is key to understanding how modern states operate internally vis-à-vis their subagencies, the bureaucracy, the military, and political institutions (the executive, the legislative, and the judicial), and externally vis-à-vis the territory over which the state reigns and the people this territory encompasses. As Louis Althusser has pointed out, however, the law is part of both the "repressive state apparatus" and the "ideological state apparatus"; it plays a unique double role.[3] Althusser's distinction is a variation roughly corresponding to what Antonio Gramsci calls "civil society" and "political society." Gramsci's civil society is where popular consent is produced noncoercively through what he termed *hegemony*.[4] What is important in discussing the state in its national guise (i.e., the nation-state itself) is how the institution of law, as a repressive and ideological apparatus (or, as Gramsci would have it, one that produces conformity through hegemonic and coercive means), is needed to guarantee control over time and temporality more generally—not only time as present and future but, just as importantly, time as past—over space and spatiality more generally—not only of identifying territory as national or foreign but also rendering it juridically governable—and over people as normalized juridico-national subjects. In this vein, Jacques Derrida states that the "the founding and justifying moment that institutes law implies a performative force . . . not in the sense of law in the service of force, its docile instrument, servile and thus exterior to the dominant power but rather in the sense of law that would maintain a more internal, more complex relation with what one calls force, power or violence."[5] The law's ability to structure the time and space of the nation-state, and to delimit the nature of the bodies of nationals, is therefore of utmost importance when discussing how nationalist discourses formulate national identities and how these identities are codified into law, whereby, following Derrida, *the juridical is always internal to the national project* and not an external manifestation servile to it. The very act of codification by the nation-state is part of the foundational moment of nationalization. Codification then is the productive act of identifying subjects as national.

Through juridical fiat, the law of nation-states defines and limits the time of the nation, its space, and its subjects. However, not only is the law interested in the identification of time as national time, space as national space, and the interpellation of subjects as nationals, but just as central to the definitional coherence of these categories (as we will see when we examine Jordanian laws of nationality later) is the law's ability to identify time as non-national (as foreign, as colonial, and as postcolonial), space as non-national

(as colonized, as occupied), and to interpellate and thus identify subjects as non-nationals (as foreigners). Sharing Derrida's understanding that "[n]either identity nor non-identity is natural, but rather the effect of a juridical performative"[6] is imperative in this context. Law, then, in a nation-state enacts the foundational differentiation of all the categories that it interpellates as binaries. It enacts *not* identity but difference *tout court*. However, the two components of this binary hold asymmetrical valences manifested in the law's enumeration of rights and duties corresponding to them. To accommodate this asymmetry, which the law itself enacts, the two juridical subjects—the national and the foreigner—are inscribed through different categories of law. Juridical power in its ideological role, then, as Foucault has taught us, does not only repress and punish, it also *produces* the juridical subjects over whom its power is distributed. As a productive power, the law's ideological instrumentality is the object of interest not only of state architects but just as importantly of the architects of nationality.

In the case of Transjordan, the first manifestation of a nationalist discourse propelled by the state was evidenced in the transformation of the state into one that rules juridically. This was accomplished through the enactment of a series of laws in the 1927 to 1928 period culminating in Transjordan's Organic Law (al-Qanun al-Asasi, or the Basic/Foundational Law)[7] in 1928. In the extra-juridical societal realm, this was preceded by several Transjordanian uprisings in the early 1920s asserting nativism against the non-native Mandatory-Hashemite state. Moreover, the time of the enactment of these laws by the Mandatory-Hashemite state coincided with a highly mobilized anticolonial nationalist movement whose identity was still in flux, but whose other (i.e., British colonialism) was clear. It was not until decades later, however, that a full-fledged Jordanian nationalism articulated itself (although the 1920s uprisings were renarrated by some Jordanian nationalists as nationalist moments) dialogically and in conjunction with the juridical discourse of nationality.

Crucial to this inquiry about the role of law in nation-building is the question of national identity and of nationalist agency, as they are differently constituted within nationalist discourse and in the laws of nation-states. Although the specifics of national identity and nationalist agency may differ according to the discourse within which they are formulated, they are constituted through similar operations. Whereas national identity is constituted through interpellation by nationalist discourse and the definitional fiat of nationality law, nationalist agency is produced through a combination of interpellation and performativity. By national identity, I mean the set of

characteristics and markers (territorial origins, patrilineal or matrilineal ancestral origins, religion, race, gender, class, language) that nationalist thought sets as the prerequisites to having a certain national identity as that identity is defined by nationalist thought itself. Nationalist agency refers to the abilities and the will to perform a set of acts and practices aimed at achieving nationalist goals, as those (the abilities, the acts, the practices, and the goals) are defined by nationalist discourse and the laws of the nation-state. A national is someone who is identified by nationalist discourse, and its corollary, nationality law, as a "national" in a monological operation of interpellation. In this operation of interpellation, the national is the object of nationalist discourse and the subject of the law. The nationalist agent, however, is someone who identifies as, and who is identified by nationalist discourse as, part of the nation, and one whom nationalist discourse considers to be a possessor of the aforementioned abilities and will based on criteria set by nationalist discourse. Thus the agent functions as both object (interpellated) and subject (performer). Laws of the nation-state base themselves on this dialogical discursive identification to interpellate nationalist agents as performers. In this vein, Homi Bhabha[8] states,

> [The] people are not simply historical events or parts of a body politic. They are also a complex rhetorical strategy of social reference where the claim to be representative provokes a crisis within the process of signification and discursive address. We then have a contested cultural territory where the people must be thought in a double-time; the people are the historical "objects" of a nationalist pedagogy, giving the discourse an authority that is based on the pre-given or constituted historical origin or event; the people are also the "subjects" of a process of signification that must erase any prior or originary presence of the nation-people to demonstrate the prodigious, living principle of the people as that continual process by which the national life is redeemed and signified as a repeating and reproductive process.

The foundation of Transjordan as a state in 1921, although a hesitant act by its architects, the British and the Hashemites, was to be made permanent through the enactment of a series of laws culminating in the Organic Law of 1928 authorizing the new state in its territorial and temporal claims and in its control of the bodies over which it rules. This chapter will concern itself only with the Nationality Law,[9] which was enacted alongside the Organic Law in 1928, and its juridical journey of amendments, nullifications,

and reenactments through the present. Nationality Law is important not only for its foundational regulation of who is a national and who is not, but also for its ever-continuing role in reorganizing the nation's temporal, spatial, and corporeal borders. Nationality Law is conscious of its very productivity of "the people." "But this people does not exist . . . *before* this declaration, not *as such*."[10] Still, the very act of interpellation is a reproductive performance, of giving birth to the people *as* nation. Who is interpellated as a Jordanian, however, undergoes many variations in the journey of this law for the next eight decades. The occurrence of such variations is commensurate with the redefinition of Jordan spatially and of Jordanianness temporally. In this context, the role of law is not necessarily one that deals with questions of justice, but rather with the self-referential questions of legality, of juridicality. As Derrida asserts, "in the founding of law or in its institution, the . . . problem of justice will have been posed and violently resolved, that is to say buried, dissimulated, repressed. Here the best paradigm is the founding of the nation-states or the institutive act of a constitution that establishes what one calls in French *l'état de droit*."[11]

The Prehistory of Juridical Postcoloniality

As anticolonial nationalism is derived from the European Enlightenment and post-Enlightenment Romantic thought, so are the laws demarcating nationhood in the now independent former colonies derived from the laws of European nations. Jordanian Nationality Law is hardly an exception in this regard. Jordan's Ottoman and British colonial legacy, as will be demonstrated later, defined not only its legal system but also the juridical epistemology governing Jordanian nationality from the outset and through the present.

Whereas most legal experts and political historians trace Jordanian nationality laws to the Ottoman period and to the Treaty of Lausanne severing the country from its erstwhile sovereign, they have not, surprisingly, connected Jordanian nationality laws from the 1920s to the present with the laws of the British Empire; this is especially surprising as the articles on nationality in the Treaty of Lausanne itself are highly influenced by British nationality laws.[12] The inhabitants of what became Transjordan were indeed governed before 1924, the effective application date of the Treaty of Lausanne (concluded in 1923 between the Ottomans and the Allies), by the Ottoman Nationality Law of 1869,[13] itself the culmination of the 1839 *Gül-*

hane decree and the 1856 *Hatt-i Humayun* decree, which were attempts to Westernize Ottoman law as part of the Tanzimat Reform. Ottoman laws enacted during the Tanzimat period were influenced by and borrowed from the French and the Italian codes and judicial practice.[14] The Treaty of Lausanne stipulated in its article 30 that "Turkish subjects habitually resident in territory which in accordance with the provisions of the present Treaty is detached from Turkey will become *ipso facto*, in the conditions laid down by the local law, nationals of the State to which such territory is transferred."[15] It should be emphasized that the Treaty of Lausanne gave the choice to those (over eighteen years of age) who desired to remain Turkish citizens to do so, to those who chose another nationality to have the right to reapply for the Turkish nationality within two years of the effective date of the Treaty, and to those who belong to a different "race" from the majority of the population of the territory of which they are resident to apply for the nationality of the country whose majority is of their same "race" in accordance with the laws of that country.[16]

As for the British Nationality Law (much of which was lifted verbatim into the Nationality Law of Transjordan) in existence at the time of the establishment of the British Mandate over and the creation of Transjordan, its modern form, which emerged in 1844 and was elaborated on in 1870,[17] took shape in the British Nationality and Status of Aliens Act of 1914[18] and its amendments of 1918.[19] As the forthcoming comparisons will show, almost everything that came to constitute juridical Jordanian national subjectivity was lifted verbatim from these British laws. This palimpsestic operation has been the most successful in concealing itself and in not being revealed by Jordanian nationalists to this very day. Whereas the influence of Islamic Ottoman judicial practice and of the Westernized Ottoman Tanzimat is readily accepted, insofar as the Ottomans are not conventionally considered culturally "other," the "original sin" of British colonial contamination of what Jordanian juridical nationality constitutes, is conveniently erased out of the genealogy of juridical and nationalist memory.

It is interesting to note here that British colonial officials were not even certain that a separate Transjordanian nationality should be created at all. In 1922, a correspondence between several British colonial officials discussed the options of granting the people of "Trans Jordania" a separate nationality or simply, as Winston Churchill insisted, to consider them as "Transjordanian Palestinians." The matter was ultimately settled in favor of the "separate Transjordan Nationality."[20] The very name of the territory had in fact already been debated a year earlier during British parliamentary de-

bates in April 1921. Mr. David Ormsby-Gore, a former assistant secretary of the Middle Eastern Committee, suggested that the very name of the country be made "Belka." It was explained to him that Belka "was the name of one district only. The whole territory was at present known officially as Trans Jordania." [21] Even the Amir ʿAbdullah was not sure which name the territory should have—a national one, *Sharq al-Urdunn* or East of the Jordan, or a more inclusive Arab nationalist one. Upon setting up his government in 1921, he named it the Government of *Mintaqat Al-Sharq Al-ʿArabi*, or the Government of the Territory of the Arab East, a name that was used alongside *Sharq al-Urdunn* until the late 1920s.

The Nationality Law of 1928 was not the first attempt to define Jordanians juridically. The first attempt to do so had taken place a year earlier through the enactment of the Law of Foreigners (or Aliens).[22] Following the 1914 British Nationality Law, the 1927 law defines Jordanians in similar terms to the 1928 law and defines a foreigner as "everyone who is not Jordanian." However, there are a number of exclusions from the category of "foreigner" that the law insists upon, namely, those in the service of the Transjordanian Mandatory government, any individual in the service of His Majesty's (Britain's king) naval, land, or air forces, or anyone in the employ of British political, colonial, or consular agencies, and other nonhonorary consular employees. Whereas the Law of Foreigners will not apply to those excluded, it is unclear if laws dealing with nationals do, or indeed if those excluded can be juridical subjects of the Transjordanian state at all! In fact, the British government was so concerned with this matter that it included a provision for it in the 1928 Agreement between the British government and the amir. In article 9 of the agreement, it is asserted that "no foreigner shall be brought before a Transjordanian Court without the concurrence of His Britannic Majesty." This article further stipulates that the amir undertake to "accept and give effect to such reasonable provisions as His Britannic Majesty may consider necessary in judicial matters to safeguard the interests of foreigners."[23] Moreover, under the terms of the agreement, foreigners could not be "brought to trial before Transjordan courts without the consent of the British Resident."[24] This differs substantially from the 1914 British Nationality Law, which stipulates in its article 18 that an "alien shall be triable in the same manner as if he were a natural-born British subject."

The essentialist/anti-essentialist feature of nationality law is the very core of the law. The law's Orwellian instrumentality in rewriting and renarrating the nation will be shown to be crucial for the law's ability to *present* (in both temporal and spatial senses) the nation, in every act of rewriting and re-

narrating, as a seamless continuity with no ruptures. This is done "not by suppressing all differences, but by revitalizing them to itself in such a way that it is the symbolic difference between 'ourselves' and 'foreigners' which wins out and which is lived as irreducible."[25] This presentation is the effect of the symbiotic relationship that juridical nationalist discourse and popular nationalist discourse cohabit. Any questioning, however, of the ruptures prevalent in the law itself as regards the question of nationality, is coded in popular nationalist discourse as a subversive attempt to rupture the nation itself, indeed as national treason.

National Time

Nationalism's obsession with temporality (confused as historicity) is related more to establishing a collective memory for itself and its subjects than to inscribing itself in history (which is of secondary import). The importance of this collective memory is crucial to the project of interpellating people as identical. To conjure up identity among people is to suppose it not to be self-evident; it is to counter an apparent *difference*, which nationalism does by "revealing" identity as the organizing principle of "the people" who until recently had thought of themselves unconnected, non-identical—in short, different.

National time is a double time. This double time, however, is a synchronous one. The nation's commitment to the preservation of a traditional national culture carried through from the past and its project of technological modernization as the present goal to be achieved in the future place the nation on a synchronic temporal continuum, whereby the nation simultaneously lives its traditional past, its present emergence, and its future modernity as one unmediated moment. It is the nation's subjects who are interpellated differentially to signify these different temporalities of the nation—tradition and modernity.[26] In an anticolonial setting, national time then involves deploying a counter-memory, one that challenges not only the apparent difference it acknowledges but as importantly the active colonial denial of its subjective identity.

The attempt of nationalist movements to "retrieve" the memory of the "nation" was analogized by Freud to a person's childhood memories. "This is often the way in which childhood memories originate. Quite unlike conscious memories from the time of maturity, they are not fixed at the moment of being experienced and afterwards repeated, but are only elicited at a later

age when childhood is already past; in the process they are altered and falsified, and are put in the service of later trends, so that generally speaking they cannot be sharply distinguished from phantasies." Freud[27] proceeds to explain how nations come to write their histories:

> Historical writing, which had begun to keep a continuous record of the present, now also cast a glance back to the past, gathered traditions and legends, interpreted the traces of antiquity that survived in customs and usages, and in this way created a history of the past. It was inevitable that this early history should have been an expression of present beliefs and wishes rather than a true picture of the past; for many things had been dropped from the nation's memory, while others were distorted, and some remains of the past were given the wrong interpretation in order to fit in with contemporary ideas. Moreover people's motive in writing history was not objective curiosity but a desire to influence their contemporaries, to encourage and inspire them, *or to hold a mirror up before them* [emphasis added].

This is exactly how historical memory as mirror *identifies* the nation's subject by unifying its fragmented self. It is through this national identificatory mirror that the "national" is imaged/imagined as a category that assimilates all different experiences into it as one and the same. Memory/counter-memory is a crucial instrument for nationalism. Identifying time as national or foreign is then imbricated in the core project of identifying nationals and foreigners.

Before 1921, the area that became Transjordan was under several Ottoman regional jurisdictions, including areas in southern Syria, Palestine, and the northern Hijaz (all of which, like Transjordan, were divided into *wilayas* and other subdivisions). Much of Jordan's official history[28] examines the pre-state period retrospectively, as if the creation of the Jordanian state had been inevitable. Jordan's pre-state population is described as highly "divided," "lawless," having no "central" authority, and plagued by internecine rivalries, a condition which could be remedied, the historians suggest, only by the arrival of the Hashemite Amir ʿAbdullah, who "unified" the "country" both demographically and territorially. The British, on the other hand, describe the territory and people of what became Transjordan as ungovernable. Due to the inability and disinterest of the Ottoman state to administer (what became) Transjordan effectively, the "population," the British concluded, was unaccustomed to obedience to central authority. Setting up a govern-

mentalized state should render the "population" governable and ensure the attainment of specific colonial political and economic goals. By governmentality, I take Foucault's definition as operative: "the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and its essential technical means apparatuses of security."[29]

In the waning days of the Ottoman Empire, the contest for control of the region heated. Upon Ottoman withdrawal, the area that became Transjordan was the staging area for the takeover of Syria in 1918 by ʿAbdullah's brother, Faysal. In accordance with the British and French Sykes-Picot agreement of 1916, the French soon evicted Faysal from Syria. His Arab nationalist supporters retreated to the area that later became Transjordan. The end of Ottoman rule had left that area with no imperial authority able to subdue the Arab nationalists or control the trade routes. The British, therefore, elected to install Faysal's brother, ʿAbdullah, as ruler of a new entity, Transjordan, hoping to appease the Arab nationalists after Faysal's loss of Syria, and to prevent opposition that might have arisen to direct colonial rule. Although ʿAbdullah made alliances both with and against various tribes and families among the population, he and the British realized (for varying reasons, not all of them shared by the two parties) the need to "unify" the region and provide it with a new political identity as a separate state. The British were at the time much concerned with ensuring the safety of the Zionist project in Palestine, and they saw the existence of a vassal regime in Transjordan (legitimating itself under the banner of Arab nationalism) as ensuring that no opposition would arise there to that project. Although much has been written about the Zionist–Hashemite relations and the *state*-building efforts of the Hashemites, little is available about the *national* project that was put in motion upon the creation of the Transjordanian state.[30]

For the British and the Hashemites, the (initially ambivalent) creation of the Transjordanian state, however, involved the simultaneous creation of a nation to constitute this state. Unlike most other nation-states whose formation is preceded by a nationalist movement or a sense of national identity, Transjordan experienced no such transformations. In fact, there was no country, territory, people, or nationalist movement called Transjordan or Transjordanians prior to the establishment of the nation-state. The Transjordanian state, as a result, (albeit ambivalently at first) embarked on a number of policies, some of which intentionally aimed at fostering a sense of

nationhood, while others unintentionally elicited an unwelcome nationalist reaction by the subject population. For example, on the one hand, the very presence of the British and Hashemites as rulers aided by a bureaucracy and a military staffed by people from outside the area of Transjordan (Palestinians, Syrians, Hijazis, Iraqis, and British) unwittingly produced a strong nativist reaction against the new rulers and their state structures at several moments in the first decade of the state; on the other hand, the deliberate act of creating Transjordan as a nation-state that was juridically defined, territorially and demographically, as having a national identity created the sense of unity of the people of what became Transjordan, albeit a fateful unity of being subjects of the new state and its laws.

The new Transjordanian state faced a number of revolts in the first decade after its establishment, the more important of them being the al-ʿAdwan rebellion in 1923. Shaykh Sultan al-ʿAdwan was not only a tribal chief but also the ruler of much of the Balqaʾ region in northern Transjordan, which included other tribes such as Bani Hasan, Bani Hamidah, the Daʿjah, al-Balqawiyyah, and al-ʿAjarmah. The arrival of ʿAbdullah and the close alliance he built with the Bani Sakhr tribe, considered as al-ʿAdwan's traditional rivals, enraged Shaykh Sultan. Equally important, however, was al-ʿAdwan's anger over the staffing of the government bureaucracy with outsiders to the exclusion of educated locals. It should be noted that some of the locals had already occupied bureaucratic positions in the Ottoman administration. Whereas the presence of some of the *Istiqlali* nationalist leaders (members of the anti-Ottoman pan-Syrian nationalist *Istiqlal* party who had fled Syria after their defeat by the French) in the country was not opposed, the importation of mercenary employees from neighboring areas, whose sole purpose was financial gain, angered many in Transjordan. Al-ʿAdwan was not alone in his disenchantment. A number of educated men and intellectuals made common cause with him. Prominent among those was Jordan's foremost poet, Mustafa Wahbah Al-Tall, who coined the slogan "Al-Urdunn Lil Urduniyyin," or "Jordan for the Jordanians," as an assertion of nativist rights against their usurpation by outsiders. The government at first responded by reconstituting the cabinet, and in the process they appointed the Transjordanian ʿAli al-Khulqi as minister of education, as a gesture to meet the demands of the rebels. The new cabinet put forth a ministerial plan that included the "preference for the appointment of qualified members of the area [Abnaʾ al-Mintaqah], over others, to [government] positions."[31] This, however, did not placate al-ʿAdwan and his supporters among the local intelligentsia. The government, not wanting to appear weak, arrested promi-

nent local intellectuals, including Al-Tall, and accused them of plotting to overthrow the government. British military force, including the air force, was used to quell the revolt, which was defeated soon after.[32] Sultan al-'Adwan and his supporters fled to Syria, and those caught were arrested.[33] The common fate experienced by the 'Adwanis and the intellectuals under the new state introduced a sense of native unity against outside usurpers and a unity of purpose aimed at giving native Transjordanians their legitimate rights of ruling themselves. In a few decades, this moment of nativism would be appropriated by Jordanian nationalists for a new type of exclusivist nationalism.

Whereas Transjordan was established as a political entity ushering in a new temporality (post-Ottoman, Arab, and independent), encompassing a specified geography (with shifting boundaries) and population (with shifting composition), the juridical establishment of Jordanian identity did not come about until the enactment of Nationality Law in 1928, in which those who became the Jordanian people were interpellated, transformed, and produced through juridical fiat. Nationality Law was enacted at the same time as Transjordan's Organic Law, which through border demarcations identified the territory over which the new state was distributed as "Transjordanian."[34] This new juridical discourse established the geographic specifications of the country and instituted a binary of nationals and foreigners through a retroactive application of the law to 1923. Therefore, according to this juridical discourse, although Jordanian nationality was produced through a new legal discourse instituted in 1928, juridical power can be enacted in such a way as to apply itself to past times, establishing jurisdiction over not only who is Jordanian in the present and who becomes so in the future, but as importantly who was considered Jordanian in the past. The period from 1923 to 1924 is important because it was then that the Treaty of Lausanne was signed (July 22, 1923) and made effective (August 30, 1924). In this treaty between Turkey and the allies, Turkey relinquished control over Transjordan, and the Ottoman Nationality Law (enacted in 1869) that had applied to that country was rendered no longer in effect. This period also coincided with the deportation of many Syrian Arab nationalists who were the regime's lieutenants for its first two years in power,[35] and it came after the postwar population movements and settlements had subsided.[36]

It is important to stress that the very interpellation of people as "Jordanian" or "foreign" is accomplished through the law's reflective functionality as mirror. If juridico-national subjects are to be subjected to the law that produces them, they must view their very production in the law as mirror re-

flections, as well as establish their very reproducibility through juridical duplication. In this process of duplication, in which a national recognizes all other nationals as duplicates of the law's mirror reflection and on that basis recognizes the foreignness of those who are juridically reflected as such, misrecognition (*méconaissance*) becomes a logical impossibility. In this specular economy of identification, recognition is established as the basis of identification of nationals and foreigners, as the very basis of juridical existence (and this is *the only* allowable existence) in the modality of the nation-state.

The political context of these juridical initiatives was the agitation for representativity by native Transjordanians, who had also called for a constitutional structure, and for an end to the British mandate, but not for an end to the recently constituted nation-state. Whereas the first nationalist party (albeit of the Qawmi variety) in the country was the pan-Syrian *Istiqlal* whose members were purged and exiled from Transjordan by the British and the amir in 1924, Hizb al-Sha'b (or the People's Party) was established in 1927 as the first *Transjordanian* party. Party founders were mostly Transjordanians, some of whom had been imprisoned by the government during the al-'Adwan revolt. Their program included the assertion of the country's independence as well as equality among its people.[37] The party called on the government to include it in talks with the British and to set up a representative and responsible parliament. Following the Transjordanian-British agreement of February 1928 and the refusal of the government to reevaluate its position despite massive demonstrations in April, May, and June 1928, the party decided to convene a General National Congress (Mu'tamar Watani 'Am) to represent the country and speak for it. The congress convened at the Hamdan Cafe, downtown Amman, in July 1928, and it was attended by over 150 prominent personalities and Shaykhs in the country. The congress issued the Jordanian National Charter (Al-Mithaq Al-Watani Al-Urduni) identifying Transjordan as "an independent sovereign Arab country" and demanding the establishment of a constitutional government. The charter also rejected the principle of the British Mandate except if it meant "an honest technical assistance in the interest of the country." In opposition to legislation that would allow Zionists to purchase land in the country, the charter also asserted that "any exceptional legislation that is not based on the principle of justice and the general welfare and the real needs of the people is hereby considered nullified." Thus, the congress confirmed the juridical creation of the nation-state by the British and the Hashemites. It questioned only the governing arrangement of the new nation-state and

not its modality. The charter was submitted to the amir, who in turn submitted it to the British. The British rejected all the demands and claimed that the country's people "have not yet proved their competence in learning how to administer [the country]." In the meantime, a number of laws were enacted to limit political activity. The Crime Prevention Law was enacted in September 1927 allowing the government to arrest anyone whom it considered a security threat, and the Law of Collective Punishment and the Exile and Deportation Law were enacted in August and October 1928, respectively. These laws were used to harass and repress the nationalist opposition (and to expel members of the Bani ʿAtiyyah tribe in 1932),[38] but they were also used to *produce* a sense of national unity among the opposition as subjects of the same laws of the same nation-state. The government moved in to close down a number of newspapers (including *Al-Shariʿah*, *Sada Al-ʿArab*, *Al-Urdunn*, and Mustafa Wahbah Al-Tall's *Al-Anbaʾ*). The opposition persisted and sent more delegations to speak with the British High Commissioner. They objected to the election law and to the new dictatorial laws that limited people's freedoms. When they did not receive any concessions, the People's Party and their supporters boycotted the elections of 1929 and convened the Second National Congress in March 1929. This time, they forwarded their demands to the League of Nations instead of to the British. Around the same time, fissures within the party were becoming obvious as some of its members decided to run for the boycotted elections. This led to the emergence of a new nationalist party in April 1929 calling itself the Party of the Executive Committee of the National Congress (ECNC).

The new party was able to attract members of the People's Party as well as members of the National Congress. The ECNC proved to be the most nationalist in its demands. Its members, who included Transjordanians as well as Syrians, Iraqis, and Palestinians, pledged that their task would be to realize the demands put forth in the National Charter. The ECNC continued to exist until 1934. It published a newspaper (*Al-Mithaq*), which was suppressed soon after, while its leaders, including Subhi Abu Ghanimah and ʿAdil Al-ʿAzmah, were in the forefront of opposing the Mandatory government and the amir on a number of issues including land sales to Zionists. Under their tutelage, three more congresses were convened (in May 1929, March 1932, and June 1933). The ECNC sought to change the system of governance through peaceful and "legitimate" means. Its agitation among the people of the country was opposed not only by the Mandatory authorities and the amir, but also by large land-owners who were supporters of the amir (but not necessarily the British). To oppose the nationalists, the land-owners

formed their own party, Al-Hizb Al-Hurr Al-Mu'tadil (or the Free and Moderate Party), in June 1930, which did not last long. Other land-owners, including Christians and Circassians as well as Bedouin tribal leaders, formed their own party in March 1933, which they called the Party of Jordanian Solidarity (Hizb al-Tadamun al-Urduni). This party called for the "defense of the being of the children of Transjordan, the attainment of their rights . . . and the dissemination of modern education."[39] Their exclusivist Jordanian nationalism was in stark contrast to the inclusivist Jordanian *Arab* nationalism of the ECNC. The Party of Jordanian Solidarity stipulated in article 36 of its Founding Charter that membership in the party is limited to those who settled in Transjordan before 1922.[40] This party also did not last long, as it represented only its members, with little if any popular following. Its claims of who the real Jordanians are, however, were to be upheld by Jordanian nationalists decades later. The fact that Transjordan existed only for a few months before the 1922 date, and that it did not then include the southern third of the country (which was annexed in 1925), did not figure in the calculations of these exclusivist nationalists. For them, the juridical procedures that were used to create Transjordan itself in 1921 and its expansion in 1925 were to be appropriated into their nationalist discourse, erasing their juridical genealogy.

When these parties failed to defeat the ECNC (whose popularity stemmed from its relationship to the first National Congress), many of their members formed a rival party claiming the same descent as the ECNC (i.e., from the National Congress, which they renamed the General Jordanian Congress). Their new rival party, which they set up in August 1933, was called the Party of the Executive Committee of the General Jordanian People's Congress. They attempted to delegitimize the National Congress party and the congresses it had held since the original break in 1929. The National Congress Party continued its activities opposing the draconian measures taken by the new prime minister Ibrahim Hashim (of Palestinian origin and an ally of the amir) against the opposition. The leaders of the party were soon scattered, some going into exile. Both parties ceased to exist by the end of 1934.[41]

The importance of all these parties, be they anticolonial or not, is that they accepted the modality of the nation-state as providing the spatial limits of their political organization. Unlike the Istiqlalis, who were pan-Syrian nationalists calling for the unification of all of Greater Syria, these parties sought to fight the colonial presence or to uphold the existing colonial arrangement of Mandatory rule within the existing modality—that is, the

nation-state. These political developments demonstrate how the juridical and political establishment of the Transjordanian state in 1921 had already become internalized in society less than a decade after its initial inception.

National Space

The Organic Law acting as the country's first constitution identified territory as Jordanian. This was carried out through demarcation, whereby those areas included in the new nation-state were Jordanized and those that were not were interpellated as foreign. Territory acts as a malleable entity, expanding and contracting according to the law. Whereas (Trans)Jordan expanded in 1925 and 1948, it contracted in 1988 (there were also some minor border rectifications with Saudi Arabia in 1965[42]). These expansions and contractions were building on the core territory of 1923 identified as Jordanian in 1928, and can in no way constitute a threat to the nationalization project. This core has not been affected by subsequent contractions. It serves to secure the nation's territory as an essentially national space. In this new signifying economy, "the 'external frontiers' of the state have to become 'internal frontiers' or—which amounts to the same thing—external frontiers have to be imagined constantly as a projection and protection of an internal collective personality, which each of us carries within ourselves and enables us to inhabit the space of the state as a place where we have always been—and always will be—'at home'."[43]

The nation-state, however, was interested not only in nationalizing territory through demarcation of borders and the requisite cartographic representations of these demarcations, but also in reparceling the territory internally. This process of reparceling involved the introduction of a new taxonomy and a new conceptualization of land; it signaled an epistemological break with previous conceptions of space. This was produced through an extensive process of surveys, censuses, land registration, privatization, transfer of property, confiscation, and decommunalization, which were initiated in the late twenties and continued through the early fifties. This microarrangement of the national space, although colonially planned to alter class relations in the country, served to nationalize that space by subjecting it to a systematic administration by Mandatory state officials and by subjecting it to the laws of the new nation-state. The process of nationalizing the internal space of the nation-state, through the conversion of communal property into bourgeois forms of property,[44] was part of the same process of demarcating

its borders in relation to foreign space while simultaneously subjecting that space to the law. John Bagot Glubb, the head of the Arab Legion (Jordan's army) from 1939 to 1956, observed that the "establishment of law and order resulted in the rich becoming richer and the poor growing poorer. . . . The establishment of public security deprived the farmer of the power to threaten the usurer with violence."[45] In short, nationalizing space and rendering it juridically governable was one and the same process.

According to Michael Fischbach, what the British-Hashemite land program (which was put into effect beginning in the late twenties) in Transjordan managed to do was to "enforce a British conceptualization of law and private property in the country and reduce or eradicate indigenous social aspects of land-owning, such as holding land in unpartitioned joint ownership."[46] This macro- and micro-management of land produced space as nationally cohesive while erasing previous ruptures. Equally important was the reorganization of social ties among the population of Jordan through this radical reorganization of space. The nation-state seeks to territorialize identity and is therefore hostile to kinship ties that cross the newly established national territory. As Frederick Engels explains, "The state distinguishes itself from the old gentile organization firstly by the division of its subjects on *a territorial basis*. The old gentile bodies, formed and held together by ties of blood, had, as we have seen, become inadequate largely because they presupposed that the gentile members were bound to one particular locality, whereas this had long ago ceased to be the case. The territory was still there, but the people had become mobile. The territorial division was therefore taken as a starting-point and the system introduced by which citizens exercised their public rights and duties where they took up residence, without regard to gens or tribe. This organization of the citizens of the state according to domicile is common to all states."[47]

In a country where the inhabitants had tribal and family links that crossed the invented national boundaries (to Palestine, Syria, Iraq, Egypt, Lebanon, the Hijaz, Armenia, and the Caucasus), the reorganization of identity had to be territorialized. It is through this new epistemology of space that the Transjordanian state sought to define Jordanian nationality juridically.[48] Blood ties had to be superseded by territorial contiguity and residency. Engels adds, "Only domicile was now decisive, not membership in a lineage group. Not the people, but the territory was now divided: the inhabitants became, politically, a mere appendage of the territory."[49] In the case of Transjordan, as in other nation-states, the new juridically defined national space becomes a seamless whole with no internal ruptures. The only ruptures that

exist are the new ones created by the law, namely, those that secure the new juridical binary—that is, ruptures that inhabit the border securing the discreteness of national space and separating it from foreign encroachment.

This, however, needs to be contrasted with extra-juridical popular nationalism. As evidenced by the Party of Jordanian Solidarity in the early 1930s and its contemporary extensions, Jordanian exclusivist nationalists reject the criterion of residency as a basis to establish Jordanianness, substituting instead the notion of origin. Only those who can claim the national space as the originary space from which they hail can claim Jordanianness as an identity. It is unclear if certain historical moments preceding 1921 or 1922 act as thresholds for this definition. An added dimension is Jordan's inscription in a pan-Arab nationalism that renders it a part of a unified Arab nation, both demographically and geographically, although not juridically (the Arab League, as the major official arm of state-sponsored pan-Arab nationalism, has no juridical power over the internal affairs of member states).

National Territory and Paternity

The establishment of paternity as the source of nationhood has been enshrined in British nationality laws since the nineteenth century. In the exemplary case of Britain, as Francesca Klug demonstrates, "women were only allowed to reproduce the British nation on behalf of their husbands. They could not pass their nationality to their children in their own right."[50] In fact, British women who married outside the nation lost their British nationality, as did their children. On the other hand, the children of British men and non-British wives would be automatically British, as would the non-British wives. Some of these laws were changed in 1981 and 1985, when British women won the right to transfer their citizenship to their own children born abroad.[51] It is the former British model that was transported to the colonies.

As a simulacrum of British law, Transjordanian Nationality Law adheres to the same epistemology.[52] On the one hand, the law interpellates individuals as Jordanian (as in article 1 and article 6), whereby "all Ottoman subjects who were living habitually in Jordan on August 6, 1924 are considered as having *acquired* the nationality of Transjordan (East of the Jordan), whereby 'living habitually in East of the Jordan' includes any person who took up habitual residence in East of the Jordan for twelve months prior to August 6, 1924" (article 1), and whereby any person, "regardless of where

he was born," whose father is Transjordan-born or had been naturalized at the time of that person's birth is considered Jordanian (article 6a). It is important to note that the territory of Transjordan that the law defines in article 20 is that of the country in 1928, which the law applies retroactively in considering nationality applications. Following this Orwellian move, the cities of Maʿan and Aqaba and the area between them (previously part of the kingdom of the Hijaz), which were annexed in June 1925, are identified by the 1928 law as having been Transjordanian in 1923, which is the originary moment of the law's application, and their populations are thus defined as having lived in the territory of Transjordan when at that time they were in fact Hijazis living in Hijazi territory. The law never tackles this issue except in its territorial demarcations of Jordan's borders, in which the inclusion of Maʿan and Aqaba is dealt with matter-of-factly. In doing so, juridical nationalist discourse provides a genetic account of the nation-state and its people, whose interpellation is treated as a *fait accompli*.

Jordanian nationality, the law asserts, can be established by a combination of two processes: interpellation, which acts as a monological process in which the state interpellates its own subjects as juridical nationals; and choice, which acts as a dialogical process in which the state interpellates subjects as nationals or foreigners juridically and in which these subjects have to "choose" between these two juridical identities—thus granting limited agency to juridical subjects, although both of their choices are imposed by the state that had already erased any outside to the binary. This strategy is made evident in several articles of the law (see articles 2, 3, and 5). These articles specify that every person who has acquired Jordanian nationality according to the law can as an adult "choose" another nationality (articles 2 and 3). In the case of Ottomans born in Transjordan, the law, in conjunction with the Treaty of Lausanne, asserts that upon reaching adulthood they can choose to become Jordanian (article 5).[53] An important feature of this law is the deadline regulation. All deadlines included in this law precede its very enactment by at least two years. This, it seems, is the law's insistence on its ability to create *faits accomplis*.

Jordanian nationality, following Ottoman and British nationality laws,[54] is interpellated through two principal ways: paternity or *jus sanguinis*, and (residency in Transjordan's) territory or *jus soli*. As for paternity, it is interesting that being born to a Jordanian father whose Jordanian nationality was established through naturalization or "birth" is one of the two criteria for interpellating subjects as Jordanian, especially so since the rest of the law gives no indication that being born in Jordan has any currency in establish-

ing Jordanian nationality. The only exception is article 5, whereby birth in Jordan has to be supplemented with other criteria to have any currency in establishing Jordanian nationality [one has to be an Ottoman, who reached adulthood, who submits a written request before August 6, 1926, to become Jordanian, and whose request is approved by the Chief Minister (*Ra'is al-Nuzzar*)]. In fact, article 9 of the 1954 Nationality Law,[55] which replaced the 1928 law, upholds this criterion and explicitly states that the "children of a Jordanian [in the masculine] are Jordanians irrespective of where they were born."

The law, however, has a contingency plan for those cases in which paternity cannot be determined. In 1963, the Law of Nationality was amended to accommodate those "born in the Hashemite Kingdom of Jordan to a mother who holds Jordanian nationality and to a father with an unknown nationality or without nationality, or if the paternity of the father was not legally established," and those "born in the Hashemite Kingdom of Jordan to unknown parents.[56] The *Laqit* [illegitimate child] in the Kingdom is considered to have been born in it unless otherwise proven."[57] Note how the absence of a nationalized father is rendered equivalent to the absence of the father *tout court*. Paternity, it would seem, has to be a juridical category to have national agency. As in British law,[58] in the absence of such a nationalized paternity, women and territory (birth) can become agents of nationality as substitute (albeit secondary) fathers. Whereas territory has to be supplemented with paternity, where the latter can be established as always already nationalized, territory can perform its function as a national agent independently in the father's absence. As for women, this is the only time that their maternity can be co-opted as substitute paternity in conjunction with territory (birth), and in that substitutive role, both are endowed with juridical agency. However, since the law accords territory the independent role of substitutive paternity in the absence of a nationalized father, it is unclear why women are endowed with the contingent agency of substitutive paternity in the first place. A child born in Transjordan to a non-nationalized father can be nationalized by appealing to the territory's substitutive paternity irrespective of whether the child has a nationalized mother. It would seem, then, that this contingent agency that women/mothers are granted as substitute fathers is at best supplementary and at worst gratuitous.

The operative criterion in this law besides paternity is residency in the territory of Transjordan, a residency that has to satisfy certain temporal specifications directly related to the establishment of Transjordan as a nation-state. Here, residency is constrained by time. Therefore, it is being present

in what the law creates as "the national space" at what the law establishes as a specific "national time" that functions as a prerequisite to establishing nationality. The establishment of nationality however, as already discussed, can be carried out by direct interpellation by the state through the nationality law, or by a combination of interpellation and a new juridically constituted choice in which the subject (a new legal fiction in itself) "chooses" her or his position in relation to this national space as being an "outsider" or an "insider"—a national.[59] Those who choose the former will in fact have to move within 12 months outside the geographic boundaries of the nation-state (article 4).

Nationalizing Non-nationals

Whereas paternity and residency establish nationality, they also establish non-nationality—foreignness. Residency, however, as a dynamic changeable condition, can also be the catalyst for the transformation of foreigners into nationals. The section of the law that questions essentialist notions of nationality and opens it up to include erstwhile foreigners is the section on naturalization, or *tajnis* (literally, nationalization), the conditions for which are outlined in the law. It must be noted that naturalization does not necessarily depend on the subject's choice (although it also does that in specific cases); it can also be imposed through direct interpellation by the law. Consistent with other aspects of the law, naturalization affirms the law's view that nationality is not an inherent essence; rather, it is a juridical category that can be acquired or lost, imposed or withdrawn.

Article 7, stipulating normative health and ability, states that only applicants who are not "disabled" can apply for naturalization, provided they satisfy the following conditions: a two-year residency in the country prior to the application, a good character, intention to reside in the country, and knowledge of the Arabic language. The first of these conditions, residency, can in fact be waived by the chief minister if the case is considered to have special circumstances that would serve "the public interest" and if it is approved by his highness the amir. According to the 1928 law, a naturalized citizen will be considered Jordanian in all facets of life (article 9). These conditions are lifted (with minimal variation) verbatim from the 1914 British law.[60]

The word *'ajz* (or disability, incapacitation, or incompetence) refers to a married woman, a person under age, a mad person, an idiot, or any person

who is not competent before the law. The term and its definition are also borrowed in their entirety from British law.[61] The word *'ajz* was replaced in 1954[62] by the term *loss of [legal] competence*, which refers to an underage person, a mad person, an idiot, or any person who is not legally competent. Although married women were dropped from this category, their legal standing was not changed in relation to this law (see details later).

In the wake of the establishment of Israel and the Jordanian takeover of central Palestine at the end of the war, King 'Abdullah signed an addendum to the 1928 Law of Nationality. The 1949 addendum[63] affirms that "all those who are habitual residents, at the time of the application of this law, of Transjordan or the Western Territory administered by the Hashemite Kingdom of Jordan, and who hold Palestinian nationality, are considered as having already acquired Jordanian nationality and to enjoy all the rights and obligations that Jordanians have" (article 2).[64] It is unclear, however, if the new Jordanians are interpellated as native Jordanians or were simply interpellated as naturalized Jordanians, especially so because the Palestinian territories had not been legally annexed to Jordan yet and therefore were not considered Jordanian territory at the time of the mass nationalization of their population. It is also unclear if there are distinctions in the way the Palestinians were Jordanized—for example, would native "West Bankers" be considered native Jordanians, whereas Palestinian refugees from the part of Palestine that became Israel, whether now resident in the West or East Bank, would be considered naturalized? Or would all the Palestinians belong to the same category, native or naturalized? This is important because the annexation of central Palestine did not take place until a year later, in April 1950, and because the part of Palestine that became Israel was never under Jordanian sovereignty, nor was it ever claimed officially as Jordanian territory. The distinction between nationalized and native is also important because the law of nationality has different stipulations for each category (more on the Palestinian dimension in chapter 5).

These laws were amended in 1954. The Law of Jordanian Nationality, which replaced all former laws related to the question of nationality, stresses that Jordanians are those who became Jordanians in accordance with the Nationality Law of 1928 and the addendum Law of 1949. In addition to adding new stipulations for naturalization, this law adds one more criterion designed to include and exclude different categories of people. On the one hand, article 3 of this law wants to include those Palestinians (holding Palestinian nationality before May 15, 1948) who arrived in the country after the enactment of the 1949 law (whether from Israel or the neighboring Arab

countries to which they fled or had been expelled), while simultaneously excluding application of this law to Jews who before the war resided in those parts of Palestine that came under Jordanian jurisdiction. It must be noted that the 1949 addendum did not exclude Jews. As Transjordan did not have any Jewish population, the exclusion of Jews in 1954 was an attempt to thwart Zionist efforts for colonial settlement in Jordan and Zionist claims for Jewish-owned lands in the country, which were being asserted in the fifties.

The new features of the 1954 law, however, are the new conditions for naturalization and the introduction of a new important legal category—namely, the category of Arab.[65] This was done in the context of the increasingly popular unionist Arab nationalism spearheaded by the Baʿth party and Egyptian President Jamal ʿAbd al-Nasir. According to this law, an Arab who resides in Jordan and has resided there for 15 consecutive years has the right to acquire Jordanian nationality provided "he" give up his original nationality in accordance with his country's laws (article 4). This is to be contrasted with the naturalization of non-Arabs, whereby, in addition to being legally competent, they must satisfy the conditions of only four years of habitual residence, not having been convicted of crimes (that violate "honor or morals"), intention to reside in the country, knowledge of Arabic (reading and writing[66]), and a good reputation (article 12). This article was amended in 1963, whereby the non-Arab applicant must "be of sound mind and that he not have a deformity rendering him a burden unto society," and that "he have a legitimate way of earning a living provided he not compete [Muzahamat] with Jordanians in skills that a number of them have." These new stricter conditions for naturalization, compared to the 1928 law, were responding to the increasing mid-fifties tenor of anti-British sentiment opposing King Husayn's flirtation with the British-sponsored Baghdad Pact and the presence of British officers in the Jordanian Arab army (see chapter 4). In addition, the issue of Arab nationals had to do with Jordan's signing in 1953 of an Arab League agreement with other member states over the national status of the citizens of these countries in relation to each other.[67]

The term *Arab* was used for the first time in the 1952 Jordanian constitution in defining the state's supranational identity: "The Hashemite Kingdom of Jordan is an independent Arab state."[68] The constitution also defines the country's cultural, religious, and linguistic identities: "Islam is the state religion and Arabic its official language."[69] This definition of the state's identity differs from that elaborated in the 1946 constitution, wherein Jordan was simply defined as "an independent sovereign state, with Islam as its reli-

gion"[70] and Arabic as its official language.[71] The 1928 Organic Law also defined Transjordan only territorially, with no reference to ethnicity in its definition of the state.[72] However, the Organic Law did stipulate that the state religion was Islam[73] and that the official language of the state was Arabic.[74] The 1952 constitutional identification of the state as Arab was responding to the rising tide of Arab nationalism, the ideas of which were supported by Jordan's King Talal, under whose brief reign the 1952 liberal constitution was enacted. Note that what is being defined in the constitution is not the Jordanian nation but rather the Jordanian state. It is unclear if the latter is reducible to the former or if the latter is metonymically deployed to represent the former. Such a privileging of Arabic, Arabness, and Islam, however, the 1952 constitution asserts, cannot be used to exclude non-Arabs or non-Muslims, or non–Arab Muslims, from having nominally equal rights and duties: "Jordanians are equal before the law with no discrimination among them in rights or duties even though they may differ in race, language or religion."[75] This is in keeping with the 1946 constitution (which prohibits discrimination on the basis of "*origin*, language or religion"[76]) and the 1928 Organic Law (which prohibits discrimination on the basis of "*race*, language or religion [emphasis added]"[77]), both of which treated non-Muslims and non-Arabic-speakers as equal despite the privileged definitional power of Islam as the state religion and Arabic as the official language of the state. In this constitutional narrative, the non-Arab but Muslim Circassians and Chechens, the Arab Christians, and the non-Arab non-Muslim Armenians (Christian) are equal citizens before the law. More importantly, since the Law of Nationality makes no reference to ethnicity or religion, their membership in the Jordanian nation is ostensibly on the same legal footing as Muslim Arab Jordanians, although the Arabic language as regards the question of naturalization of non-Jordanians remains privileged at the expense of non-Arabic-speaking non-Jordanians (but not non-Muslims) and in favor of Arabic-speaking ones. Here again, the lines between access to citizenship and nationality are blurred, indicating further that these two categories are conflated by the law.

Returning to the Law of Nationality, it should be noted that an Arab must have resided in the country for 15 years before becoming eligible to acquire Jordanian nationality, whereas a non-Arab need have resided for only four years in the country to satisfy the law's eligibility criteria. However, all these legal details can be overcome if his majesty the king chooses to grant Jordanian nationality to anyone he deems meritorious of it. Article 5 states, "It is up to his majesty the king, based on the Council of Ministers' delegation,

to grant Jordanian nationality to any foreigner who chooses in a written petition Jordanian nationality provided he give up any other nationality that he may hold at the time of the petition."[78] In 1963, in an increased atmosphere of government repression and fear of pan-Arab nationalist infiltration, the law was amended. The amended law continued to grant an Arab resident in the country for 15 years the right to acquire Jordanian nationality. However, it imposed the conditions that "he be of good repute and good conduct and that he not be convicted of any honor or moral crime," that "he have a legitimate way of earning a living," that "he be of sound mind and not possess a handicap rendering him a burden unto society," and that "he swear allegiance and loyalty to his majesty the king before a justice of the peace"[79]—the last condition being of utmost importance to ensure the political loyalty of new citizens (Bedouins had to submit to similar criteria as far back as 1928[80]). Here, to become Jordanian, an Arab had to pledge allegiance and loyalty not to Jordan, as the new homeland, but to the king, as the two are conflated as one.

In line with the anti-essentialist stance of nationality law, not only can foreigners become nationals if they satisfy certain performative criteria, nationality itself as a jealous identity that refuses to coexist with any other is made more pliable. Until 1987, Jordanian nationality laws asserted that persons living in Jordan could be only Jordanian or foreign, but the new international economic and political order changed this dictum. The 1987 amendment to Nationality Law allows Jordanians to inhabit the binary on which the very essence of the nation-state was initially built—that is, to become dual-nationals, or foreign *and* national. The new category is not that of a foreign-national or national-foreign citizen; rather, when the law grants a person dual nationality, it recognizes the chameleonic nature of this new postmodern identity; the dual-national will be Jordanian in Jordan and a national of the second country of nationality when she or he is in that country. It is Jordanian laws that will apply to the Jordanian dual-national when in Jordan, not "the law of foreigners." This change in the law had been discussed since 1984 as the Jordanian state sought to have its expatriate citizens invest in the country, as Jordan's ailing economy needed many injections of foreign capital to sustain itself. To facilitate this and to induce expatriate investors, the Jordanian government organized annual conferences for Jordanian expatriates (mostly those who live in the Persian Gulf states) in Amman. These conferences, which began meeting in the summer of 1985, and which continued for a few years thereafter, proved to be a failure, although one of the demands of expatriates (namely, dual national-

ity) finally materialized in 1987.[81] This is one more example of the productive quality of the juridical.

In contradistinction to the previous legal stipulation of Nationality Law that all naturalized Jordanians will be equal in "all facets of life," the amendments enacted in the 1987 law introduce within that law, for the first time in Jordan's history, restrictions on the citizenship rights of naturalized Jordanians. Article 6 of the 1987 law asserts that "a person who acquires Jordanian nationality through naturalization is considered Jordanian in all aspects except that he cannot occupy political and diplomatic positions and public positions that are specified by the Council of Ministers, and he cannot become a member of Parliament until at least ten years had elapsed since his acquisition of Jordanian nationality. He also does not have the right to nominate himself to municipal, village councils or to vocational unions until at least five years had elapsed since he had acquired Jordanian nationality." What is interesting about these stipulations is that this is the first time they were listed as part of nationality law as opposed to election law. According to the 1960 election law,[82] which contradicted the existing Nationality Law, one had to have been a (male) Jordanian who, if naturalized, had to have been Jordanian for at least five years to be eligible to run for Parliament. In the 1986 election law, a naturalized citizen has to have been Jordanian for at least ten years before she or he becomes eligible to run for Parliament.[83] The 1987 amendments to the Nationality Law simply incorporated some of the provisions made in the election law of the year before, thus removing the existing contradiction between the two laws. It needs to be asserted that this law was enacted at the moment when Jordanian popular nationalist discourse and its increasingly exclusive claims had become hegemonic.

The juridical expansion of the Jordanian nation-state, demographically and territorially, which took place in 1949, was not a unique moment in Jordan's history. A similar demographic expansion took place in 1969, whereby members of the "Northern Tribes" resident in the northern territories that were annexed to Transjordan in 1930 also became "Jordanian."[84]

Losing Nationality: The Law Giveth and the Law Taketh Away

Consonant with the anti-essentialist epistemology of Nationality Law, whereas Jordanian nationality can be acquired, it can also be lost. As in

British law, the conditions of loss of nationality are listed as the acquisition of the nationality of a foreign country by choice (although a person could reinstate his nationality if he were to return to Transjordan and reside there for one year—see article 14). Whereas all Jordanians (Arab and non-Arab) have the right to give up their nationality and acquire that of another country, Arab Jordanians can do so only with the approval of the council of ministers if their new nationality of choice is non-Arab. If the new nationality they want to acquire is Arab, then no such approval is necessary (see articles 15, 16, and 17 of the 1954 law). Another condition leading to loss of nationality is joining the civil, military, or royal services of a foreign country without the permission of the Jordanian government, and refusing to quit that service when requested to by the Jordanian government, or joining the service of an enemy country. To this article was added one more condition in 1958, whereby a Jordanian can lose "his" nationality "if he committed or attempted to commit an act considered dangerous to the state's safety or security."[85] This section was added immediately after the government's 1957 antidemocratic coup that instituted martial law and suspended the constitution.[86] Note the performative aspect of this amendment, whereby political loyalty to the state is rendered a condition of nationality. In this case, citizenship and nationality are conflated as one. As far as the law is concerned, the two are imbricated in each other so much that a person cannot inhabit one without inhabiting the other. Citizenship and nationality, the law asserts, constitute an identificatory dyad that cannot be disaggregated. This condition for nationality is designed to circumvent Jordan's 1952 constitution. Whereas most rights accorded Jordanians in the 1952 constitution are restricted by the caveat "according to the law," article 9 of the constitution is explicit and unwavering in its stipulation that "the deportation of a Jordanian from the Kingdom is not allowed." Since the constitution defers all matters of nationality to Nationality Law, the preceding amendment circumvents this by denationalizing Jordanians as a precursor to deportation. The constitution's commitment against the deportation of citizens, it must be noted, was a new innovation countering the 1928 Exile and Deportation Law.[87] That law stipulated that "if the Legislative Council were convinced that any person behaves in a manner dangerous to security and order [Nizam] in East of the Jordan, or seeks to provoke enmity between the people and the government in East of the Jordan, or between the people and the Mandatory state, then it would be allowed that the Legislative Council order that such a person be deported from East of the Jordan to the place decided upon by the Executive Council, for the period it deems appropriate."[88] Unlike the

1957 amendment, the 1928 law did not seek the denationalization of the deportable citizen, as the Organic Law did not have the liberal provisions of the 1952 constitution. In the first case of its kind, however, the Jordanian government of ʿAbd al-Raʾuf al-Rawabdah, backed by King ʿAbdullah II, contravened the constitution by deporting four Palestinian Jordanian Islamists to Qatar in the fall of 1999. The four are suing the government from their exile on the basis of this constitutional violation.

Whereas the preceding laws were finally amended in 1987 to allow Jordanians to hold dual nationality, the 1988 Jordanian disengagement from the West Bank was one that denationalized over 1 million Jordanians resident in that part of the kingdom (see chapter 5).[89] This sudden contraction of the nation-state was officially described as a boost to Palestinian nationalism. Jordanians of Palestinian origin resident in what is known as the East Bank were assured by King Husayn that the fate of their compatriots across the river would not befall them.[90]

Women and Children

These stipulations on who is Jordanian apply to all adult males and all adult unmarried females, the masculine pronouns used in the law notwithstanding. The law, however, has different regulations for married women and underage children, who are grouped together in the law under the heading, The Naturalization of Married Women and Under-Age Children (see chapter three of this law). This category is also borrowed verbatim from British law.[91]

The only acceptable national status of married women—be they of premarital Jordanian or foreign nationality—is that of their husband, irrespective of the husband's nationality. The 1928 law is explicit on this matter. Echoing the words of British Nationality Law,[92] it is asserted that "the wife of a Jordanian is Jordanian and the wife of a foreigner is a foreigner." According to the law, "a woman who has acquired Jordanian nationality through marriage has the right to give it up within two years of her husband's death or of the breakup of the marriage." Moreover, "a woman who lost her Jordanian nationality through marriage has the right to retrieve it . . . within two years of her husband's death or of the breakup of her marriage" (article 8). This categorical denationalization of married Jordanian women and the commensurate nationalization of foreign women married to Jordanians (irrespective of their choice) is changed in amendments in 1961[93] and 1963.[94]

These new amendments stipulate that the wife of a Jordanian is Jordanian and the wife of a foreigner is a foreigner, except that "a Jordanian woman who marries a non-Jordanian[95] can keep her nationality until she obtains his country's nationality according to his country's laws," and "a foreign woman who marries a Jordanian can keep her nationality if she so wishes, in which case she must declare her wish to do so in written form submitting it to the Minister of the Interior within one year[96] of the date of her marriage, and will henceforth be treated according to the Law of Foreigners and its related regulations." A new section was added in 1963 stating that "a Jordanian whose husband acquired the nationality of another country or who acquires the nationality of another country due to special circumstances can keep her Jordanian nationality." These laws were amended to rectify the situation of those Jordanian women who married outside the nation only to find themselves stateless overnight, as they could not obtain their husband's nationality immediately. Thanks to this amendment, women were protected against statelessness and were no longer full followers of, or fully dependent on, their husbands.

After much lobbying by women in the country, the 1987 amendment[97] finally allowed Jordanian women to keep their nationality after having married a non-Jordanian, or to hold dual nationality, their original nationality and that of the husband. Moreover, "a Jordanian woman whose husband acquires the nationality of another country *can keep* her Jordanian nationality [emphasis added]." As for foreign women who marry Jordanians, whereas they were no longer automatically nationalized by Jordanian law, their access to Jordanian nationality became subject to stricter conditions. If these foreign women were of Arab nationality, then they would qualify for Jordanian nationality after a three-year residency in the country. If they held foreign non-Arab nationality, there is a five-year residency requirement. These foreign women also can keep their nationality in addition to acquiring Jordanian nationality.[98] It would seem that this new law accords married Jordanian women more rights as independent citizens than as followers of (or dependents on) men, and considers Jordanian men's rights to recruit new nationals through marriage not a condition sufficient unto itself. Men's rights now have the function of agency in transmitting nationality when supplemented with residency inside the territory of Jordan. The law also took care of the matter of national reproduction by clarifying (article 11, law of 1954) that if a foreign widow or divorcée marries a Jordanian, "her children before that marriage do not acquire Jordanian nationality because of such marriage only."

Whereas, following British law,[99] article 10 of the 1954 law takes away a Jordanian man's children's nationality in accordance with his loss of it ("If some person has lost his Jordanian nationality, his under-age children will also lose it although they will have the right to retrieve it in a petition to that effect that is submitted within two years of reaching legal age"), the 1963 law nullifies this article by allowing the children to keep their Jordanian nationality until they reach legal age, at which point they will have to make a choice (amendment to article 10). The 1987 law gave children (along with married women) the right to keep their Jordanian nationality regardless of what their fathers might do with theirs. Article 10 was nullified and rewritten as follows: "An underage boy whose Jordanian father acquires the nationality of a foreign country can keep his Jordanian nationality."[100] Here the "boy" is ostensibly a stand-in for the "ungendered" universal.

Until the 1987 changes, juridical power in Jordan not only denationalized women who marry or married outside the nation, and citizens whose political views it deemed dangerous to the state (not the nation), it could also unilaterally denationalize *whole sections of the population* with as much impunity as it could nationalize them into it in the first place, as was the case with the inhabitants of the West Bank. The denationalization of women who marry outside the nation (as it is juridically defined), of political opponents, and of other sectors of the population for political ends is in fact a violation of article 15 of the United Nations Universal Declaration of Human Rights. Whereas, after 1987, women who marry outside the nation, and children, can no longer be denationalized based on the earlier criteria, political opponents (men or women) and many Palestinian Jordanians (men, women, and children) can be stripped of their nationality by the law.

The juridical nation is then an elastic entity expanding and contracting while maintaining a central territorial core (the Transjordan of 1925) and a central demographic core (those interpellated in 1928 and their descendants, unless they are politically disloyal to the state or if they are women who marry outside the juridical nation). Thus, it would seem that the ontological conception on which nationalism's claims rest is conceived differently by popular nationalist discourse and juridical nationalist discourse. In popular nationalist discourse, the time of the nation is infinite—it has always existed and will always exist; it is an eternal time. In juridical nationalist discourse, however, the time of the nation is finite—it has a beginning and an end, at least as far as part of the nation is concerned. Whereas the law stipulates that territory and people became Jordanian in 1923, it also specifies that Jordanian territory and people ceased to be Jordanian in 1988 (as is the

case with the West Bank territory and people). Whereas the law's conception of territory as national territory is transient, popular nationalism's conception of it is permanent and fixed—Jordan exists today in the way it has always existed. Whereas the law tells us that the Jordan and Jordanians of 1923 are not the same Jordan and Jordanians of 2000, popular nationalism acknowledges no such ruptures.

Where, then, is this symbiosis between the popular national and the juridical national located? I would suggest that it is at the genetic moment of every interpellation, of every retelling of the (hi)story of the nation that the juridical national and the popular national meet. Nationalist Jordanians (including Jordanian Islamists) who are questioning today the constitutionality of the 1988 denationalization of the West Bank are not relying on Jordanian nationalist thought preceding the juridical identification of central Palestine (West Bank) as Jordanian (as no such claims were made before); rather, they accept the juridical identification of the nation in 1949 to 1950 on which they base their constitutional claims today. In fact, their nationalist claims are secured by the juridical constitution of national land and people. Is it then the territorially and demographically expansive juridical identification that is subsumed within popular nationalist discourse? Even this proves a hurried conclusion. Popular nationalism in Jordan traces its genesis to the 1920s. However, that moment of nativist mobilization was protesting the demographic expansion of the nation to include those from outside the territory identified as Jordanian. Is it then juridical territorial expansion that is subsumed by the discourse of popular nationalism to the exclusion of the inhabitants? Perhaps! However, to determine if this is the case, we must identify these moments of intersection, of subsumption.

It is in the nationalist retelling of these moments that the intersection occurs. Whereas the genetic moment of every national interpellation secures the subsequent claims made by popular nationalism anchoring the political and popular concept of the nation, every retelling of the story of the nation becomes in fact a moment of sublation (incorporation *and* transcendence), wherein the newly constituted Jordanian identity sublates its predecessor in an interminable process, and whereby the new Jordanian identity is reinscribed as the one that had always already existed as it does today. The Hashemites established Transjordan based on anti-Ottoman Arab nationalist sentiment, but through the law, the Mandatory-Hashemite state undermined that sentiment by inscribing a new local one on the body politic of Transjordan. In response to Arab nationalist attack on the Arab nationalist credentials of the Hashemite state in the 1950s, new laws were enacted to limit

Arab access to Jordanian nationality (the 1954 and 1963 laws). Jordanian popular nationalism, which matured in the seventies and eighties in the wake of the Civil War of 1970, was to recite these moments as nationalist ones without any direct reference to these laws.

The effects of these laws are the anchor stabilizing Jordanian nationalist claims today. Whereas the Hashemite state, under the Mandate and after independence, produces Jordanianness through juridical power, the discourse of popular nationalism developed its own independent momentum, whether through the ideological state apparatuses (school, media, military, government bureaucracy) or through societal ones (family, business associations, labor and professional associations, social and athletic clubs, political parties, literature). In the political economy of signification, Jordan has many referents, popular-political and juridical. The nationalist discourse of the Jordanian state and that of Jordanian nationalists, as the rest of this book will show, shuttle between these referents, deploying one or the other, as a matter of expediency. It is crucial not only to identify the moments in which one referent is deployed at the expense of the other and vice versa, but also, as we will see in the remainder of this study, to identify the moments in which the meaning of Jordan can no longer be controlled by those deploying it, when Jordan assumes multiple referents that are imbricated in each other in such a way that they cannot be disentangled.