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## 2 Different Spaces as Different Times

### Law and Geography in Jordanian Nationalism

Anticolonial nationalism is structured around the dyad of modernization and tradition. These are conceived both as synchronic temporalities lived in the modality of the nation-state and as diachronic temporalities constituting the linear history of the nation. In the Jordanian case, as in all other nationalisms, the national subjects representing these two temporalities are conceived by nationalism based on considerations of space as geography. Women (those whom bourgeois nationalism constructs as inhabiting the domestic space) and Bedouins (those inhabiting the nonurban desert) are conceived as inhabiting a national time (that of traditional culture) different from men and urbanites (who inhabit the modern time of the nation). This epistemology anchors national subjects in a spatialized and temporalized essence, which then pervades all aspects of nation-state policies.

This chapter will address another dimension of juridical nationalism. In the case of Jordan, women and Bedouin men, unlike urban men, have a dual status in the law, whereas Bedouin women have a triple status. All women are considered ostensibly equal to all men in the civil code, whereas all of them are unequal (in terms of rights and duties) in the personal status law in relation to all men. All Bedouins are ostensibly equal in the civil code but are constituted as different through the application of tribal law. Bedouin women are equal to men in the civil code, unequal to men in the personal status law, and different from urbanites with the application of tribal law to them. The three realms of law in Jordan (civil, personal status, and tribal) reflect not only the spatial dimension of the different subjects of the nation,

but more importantly the conflation of space with time that constitutes these subjects. This reading of the laws will be accompanied in this chapter by a study of the political history and philosophy of Jordanian nation-building as it intersects with and diverges from the juridical history and philosophy just outlined. This study shows that the initial basis of a resistant anticolonial nationalism that posits a national self against the colonial other has a very complicated account of what constitutes this national self, which influences every aspect of its project. It is in this vein that women, as residents of the private domestic sphere, and Bedouins, residents of the nonurban desert, signify, through their spatial locations, a temporal location, that of tradition, whereas men, considered as residents of the public sphere, and urbanites, through their spatial locations, signify the temporal location of modernity.

### Different Species of Citizens: Women and Bedouins

The juridical journey of Westernization began in Ottoman times in the mid-nineteenth century, long before Jordan was conceived as a national idea. The split in Ottoman law following the Tanzimat was one of regulating that which was essential to modernizing the Ottoman Empire versus that which maintained its “traditional” cultural identity. The former, the realm of the economy (but not necessarily all aspects of property), or what Marx called “civil society,” was to be governed by an adapted version of post-Napoleonic French and Italian legal structures. The latter, the realm of the social, was to be governed by a variety of laws inspired by the Shari’ah and Christian ecclesiastic dicta. When Transjordan was established in 1921, these two realms of the law were maintained. In fact, the first codified Ottoman family law enacted in 1917 continued to be applied in Jordan until 1947, a year after formal independence from the British and 28 years after the end of Ottoman rule, when the Temporary Family Rights Law was enacted.<sup>1</sup> This, in turn was replaced by The Law of Family Rights of 1951,<sup>2</sup> which was finally replaced by the 1976 Personal Status Law.<sup>3</sup> A project for a new law that has been in the making since the early eighties was shelved in favor of several other projects, the latest of which is still being drafted.<sup>4</sup> As of now, the latest project has been frozen and is yet to be submitted to Parliament for debate.

As for nomadic Bedouins, who were distinguished from some of the rural and urban populations also laying claim to tribal heritage, they were to be

governed by a new set of laws as early as October 1924, when the Mandatory-Hashemite state enacted the Law of Tribal Courts, which was replaced by the Law of Tribal Courts of 1936.<sup>5</sup> This took place after the British government, on the recommendation of the Arab Legion's chief Frederick G. Peake, forced 'Abdullah to accept the abolition of the semi-independent Tribal Administration Department (Niyabat al-'Asha'ir) headed by Sharif Shakir Bin Zayd in the summer of 1924,<sup>6</sup> and enacted new laws to control the Bedouins as early as October 1924.<sup>7</sup> The positions of Tribal Administration representative and deputy representative had in fact been established since the first Transjordan ministerial administration was set up on April 4, 1921, although the position of deputy (occupied by Ahmad Maryud) was abolished on February 1, 1923, and the position of representative (occupied by Shakir) was completely done away with on June 26, 1926, two years after the abolition of the Tribal Administration itself.<sup>8</sup> In this context, Peake proudly insists that "had not the British stepped into Trans-Jordan and the French into Syria there is little doubt that both countries . . . would soon have reverted to tribal rule and poverty." To achieve this important task, Peake set to work: "My policy was to raise a Force from the sedentary, or village, Arabs, which would gradually be able to check the Beduin and allow an Arab Government to rule the country without fear of interference from tribal chiefs."<sup>9</sup>

Also, the end of 1923 saw the Kuwait conference, in which Ibn Sa'ud and the Transjordanian government were attempting to delineate their borders, which were finally agreed upon in the Hida' agreement in November 1925, stressing that Hijazi and Transjordanian tribes ('asha'ir) cannot cross the border between the two countries without proper documents.<sup>10</sup> The issue as far as Bedouins were concerned was not only that their affairs would be run according to a different set of rules, but also that they needed to be territorialized, and in this they required special supervision and control. To achieve this, the government enacted the Law of Supervising the Bedouins of 1929 (or the Bedouin Control Law, as it is officially translated into English), updating it again in 1936.<sup>11</sup> These laws governing the Bedouins as a separate category of nationals and citizens were viewed as transitional, facilitating the integration of the Bedouins within the framework of the juridical nation-state. This, the Jordanian government felt, was achieved in 1976. That year, a law canceling all previous tribal laws including the Law of Supervising the Bedouins was enacted, thus ushering the Bedouins into the world of the nation-state as equal to and no longer a distinct species of citizen-nationals.<sup>12</sup>

As for women, the key constitutional article relevant to our topic is article 6 of the 1952 constitution, which stipulates that “Jordanians are equal before the law with no discrimination among them in rights or duties, even if they differed in race, language or religion.”<sup>13</sup> Despite its specific qualifications and the absence of any mention of sex or gender, this article has been heralded as a point of departure for Jordanian feminist legal scholars. In fact, this stipulation of the equality of all citizen-nationals based on the preceding criteria had been asserted in the 1946 constitution as well as in the Organic Law of 1928.<sup>14</sup> Certainly, it is nationalism’s commitment to bourgeois equality that is at stake in such a proclamation—an equality that will have to be extendible to include what nationalism had considered as initially marginal, but which now is making itself central. It is then in the realm of the civil code that women can ultimately be accommodated as equal citizens, or at least potentially equal, while maintaining their supposedly traditional “unequal” role through the codifications of the Personal Status Law.

In this constitutional narrative, feminist scholars argue, all citizens are considered equal in all aspects of civil life. For example, this equality is supposed to extend to holding public office (following article 22-1, article 42, and article 75-1), as all stipulations in that regard apply to all Jordanians. Despite its masculine form, the word “Jordanian” used throughout the constitution is considered by these scholars as a stand-in for the ungendered universal. However, this reading of the constitution is somewhat deceptive. Whereas there is no gender stipulation on who could hold public office in the constitution, election laws that were enacted in Jordan from 1923<sup>15</sup> through 1974, and in some cases until 1982, did not allow women to vote or run for national or local office. Despite proposed amendments to alter this anomaly, which were presented as early as 1955, thanks to the tireless efforts of Jordanian women activists, women were not granted the vote until the 1974 amendment, which was issued as a royal decree. Similarly, the 1955 Municipalities Law (law 29) did not allow women to run for municipal office or vote in municipal elections, a situation that was changed only in 1982 when an amendment to include women was enacted (law 22).<sup>16</sup> In fact, had the allegedly “ungendered” Jordanian acted in the constitution as encompassing both sexes, these laws would have been judged unconstitutional. The fact that no such case was ever brought to the attention of Jordan’s courts testifies to that effect. However, the fact that women have been able to press some of their claims within the realm of citizenship exemplified in the civil code does not necessarily contradict the nationalist

dictum placing them along a dual axis of tradition and modernity. Whereas women can be, and in some cases should be, modernized according to nationalist criteria, their “traditional” role in the private sphere must be preserved through the application of the Personal Status Law. It is thus that the modern postcolonial nation-state can remain true to its founding axioms.

In fact, the concept of full national citizenship has gone through a long journey of amendments and changes whereby there has been a considerable change in who is considered a full-fledged citizen-national. The 1923 law allows only men over twenty to vote, and only men over thirty with no criminal record, who speak and read Arabic, to run for Parliament. The only people exempted from the Arabic literacy condition are Bedouin tribal leaders. The 1928 law, in turn, introduced some changes.<sup>17</sup> The law defined a Bedouin as someone who belongs to one of the nomadic tribes that are listed in the law. These tribes are divided in turn into two geographic types: northern and southern Bedouins.<sup>18</sup> The law has different provisions for Bedouins and Hadaris (the sedentary population). Article 7 explicitly states that “every Jordanian (non-Bedouin) [both *Jordanian* and *non-Bedouin* are in the masculine] who has completed 18 years of age has the right to vote in primary elections. . . .” As for Bedouin representatives, article 16 stipulates that “two members representing the Bedouins should be elected. His Great Highness the Amir will appoint, in a published edict in the *Official Gazette*, two official committees of Northern Bedouins and Southern Bedouins, each of which comprising ten tribal leaders [mashayikh] with each committee electing one member.” A special statute governed the workings of these committees.<sup>19</sup> By 1947, a year after independence, Jordanian lawmakers became more explicit as to what designated identities meant in the law. The 1947 electoral law defines a Bedouin as “every male member of the nomadic tribes.”<sup>20</sup> The “election” of Bedouin representatives followed the same process as the 1928 law.<sup>21</sup> As for Hadaris, all Jordanian Hadari men over eighteen had the right to vote, unless they were serving a prison sentence, were sentenced to death, were foreclosed upon by a court, were declared bankrupt by a court, or were crazy.<sup>22</sup> Note that the range of normal citizenship excludes criminals, the mad, and failed capitalists who have been declared juridically propertyless.

The democratic opening in the mid-fifties facilitated the work of many feminists attempting to change the electoral law to allow women to vote and run for public office. After much agitation and organization—whereby a number of petitions signed and finger-printed by thousands of women were

presented to Parliament—a ministerial decision, made with the prompting of Parliament, was issued on October 3, 1955, to allow women with elementary education to vote (a condition that did not apply to men).<sup>23</sup> But with the dissolution of Parliament by the king and the dictatorial cancellation of all parliamentary decisions that were made during the liberal period, the decision to grant literate women the vote was rescinded.

Soon after, the electoral law of 1960 was enacted. This law stipulated that only male Jordanians over twenty years of age could vote, and only those among them over thirty could run for public office.<sup>24</sup> These provisions included, for the first time in the country's history, Bedouin men, as the law made no reference whatsoever to separate Bedouin "elections" or appointments. This was the case, as the government felt that its sedentarization policies of the Bedouins had been largely completed in 1960.<sup>25</sup> This law also stipulated that all members of the Jordanian Arab Army, both officers and servicemen, could not vote.<sup>26</sup> It is interesting to note that a large percentage of Bedouin men serve in the army. Thus for Bedouin men, little would have changed, as at the moment they were finally allowed to vote, those among them serving in the military could not. Still, the integration of the Bedouins into juridical national citizenship, as at least partially "modernized," had just begun, despite the reality that they remained under special "supervision" by the state until 1976, when their integration into the world of the nation-state became complete.

In the mid-sixties, with the partial reopening of political life in the kingdom, King Husayn sent a letter to the prime minister asking that the matter granting women the vote should be studied.<sup>27</sup> Nothing came out of this. It was eight years later, on March 5, 1974, that the king sent another letter to the prime minister, issuing a royal decree, by which an amendment was attached to the 1960 electoral law granting all adult women the vote.<sup>28</sup> The amendment replaced the definition of Jordanian in article 2-a of the 1960 law as "every male person" with "every person whether male or female." The timing of this amendment was crucial for Jordan's international image, as the United Nations decade on women was going to commence with the 1975 conference in Mexico City, and Jordan was planning to send delegates. Also, in 1982, the Municipalities Law was amended to finally allow women to run for public office. Finally, a new electoral law was enacted in 1986 (with a few amendments in 1989) changing the age of voting citizens, both men and women, to nineteen years,<sup>29</sup> and maintaining the assertion that all active military personnel cannot vote.

## Bedouins and National Citizenship

In Ottoman days, the government had very little control over the Bedouins of the area that became Transjordan. Administratively, since the mid-nineteenth century, the area was divided into the *Sanjaq* of 'Ajlun (first created in 1851), which was part of the Nablus governorate or *Mutasarrifiyyah* (part of Palestine today), the northern town of Ramtha and its environs, which were linked to the Sanjaq of Huran (part of Syria today), and the areas in the Jordan valley, which were part of the Tabariyyah (Tiberias) *Qa'immaqamiyyah* (previously part of Palestine and now part of Israel). Later, the entire *Sanjaq* of 'Ajlun was annexed to the Huran *Mutasarrifiyyah*, and the Balqa' district, with Salt as its center, became part of the Nablus *Mutasarrifiyyah* from 1882 to 1905 and was later annexed to the Karak *Mutasarrifiyyah* (in southern Jordan today), which was the district least connected to the central Ottoman authorities until its military reconquest in 1894, which rendered it under the authority of the Wali of Damascus.<sup>30</sup>

Nomadic Bedouins constituted almost half (46 percent) of the Transjordanian population in 1922, numbering 102,120 people out of a total of 225,350, according to the estimates of the Tribal Administration Department (Niyabat al-'Asha'ir). This estimate included all nomadic Bedouins within the 1921 to 1925 borders of Transjordan, thus excluding the area extending from Ma'an to Aqaba, which was annexed in 1925, and which includes one of the more major Jordanian tribes, the Huwaytat.<sup>31</sup> Due to the government's sedentarization campaigns, mainly through the Arab Legion, but also through the curtailment of Bedouin mobility within the country and internationally, the percentage of Bedouins in the country maintaining a nomadic lifestyle had decreased by 1943 to 35.3 percent (120,000 people), although the percentage of the Bedouins would have been higher in 1922 had the Bedouins of the Ma'an-to-Aqaba area been included. The 1946 census (which provides some contradictory figures resulting from the general classificatory confusion as to who was considered a Bedouin) put the percentage of the Bedouins to the general population to be 23 percent (99,261 people).<sup>32</sup>

As for governing the Bedouins, the Law of Supervising the Bedouins of 1929 was in effect a declaration of martial law, for the main executor of this ordinance was none other than the head of the Arab Legion, Transjordan's army. The law made provisions for a committee consisting of the head of

the Arab Legion, the Amir Shakir Bin Zayd, a Hijazi cousin of the Amir ‘Abdullah considered to be knowledgeable about things Bedouin, and a third person “elected” by the Amir ‘Abdullah from among the non-nomadic tribal leaders who were also considered knowledgeable of the traditions of nomadic tribes. The “elected” leader would hold his position so long as the amir decreed.<sup>33</sup> The duties of this committee were to oversee the Bedouins and to establish full “surveillance” of their movements; to decide, when necessary, the place where the Bedouins should settle, with punishment (which includes fines and imprisonment) meted out to those who resist; to listen to grievances made by the Bedouins in accordance with the Law of Tribal Courts; to withdraw categorically, when it wishes, any case being deliberated before a tribal court; and to investigate any security breaches and mete out punishments to the guilty parties, including the sequestering and confiscation of property.<sup>34</sup> The head of the Arab Legion is designated as the executor of all decisions made by the committee, of which he is a member.<sup>35</sup> This law was enacted a year before the arrival of John Bagot Glubb, a British officer considered the foremost authority in pacifying Bedouin tribes, a job he had excelled at in neighboring Iraq in the preceding decade. Glubb, with the aid of these legal strictures, was able to use military conscription as the preferred method to control the Bedouin tribes, and to integrate them within the fold of the nation-state. His strategy, with the aid of a number of laws, proved most successful.

With the immense progress made by Glubb in integrating the Bedouins through the military (see chapter 3), a new law to supervise the Bedouins was enacted in 1936, replacing the old one. The most important feature of this law was the doing away with the three-member committee and delegating all the authority that it had had in the 1929 law to the person of the army chief, then occupied by Peake Pasha, or anyone to whom he delegates authority, in this case Glubb Pasha, who was to replace Peake in 1939 as the head of the Arab Legion.<sup>36</sup> This had resulted from the death of the Sharif Shakir Bin Zayd. Shakir, alongside Peake and Glubb, had been the main executor of all laws pertaining to the Bedouins until his death in December 1934, after which the British and their local officers took over all authority pertaining to Bedouins. In fact, in the five years following Shakir’s death, 50 percent to 60 percent of the cases heard by tribal courts were settled by Glubb himself without any recourse to Amman.<sup>37</sup> Another not-so-minor feature of this law was the discrepancy about which tribes were considered Bedouin in 1929 and which ones were considered so in 1936—as some were dropped from the list and others were added. This was mainly a result



of the arbitrary system of classification used by ignorant administrators to determine who is and who is not Bedouin.<sup>38</sup> In fact, the Law of Tribal Courts enacted in 1936 designated the army chief as the Mutasarrif, or provincial governor, of the entire area encompassing nomadic tribes—that is, the non-urban and nonrural desert.<sup>39</sup> This situation persisted until 1958, two years after the expulsion of Glubb and the subsequent “Arabization” of the army, when a new law separating the police from the Arab Legion was issued.<sup>40</sup> Although the government’s decision to separate the police from the army had taken place on July 14, 1956, almost two years earlier, it revoked that decision after the palace coup that ousted the nationalists from the cabinet and the army (see chapter 4).<sup>41</sup> Article 4 of the new law stipulated that the new head of public security would no longer be answerable to the head of the army but rather to the minister of interior, wherein all the authority over issues of internal public security (i.e., police work) previously exercised by the minister of defense was now within the purview of the interior minister, and similarly all police authority previously exercised by the head of the army was hereby transferred to the head of public security (Mudir al-Amn al-‘Am). Article 2 of the new law specified that public security referred to supervising the Bedouins, tribal courts, and so forth. It was thus that from 1958 until 1976, the Bedouins were no longer living under martial law with the army running their lives; rather they were now living under the constant supervision and surveillance of the police as if they were criminal suspects.

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, especially in the case of the Bedouins who had little respect for nation-state jurisdiction. In addition, the internal reorganization and division of space into national administrative units, such as governorates (muhafazat), districts (alwiyah), provinces (aqdiyyah), and cities, served to sedentarize nomadic Bedouins within the nation-state itself. Their mobility was being circumscribed not only on the international level but just as importantly on the *intranational* level. It is through this new epistemology of space that the Transjordanian state sought to define Jordanian national citizenship juridically. Blood ties had to be superseded by territorial contiguity and residency.

These series of laws were meant to achieve several things. On the one hand, as far as Bedouins were concerned, Bedouin law could become subservient to non-Bedouin interpretations. It could be organized, controlled, deployed when necessary, rescinded when necessary, while the whole ap-

paratus remained under the jurisdiction of the non-Bedouin nation-state and its overarching juridical dicta, which had nothing to do with Bedouin tradition while at the same time claiming to represent it. Also, the Law of Supervising the Bedouins relegated the Bedouins to the space of the nation-state, as far as preventing them from being international entities crossing nation-state borders at will, and simultaneously nationalized the internal space to which they were relegated. This was achieved through prescribing settlement locales, forcing such settlement, or employment by the military. The latter served the multiple purposes of having the Bedouins police themselves in tune with nation-state laws—territorializing the Bedouins in more or less settled surroundings such as army camps (which could be mobile but whose ultimate authority was geographically fixed in the capital where army headquarters “*al-Qiyadah al-‘Amah*” were/are located), or in cities and towns throughout the country. In addition, this law intended to nationalize the Bedouins through shifting their loyalties from the tribe to the military and ultimately to the nation-state that this military was supposed to protect.

The laws and policies followed by the Jordanian nation-state helped to destroy the Bedouin economy, transforming it into one completely dependent on the state. The criminalization of the Bedouin lifestyle and the juridically sanctioned penalties imposed on Bedouins who resist state-sponsored sedentarization policies led to the prevention of Bedouin raiding, and international crossing, and to the confiscation of the cattle and herds of resisters—which in conjunction with droughts in the late 1920s and early 1930s decimated Bedouin herds—with the state providing the Bedouins with alternative economic activity through the military mainly, but also through agricultural settlement and wage labor (mainly with the British-owned Iraq Petroleum Company<sup>42</sup>). It was thus not only the transplanting of the Bedouins from one geographic locale to another that ushered them from the realm of tradition to the realm of modernity, characterized by the juridical rule of the nation-state, but equally important was the transformation of all space within the nation-state through nationalization, land laws, reparceling of territory, and demarcation of internal provincial borders as well as external borders marking the frontier of the nation-state.

Moreover, the co-optation of the Bedouin leadership by the state went hand in hand with the integration of the rank and file within the nation-state economy. While the latter was enlisted in the Arab Legion’s Desert Patrol, the leadership was incorporated within state structures—namely, the legislative council and the tribal courts. Unlike the rest of the population, who had elected representatives, with special quotas for ethnic and religious

minorities, in accordance with the 1928 electoral law, the Bedouins had their designated seats filled by appointments made by the Amir ‘Abdullah. As Abla Amawi observes, this electoral system, which was not based on proportional representation, benefits some sectors of society over others and ensures “a docile legislative body.”<sup>43</sup> Whereas Jordanian Christians and Circassians received a disproportionately higher percentage of seats than their numbers would warrant, Bedouins, who constituted 23.4 percent of the population, were given a mere 12.5 percent of the seats.<sup>44</sup> Still, what this meant was that these appointments were made by the amir according to the shaykhs’ loyalty to *him* and to the state and not based on popular will. Thus the appointed shaykhs were answerable only to the amir and not to their constituencies. In fact, tribal shaykhs were co-opted early on by the state through other means, namely state assistance in their agricultural endeavors, which was substantially higher than the meager assistance given to the rest of the tribes for cultivation. For example, a loan was granted to the paramount shaykh of the Bani Sakhr, Mithqal al-Fayiz, to assist him in cultivating his extensive landholdings. The reasons given for advancing the loan to al-Fayiz were to assist him in the transition period from nomadism to settled life and to “restore” his position within his tribe.<sup>45</sup> In addition, the state paid tribal shaykhs a salary of 240 Palestinian pounds a year to establish the state’s control over their tribes. The shaykhs were also expected to maintain public order by ensuring the good behavior of their tribesmen “on pain of loss or reduction of salary.”<sup>46</sup> Moreover, while many tribal shaykhs (or what Hani Hurani calls *al-aristuratiyyah al-qabaliyyah al-iqta’iyyah*, or the feudo-tribal aristocracy) increased their landholdings as a result of the land settlement process launched by the state in 1933,<sup>47</sup> they also acquired more prestige and power within the tribes because access to state institutions went through them, especially recruitment into the armed forces.<sup>48</sup> Also, as already mentioned, tribal shaykhs served on tribal courts along with state officials giving them power in judicial matters.

No juridical changes in the status of the Bedouins were effected for a couple of decades after independence. In fact, without the changes in the electoral law of 1960 wherein Bedouins acquired the right to vote as the Hadari population could, previous laws remained operative until the seventies when the status of the Bedouins began to change both juridically and in the popular discourse of palace-planned nationalism. These changes followed the 1970 Civil War between the Jordanian army and the Palestinian guerrillas, which ended in the defeat of the latter during the Black September massacres in 1970 and their final defeat and expulsion from the country

in July 1971. It was hardly a coincidence that the Council of Tribal Leaders (Majlis Shuyukh al-‘Asha’ir) was set up on July 31, 1971, by royal decree, a few days after the final expulsion of the Palestinian guerrillas. King Husayn designated his brother, Prince Muhammad, as council president. The council included twelve to fifteen tribal leaders, all of whom were to be appointed by royal decree based on the recommendation of the council president (see articles 2 and 5).<sup>49</sup> The law stressed that an appointed member of the council must be Jordanian, a tribal leader, or a prominent tribal personality belonging to the tribes enumerated in the law, and that he not be ineligible to hold public office due to crimes or felonies (article 6-a, b, c). The official purpose for creating the council was to “elevate the living standards among the Bedouins, and to put into effect developmental, agricultural, health, and educational projects aiming at supporting the program of settling the people of the Badiyah [desert], and to provide them with a good living to which they are entitled and which is the duty of the state to provide them with, in order that they can perform their role of pushing the wheel of progress and construction in this struggling country.”<sup>50</sup> In 1973, the council issued a statute (nizam) to unify tribal traditions, Tawhid al-‘Adat al-‘Asha’iriyah, wherein all nomadic and sedentary tribes or clans in the country would be governed by the same statutes and wherein all their disparate traditions would be nationally unified before the law.<sup>51</sup> This of course was part of the new government policy of unifying the Transjordanian population under one national identity after the challenge that the 1970 Civil War constituted to the country. Prior divisions between the Transjordanian population such as Bedouin and Hadari were proving counterproductive to the nationalist project of the state and palace. The government decided to cancel the Council of Tribal Leaders law in May 1973,<sup>52</sup> replacing it with an extra-judicial understanding between the country’s tribes and the palace. This new understanding came to be known as Mahdar al-Qasr, or the Palace Convention, and it was signed on August 18, 1974. The convention was attended on the part of the state by Muhammad Hashim, the king’s advisor on tribal matters; the head of the Jordanian Armed Forces General Habis al-Majali; the interior minister Ahmad Tarawnah; the head of public security (the police) Major General Anwar Muhammad; and the governors of all of Jordan’s governorates and the heads of all police departments. As for the tribal side, Ahmad ‘Uwaydi al-‘Abbadi states that tribal leaders and experienced and prominent tribal personalities who are knowledgeable of tribal laws and traditions attended on behalf of the tribes.<sup>53</sup> The official purpose of the Mahdar was described as follows: “Based on the royal desire to crystallize conven-

tional tribal traditions among all the sectors of the esteemed Jordanian people, rendering them in a frame [characterized by] clear vision, those concerned in matters important to this dear family [i.e., the Jordanian people] . . . are meeting to study all the important parts of tribal conventions [a'raf] and to decide which of them is good and beneficial for public welfare and amend what needs to be amended, and to look into what needs to be reviewed in order that tribal conventions be capable of catching up with the times [muwakabat al-zaman] and proceed according to the needs of the present."<sup>54</sup> It was the hope of those present that this would lead to the "cohesion of the Jordanian family."

A most interesting aspect of this Mahdar was those articles that dealt with exempting members of the police and armed forces from being pursued by tribal law or its executors. Thus, people who, on orders of their superiors, might commit acts in defense of state security or state economic interests, or to "impose state authority," and in doing so might use their weapons against members of the tribes, may not be pursued by tribal law or its executors after they are released from military or police service, and no tribal vendetta should be exacted from them or their families. Moreover, tribal members of the armed forces may not take part or intervene in tribal affairs and disputes.<sup>55</sup> Such a stipulation clearly defined the reach of tribal customary law. Whereas the state would impose a state-sanctioned version of tribal law whose executors are state representatives, the reach of this law cannot encompass the state itself or its representatives, even though (or especially) if they are members of the tribes. This point is crucial in the modern nation-state's ability to demarcate the borders between the traditional and the modern. Whereas the modern nation-state can and should include within it "traditional" authority structures and practices, these are always already subsumed under the supreme authority of the modern state's laws to which they will always be subservient. It is clear that this is not a case of intersection of the traditional and the modern, but rather one of subsuming the traditional by the modern, which in the process redefines the traditional according to its modern criteria of governance.

These changes in the lives of Bedouins were taking place in the realm of the law at the same time as state development planners were devising sedentarization schemes to end the nomadic lifestyle of the Bedouins. This had been in operation since the Arab League convened several conferences to debate the issue of Bedouin sedentarization and development (in Beirut in 1949, in Cairo in 1950, and in Damascus in 1952). Other international organizations that contributed to this discourse of development included the

United Nations Educational, Scientific, and Cultural Organization (UNESCO), the World Health Organization, the United Nations Food and Agriculture Organization, and the International Labor Organization.<sup>56</sup> These organizations created a corps of Arab and European “development” experts who devised plans for “developing” the Bedouins. As Riccardo Bocco points out in his pioneering study, both groups shared the same epistemology and philosophy: “Les préjugés des uns et des autres se renforcent mutuellement.”<sup>57</sup> The goal was to normalize the Bedouins and usher them into the life of modern citizen-nationals.

In 1976, the government issued a law canceling all laws pertaining to the Bedouins that had remained in effect until then, including the Law of Supervising the Bedouins and the Tribal Courts Law.<sup>58</sup> However, although the government’s decision to eliminate all juridical distinctions between male Jordanians in 1976 was engineered as the final act of unifying all the Transjordanian population (wherein all male Jordanians, whether of Bedouin or Hadari background, will be treated the same, and all female Jordanians, be they of Bedouin or Hadari background, will be treated the same—thus maintaining unequal gender criteria), the Palace Convention, which does not have the status of law, remained in effect.

On the political front, popular opposition to the special status of the Bedouins was in evidence since the fifties, as the Arab Legion’s mostly Bedouin soldiers and police were increasingly being relied on to suppress the government’s massive opposition. By the mid-fifties, nationalist and leftist demands became so strong that the government conceded on joining the British-sponsored anti-Soviet Baghdad Pact, and the king expelled General Glubb and began the process of Arabizing Jordan’s armed forces. It is in this context that many among the Bedouins became politicized, joining nationalist and leftist parties, and began calling for abolishing the special status accorded the Bedouins, seeing it as a manifestation of the British divide-and-conquer strategy dividing a “unified” people. The non-Bedouin opposition also called for abolishing the special status of the Bedouins, as it saw this as the reason that the Bedouin population remained shielded from the rest of society, unaffected by political transformations, and thus remaining a loyal instrument of repression used by the British and the Hashemite regime. After the palace coup in 1957, these voices were again silenced until the eve of the 1970 Civil War, when the Bedouin regiments of the army were used against the civilian population as well as the Palestinian guerrillas.

However, during the same period, new voices emerged from within the newly created police apparatus set up by the state in 1956 and 1958, ren-

dering the police independent from the army. As early as 1959, the head of Bedouin police proposed the amendment of the Bedouin Supervision Law of 1936, wherein police powers would be augmented to increase the imprisonment of Bedouin offenders from one to five years, as well as to increase the fines in that law from 40 Palestinian pounds to 200 Jordanian dinars, commensurate with the criminal code applicable to the Hadari population.<sup>59</sup> Moreover, the interior ministry itself had issued an order in 1962 to all the administrative governors and heads of police departments to send the requisite recommendations necessary to “organize Bedouin traditions [*‘adat*],” especially in matters of murder, in ways that are compatible with the circumstances of the period.<sup>60</sup> In 1964, the head of the police of the city of Karak (as well as the city’s legislative council) recommended that a meeting of the country’s tribal shaykhs and judges be set up to “formulate new traditions [*‘adat*] that are compatible with present conditions.” He added that Bedouin conventions are like the civil code in that they require changes that are commensurate with the general changes taking place in the country.<sup>61</sup> Others expressed concern of the way tribal laws, which were juridically applicable to nomadic Bedouins, were being used by non-nomadic village and city folks of “tribal” backgrounds to resolve their conflicts (a practice in existence for decades). Based on this, a recommendation to amend tribal laws in such a way as to render them applicable to all the tribes (nomadic and sedentary alike, which means all the Transjordanian Arab population that traces its origins to the country within the post-1921 borders, but who lived there before these borders were actually designated), and that all laws pertaining to raids be nullified as they are irrelevant in the present period where raids had disappeared.<sup>62</sup> A similar recommendation was sent by the country’s director of public security in 1966 expressing similar sentiments about the *de facto* use of tribal laws to resolve conflicts pertaining to both nomadic Bedouins and non-nomadic Hadaris with claims to tribal heritage.<sup>63</sup> He further recommended that a collection of Bedouin traditions be “established” as a basis for a new tribal law and that the Law of Supervising the Bedouins of 1936 be amended. In addition, he suggested a change in the vocabulary used in these laws—for example, “raids,” an anachronistic term in the age of the nation-state, should be replaced with the more appropriate “breach of security,” or “*al-ikhlal bil-amn*.” These debates had become so heated that in 1966 the Jordanian government recommended the establishment of a separate Bedouin governorate. The recommendation included twenty-two articles specifying the authorities of the projected governor. It is not clear why this recommendation arrived stillborn.<sup>64</sup> Within a

few months, however, the minister of interior issued an order to all governors in the country to consult with all prominent tribal personalities in their respective areas about tribal traditions and procedures, to “find and develop a new tribal law that is applicable to future living conditions.”<sup>65</sup>

In the wake of the civil war and the increasing division between Palestinian Jordanians of post-1948 citizenship and Jordanians (irrespective of geographical origins) of pre-1948 citizenship—popularly (mis)understood as “Jordanians versus Palestinians”—the government saw more clearly the benefits of unifying the population under the new umbrella of the “one Jordanian family,” or *al-usrah al-urduniyyah al-wahidah*. It was in this context that the government sought first to unify the “traditions” of all Jordanian tribes through the new council of 1971 and the *nizam* of 1973, finally consolidating it through a pact with the palace (the Mahdar). Once that was achieved as an understanding, there was no longer a need to have Bedouin-specific laws, which led the government to cancel them all in 1976 despite the opposition of many tribal leaders who wanted them only amended.

Soon after the 1976 law was issued, a large number of tribal leaders met to protest the government’s decision to do away with tribal laws. Within two weeks of the cancellation of the law and in an attempt to redress the grievances of tribal leaders, King Husayn visited the headquarters of the Bedouin police (the only remaining exclusively Bedouin military outfit in the country) on June 9, 1976. Defending the government’s decision, the king asserted, “We are Arabs and we shall not neglect our valuable traditions or our praiseworthy traits, which we have inherited from our noble and gallant ancestors. We have canceled the Laws of Supervising the Bedouins in order to allow for the future punishment of criminals before regular civil courts, which in turn will issue severe punishments and rulings wherein only the criminal will be punished for his crime, and not the group as a whole. And at any rate, the traditional conventions, which we hold dear and of which we are proud, will continue, and we shall remain beholden to them and shall not bypass them.”<sup>66</sup> It is clear that the king and the government were making a selective distinction between what they considered proper Bedouin traditions—“which we hold dear”—worthy of being identified as “Arab” and hence preserved, and other traditions, which were protective of Bedouin practices deemed “criminal” by the state. For the state to normalize its conception of justice across a nationalized but still disparate population, it could not allow a Bedouin murderer to get off with only one year imprisonment (following tribal law, which calls for the material compensation of the aggrieved family by the family of the murderer, if not also for a counter vendetta



murder to redeem the initial murder), when a Hadari murderer could receive up to fifteen years of jail if not capital punishment for a similar crime. But despite the cancellation of all tribal laws, the state preserved certain vestiges and symbols of tribal culture within it, such as the directorate of Bedouin police (Mudiriyyat Shurtat al-Badiyah).

### Nationalist Tribalism or Tribalist Nationalism: The Debate

Since the 1920s, which saw the last instances of some Bedouin tribes' disaffection with the Hashemite regime, the Bedouins and the regime have coexisted peacefully and collaboratively, and they depended on each other in vital matters of regime-survival as well as Bedouin socioeconomic and cultural interests. This relationship went beyond using the Bedouins in international ventures to crush the enemies of the British Empire, as happened in 1941 in Iraq and Syria, but more importantly to crush internal enemies of both the Empire and the Hashemite regime. Such services were rendered in the later 1930s when Palestinian guerrillas and their Transjordanian supporters were pursued and crushed by Glubb's Bedouin Desert Patrol. After independence, and under Glubb's leadership, the same army was to be used to crush the popular demonstrations of the 1950s, killing tens of citizens in the process. Moreover, following the expulsion of Glubb and the palace coup of 1957, the Bedouin regiments in the army continued to be deployed in the country as executors of the palace-declared martial law. Finally, the government was to rely heavily on the Bedouins to crush the Palestinian guerrillas during the 1970 Civil War and the summer of 1971. It is this last instance that was to shake the foundations of the Hashemite regime, which had remained stable since 1957 through massive internal repression and U.S. military and financial support.

This situation caused resentment among the Bedouins themselves, who felt used by the government when it was in danger and ignored by it when it felt safe. In fact, those of Bedouin background were not as politically quiescent as is generally believed. In February 1974, a limited military mutiny occurred in Zarqa' among the Bedouin members of the 40th armored brigade, an elite force that until recently had been serving on the Syrian front. The rebellion was triggered by economic duress caused by the increasing cost of living and soaring inflation. The government had recently increased the wages of its civilian employees to cope with the situation, but it neglected to do the same for the military. In response to this limited rebellion, the king himself, who was abroad at the time, returned immedi-

ately to the country and promptly matched the civilian wage increase, thus ending this episode.<sup>67</sup> This mistake was never repeated: "Army salaries were raised several times between 1975 and 1981, with two pay hikes in 1980 alone."<sup>68</sup> Concomitant with Bedouin disaffection with the state, the Hadari population also understood that the government's ability to use the Bedouins as instruments of repression of the rest of society stemmed from their different juridical status in the country that shielded them from the functioning of "modern" society, and as a result they began calling on the government to integrate (normalize) the Bedouins into national life.<sup>69</sup>

This, however, coincided with a contrary trend, namely the increase of the cultural tribalization of society itself. Whereas Jordanians of settled backgrounds saw themselves as belonging to tribes, they did not see themselves as Bedouin. The Circassians and the Chechens, who had fewer cultural similarities to the Bedouins, decided to cash in on tribal affiliations and set up in 1979 a Circassian-Chechen Tribal Council to represent their interests in Jordanian society. This was the second attempt to portray Circassian and Chechen families as "tribes." The last attempt was the establishment in 1969 of a Circassian Tribal Council "mainly due to the political insecurity of the times." The council met only sporadically and then dissolved itself. The new Council was more inclusive, however, and it also included the Chechens.<sup>70</sup>

As for the Bedouin tribes, their anger was not fully placated by the king's explanations following the 1976 cancellation of tribal laws. They continued to simmer until October 1979, when they exploded on the streets of Amman with demonstrations by tribal leaders and former Bedouin army officers against what they claimed were wrongs done them by Prime Minister Mudar Badran's government (but not the monarchy) and its economic policy.<sup>71</sup> The economic duress the Bedouins were complaining about related to inflation and the increasing wage-price disparity. They called for "Jordan for Jordanians," both Bedouin and non-Bedouin, clearly excluding the Palestinians as a foreign body existing within the Jordanian nation and as responsible for their economic duress. It should be borne in mind that these were Jordan's most important economic boom years since independence.<sup>72</sup> This situation escalated in July 1983 into a confrontation between the Badran government and the Bani Hasan tribe in the north of the country. Members of the tribe clashed with security agents who were preventing them from fencing in some tribal land. This confrontation led to the arrest and imprisonment of dozens of Bani Hasan men.<sup>73</sup>

The government's new push for detribalization, launched in 1976, finally spilled over to Jordanian newspapers and threatened to spiral out of control. This was in the context of the March 1984 parliamentary by-elections. The

question of tribalism, being the operative criterion by which votes were being solicited, elicited much hostility by political commentators and newspaper columnists.<sup>74</sup> This led the editors of Jordan's largest newspaper *Al-Ra'y* to request and obtain a government-issued order banning the advertising in Jordan's newspapers of all tribal deeds dealing with criminal cases (such deeds would include, for example, money paid to the aggrieved party by the criminal's tribe, in exchange for the tribe of the former to drop its case against the latter). Mahmud al-Kayid (of Jordanian tribal background) condemned tribalist "primitivism" and tribalist challenges to state sovereignty, which give the impression that "we do not live in this century,"<sup>75</sup> and 'Abd al-Latif al-Subayhi expressed his shock "in the face of a childish and ignorant/pre-Islamic [jahili] enthusiasm" leading him to pose the question, "Is this what our society wants at the end of the twentieth century?"<sup>76</sup> This precipitated responses and counter-responses, prominent among which was Ghassan al-Tall's response (al-Tall, of Jordanian settled origins, was a master's degree student at the University of Jordan, writing his thesis on aspects of tribal legal tradition) and Husayn Taha Mahadin's counter-response (Mahadin is a Jordanian of tribal origins). Al-Tall's response was swift in its attack on the anti-tribalists. He insisted that tribalism in Jordan was essential to any sense of nationalism in the country and posed the rhetorical question, "Can Jordanian society afford not to be a tribalist ['asha'iriyān] society?"<sup>77</sup> Mahadin countered by pointing out al-Tall's confusion between tribalism as "descent" and tribalism as "role." He attacked al-Tall's temporal confusion between the era of tribalism and the era of nationalism, stating that "Ghassan's sociological error is his referring to 'tribalism' as 'national belonging and nationalist pride.' For he borrowed the contemporary concept of nationalism and attached it to an earlier period without realizing the *evolutionary* difference [between] this concept [and tribalism]." Al-Tall's confused and confusing account aside, the fact that nationalism and tribalism coexisted synchronically in modern Jordan seems to have escaped Mahadin's attention, because for him, they do not exist in coeval time at all. Tribalism, rather, existed in an allochronic time, albeit one that inhabits the same national space. The stress on "evolution" is not incidental but, as will become clear, *thematic*. This exposure of al-Tall's temporal confusion led Mahadin to dismiss the former's research as unscientific.<sup>78</sup>

The debate became so vociferous that the upper house of Parliament (Majlis al-A'yan, literally the council of appointees, as members of this chamber are not elected but appointed) began deliberating on how to abolish the remnants of tribal law and practice in the various departments of

government. Newspaper columns were written condemning the remaining tribal traditions in the administrative sector of the government and calling in strong terms for eliminating all vestiges of tribalism in the country. Dr. ‘Abdullah al-Khatib, of Palestinian settled origins, in an article in the mass-circulation *Al-Ra’i* titled “We Applaud the Cancellation of Administrative Tribalism,” stressed that tribal and administrative thinking are “contradictory.”<sup>79</sup> However, he lamented the institutionalization of tribalism within the administrative apparatus, stressing that with the increase of education, one would normally expect tribalism to decrease, yet he marveled that, in the case of Jordan, “the situation is reversed: more education means being more ingrained in tribal practices.” He further called for the enactment of laws that penalize tribalist thinking as well as nepotism in the administrative apparatus of the government, which he described as an “epidemic” or “*waba’*.” The situation was exacerbated by the senate debate itself and the vote to eliminate all remnants of tribal legal practices that had persisted despite the 1976 cancellation of tribal laws. Former and future Prime Minister but current senator Zayd al-Rifa’i (of Syrio-Palestinian origins) called on the government to abolish tribal laws “on the ground and not only in theory.”<sup>80</sup> Al-Rifa’i and many others saw these laws as contradicting Jordan’s path to evolution (or “*tatawwur*”<sup>81</sup>) and progress (or “*taqaddum*”), not to mention the state’s “modern laws and legislations.” This situation, insisted al-Rifa’i, had rendered “the gap between the legal, social, and cultural reality in our country and those tribal laws very wide . . . which is what had prompted the government to abolish them.” Al-Rifa’i stressed that there is a difference between tribes forming part of the “flesh” of Jordanian society and “tribalist practices.” Whereas “we accord the tribes love and respect, we abhor and denounce [tribalist] practices.” Justice minister Ahmad Tarawnah, (of settled tribal Jordanian origin) was more selective. Whereas he denounced “tribal traditions that burden citizens,” he supported others that did not. Senator Jum‘ah Hammad (of Palestinian Bedouin origin) stressed the difference between tribal laws and tribal traditions denouncing the former and supporting the latter. The senate concluded its debate by passing a resolution to abolish all remaining tribalist practices, with one opposing vote, that of Hayil al-Surrur (of Bedouin Jordanian origins). Al-Surrur, who supported tribal traditions, asserted that he would oppose tribal laws only in the event “an alternative” was devised, since the state’s civil laws are not capable of dealing with tribal issues. Marwan Mu‘ashsher, a Christian Jordanian of settled tribal origins and a columnist in Jordan’s English daily *Jordan Times* (who became the country’s first ambassador to Israel in 1995), expressed his concern that

the government's "implicit support for tribal practices are [*sic*] abundant in Jordan, and that they are followed not only by bedouins but also by many of urbanite, educated Jordanian families." He saw the "survival" of tribal practices as anomalous in the context of Jordan's recent transformations and compared them to neighboring countries like Saudi Arabia, where, according to him, they did not. He declared, "We have *evolved* from a desert confederacy of tribes to a modern country with a law and a constitution. If tribalism still has a place in the social contest of affairs, it certainly should be denied any such place in our legal conceptualisation of the country. Jordanians cannot be governed by dual, often contradictory laws" (emphasis added). He presented tribal affiliations as opposing national affiliation, and he stressed, "I wish to see people proud because they are Jordanians, not only because of their surnames." This, he felt, "is the major argument against tribalism." His call was a call that all citizens, "even though not born equal, should be treated as though they were, under the law, the one law."<sup>82</sup>

The situation became so heated that King Husayn himself intervened by sending a letter to Prime Minister Ahmad 'Ubaydat, which was published in all the daily newspapers. The king chastised those who denigrate tribal traditions and claimed pride in his own "tribal" heritage—the Hashim tribe—that produced none other than the Prophet Muhammad himself.<sup>83</sup> He added that whatever is being said about "the tribes, the clans, conventions and traditions" reflects on the king and his family as well. The king proceeded to attack the Jordanian press for allowing such attacks on tribalism to take place and threatened to close down newspapers that did not desist from such "irresponsibility."

Jordan's liberal minister of information Layla Sharaf (the Lebanese Druze wife of the late Prime Minister 'Abd al-Hamid Sharaf, who before getting married worked as a television announcer in Lebanon<sup>84</sup>) resigned in protest.<sup>85</sup> She had refused to publish the king's letter in the local press and submitted her resignation instead. The king accepted her resignation on January 28, the same day that his letter appeared in the newspapers. However, before submitting her resignation letter to the Prime Minister Ahmad 'Ubaydat (who also served formerly as head of the Mukhabarat), Sharaf forwarded copies of it to the local and international press.<sup>86</sup> Her letter was never published in Jordan. In it, Sharaf explained her position:

With all my idealism and simplicity, I thought I had the blessing for pursuing an information policy based upon *enlightening* the citizen on all issues that concern him, moving away from daily interference

in his right to think and freedom of expression. I belong to the school of Abd al-Hamid Sharaf's [her late husband and a former prime minister] school which respects the Jordanian and Arab mind and believes in the freedom of the press as long as this freedom does not *endanger national security*. I have tried to achieve whatever little we could achieve, and this has had a positive impact on the local press and *its reputation outside*. But after a good initial response, the government has started to show impatience towards even the simplest forms of freedoms and all frank communications with the Prime Minister have disappeared, making it impossible for me to continue in this job [all emphases added].<sup>87</sup>

In light of these developments, Sharaf was to comment later, "We are a nation that has not decided on its identity."<sup>88</sup> It would seem that Sharaf failed to understand that questioning the Jordanian nation's constructed notion of the tribal origins of nationals does constitute an endangerment of "national security." Her valuation of the "enlightening" of citizens as a positive project seems to have missed the other part of nationalism's dyad, "tradition." For as much as "tradition" is traditionalized by nationalism, so is European "enlightened" modernity mythologized as the ultimate liberatory project, the less than democratic results of much of modern European history and political practice—toward not only Europeans but more importantly the rest of the world—notwithstanding. Sharaf, it would seem, had internalized the modernization project uncritically.

The state's initial effort to keep the Bedouins apart from the national body politic (1923 to 1976) and its subsequent attempt to integrate them in it (1976 to the present) have now combined to produce a new strategy. King Husayn's commitment to identifying Jordanian culture as tribal relied on these two strategies to accomplish its goal—namely, to render the country tribalized (or even Bedouinized) through sedentarizing the Bedouins, in that the Bedouins are seen as the carriers of Jordan's true and authentic culture and traditions, while the new tribalization/Bedouinization process of the Bedouin and Hadari populations is based on the state's reconfiguration of what Bedouin tribal culture actually is. Thus, the process of sedentarizing the Bedouins was constituted by the state's process of redefining their culture for them while continuing to identify it as Bedouin, and it set the new culture as the norm throughout society by identifying it as true "Jordanian culture." In this vein, Schirin Fathi observes, "By emphasizing the collectivity of tribes and integrating individual tribal identities into a broad category of tribal

heritage—as has been the government's policy—tribalism may serve as a source of shared history and a national symbol.”<sup>89</sup>

The government's sedentarization projects continued in the 1970s (after the Civil War) and were integrated in its 1970 to 1973 three-year plan and the 1975 to 1980 five-year plan.<sup>90</sup> Indeed, the process of sedentarization of the Bedouins was part of the process of nationalizing them by the state. Whereas Paul Jureidini and R. D. McLaurin argue that this was done through three separate processes, sedentarization, education, and communication,<sup>91</sup> the latter two are part of the process of sedentarization itself. It is sedentarization that allows access to education as well as to the media (especially television). The “Bedouins'” use of televisions, transistor radios, tape recorders, and more recently video recorders and satellite dishes (as in the Hadari community) makes this all too evident.<sup>92</sup> The fact that the Arabic word for sedentarization is *Tawtin*, literally “settling” or “giving a homeland,” certainly helped the Bedouins conceive of Jordan as a *watan* (homeland) rather than a *dirah* (tribal land). In fact, what transpired was the conflation of *watan* and *dirah* as one and the same. The popular song of the 1970s *Diritna al-Urduniyyah* (Our Jordanian Dirah) is a prime testimony to that conflation. A similar conflation took place between the notion of *rab* (tribal members) and *sha'b* (people), as many “Bedouin” songs of the 1970s and 80s attest.

Law, then, did not only affect the juridical and political status of Bedouins in the country, but in doing so, it also generated other cultural productions consonant with its new definitions. One important cultural area generated by this juridical discourse was music and songs. Song had in fact become one of the central instruments used by the state to Bedouinize Jordanian culture. In the early to mid-1970s, Samirah Tawfiq, an unsuccessful Lebanese singer of Armenian descent, adopted a new genre of “Bedouin” song as her hallmark, marketing herself in Jordan. Her subsequent success and the success of her “Bedouin” genre (many followed in her footsteps) resuscitated her dying career and launched her as the quintessential “Bedouin” singer, not only in Jordan but also across the Arab world. Her ostentatious, gaudy dresses, which were supposedly inspired by Bedouin style, although they resembled nothing that Bedouin women, of any tribe, ever wore, added to her “Bedouin” aura. Her songs, in addition to *Diritna al-Urduniyyah*, included *Urdunn al-Qufiyyah al-Hamra'* (“Jordan of the Red Kufiyyah”), and many more “traditional” songs composed for her by the architects of Jordan's new cultural image. Other songs of the period included adulation to the young king and celebrations of the city of Amman. Amman, to which

relatively few Transjordanians trace their origins, had to be centralized in the consciousness of the new Jordanian nationalism. Songs were sung for the king and for Amman not only by Jordanian singers (Salwa al-‘As, of Palestinian origin and Jordan’s earliest radio singer;<sup>93</sup> Siham al-Safadi, a Jordanian of Palestinian origin; and ‘Abduh Musa, a Jordanian of gypsy origin, who played the Rababah and sang in a Bedouin tent (Bayt Sha’r) in full Bedouin regalia and Bedouin ambience), but also by foreign singers, prominent among whom were the Lebanese Fayruz and the Syrio-Egyptian Najat al-Saghirah.

In linking Jordanians to their newly asserted Nabatean origins, Fayruz and her Rahbani company went so far as to produce a very popular Broadway-style musical in the late seventies called *Petra*. *Petra*’s narrative mixed history and fiction in telling the story of the Nabatean “anti-imperialist” struggle against Rome, the heroes of which were none other than the king and queen of Petra. The musical included songs about the all-sacrificing king (ostensibly of Petra but with an obvious reference to Jordan’s King Husayn), which were met with deafening applause by the audience when the musical was performed in Jordan. *Petra*, in addition to celebrating the history of the Nabatean proto-Jordanians, also celebrated the recently invented national dish of Jordan, *mansaf*. *Mansaf* is said to have been eaten by the proto-Jordanians 2,000 years earlier. The Jordanians and their national symbols, it would seem, have always existed. Today, they and their king and queen are continuing in a living tradition that has survived for millennia. *Petra* continues to be shown on Jordan television periodically. As a metonym for all things Jordanian, the name Petra was adopted by the Jordanian state’s official news agency.

### Jordanian Culture in an International Frame

The redefining of Bedouin culture in accordance with nation-state criteria and its presentation as Jordan’s quintessential living culture became increasingly important not only for domestic consumption but also in the realm of foreign relations. Karl Marx had an interesting insight in this regard. He stressed, “Civil society embraces the whole material intercourse of individuals within a definite stage of the development of productive forces. It embraces the whole commercial and industrial life of a given stage and, insofar, transcends the State and the nation, though on the other hand again, it must assert itself in its foreign relations as nationality, and inwardly orga-



nize itself as State.”<sup>94</sup> Marx’s insight, however, misses the importance of how, in addition to organizing itself as a state internally, civil society also asserts itself as a nationality inwardly as well as in foreign relations, and this is not specific to formerly colonized states but applies equally to colonizing states. The importance of Marx’s insight here is in understanding that inwardly, nationality is always enforced and propelled by (although, contra Marx, never limited to) state power—which was the entity he was studying—and that in fact it should be understood as a primarily state project, whereas within the international system, civil society was marked by nationality. Whereas Marx’s European historical examples led him to conclude, “The antagonism between town and country begins with the transition from barbarism to civilization, from tribe to state, from locality to nation,”<sup>95</sup> our case shows how the tribe and the nation-state become mutually dependent on each other for their conceptual coherence as well as their institutional coexistence—be that in juridical or extra-juridical practice. As the Jordanian example demonstrates, tribes were legislated in and out of existence by the juridical power of the nation-state and its coercive apparatus. In this, the Jordanian example, *mutatis mutandis*, is not so much different from the colonial invention of tribes in many formerly colonized African countries.<sup>96</sup>

Still, whereas the 1970s was the decade to assert Bedouin culture as the basis for Jordanianness internally, the 1980s, in addition to continuing the same trend, became the decade to assert that identity internationally. This strategy was engineered to achieve multiple goals: defying Israeli claims that “Jordan is Palestine,”<sup>97</sup> distinguishing Jordan as a proud carrier of “ancient” Arab culture within the modern Arab world, and projecting an international marketing image for tourists of a modern country with an old *living* “traditional” culture.

Continuing the British Mandatory policy of marketing the Bedouins for European tourists (see chapter 3), the Jordanian government launched similar campaigns with an important and careful twist. Jordan, a modern country with a modern infrastructure that can accommodate European tourists, can offer the Bedouins as representatives of an ancient and noble but still living culture in their “traditional” surroundings. Tourism campaigns, which were stepped up in the 1970s and continue to the present, have offered the Bedouins and Petra as the true representatives of modern Jordan.<sup>98</sup> Whereas Petra is surrounded by an Orientalist mystique (especially for Israelis, who visualize Jordan as Petra and King Husayn, who are attached to unnecessary people, places, and cultures of not much significance to an archaeology-devouring Zionist ideology—the interest being in dead cities and a friendly

sovereign<sup>99</sup>) of ancient “proto-Arab tribes” from which many *modern* Jordanian nationalists claim descent, the Bedouins of Jordan can transport the tourist into a different time, an ancient time, when Petra’s monuments were built, presumably by similar-looking Bedouins. In the new age of mechanical reproducibility, as Walter Benjamin has shown, the authentic and the original no longer hold sway over the copy.<sup>100</sup> “Authentic” Petra, itself reduced to its most astounding architectural structure, namely, Pharaoh’s Treasury or *Khaznat Fir‘awn* (also called the Temple of Isis), was and is reproduced in Jordanian postage stamps, on Jordanian currency bills, and in tourist posters and tourist pamphlets, as the *image* of Jordan. It, along with other archaeological monuments, came to represent the nation’s past tradition. As Benedict Anderson put it, “Monumental archaeology, increasingly linked to tourism, allowed the state to appear as the guardian of a generalized, but also local, Tradition.”<sup>101</sup> Petra has indeed become the *logo* representing Jordan nationally and internationally. In addition to Jordan’s official news agency, many Jordanian companies of all stripes adopted the name Petra. The use of Petra as a logo for the Jordanian nation-state, however, is not a postindependence nationalist invention but rather a colonial one. It was the British Mandatory authorities who transformed Petra into the national spectacle that it has become today. Postcolonial Jordan was simply continuing a *colonial*, not a national, tradition.<sup>102</sup>

As for the Bedouin, he or she is represented in full regalia as a metonym for Jordan by both the Ministry of Tourism and private tourism offices. Linda Layne reports that such representations offer the Bedouins as “the only people of Jordan.”<sup>103</sup> She cites a number of Ministry of Tourism brochures with prominent pictorial representations of the Bedouins and Petra. Whereas there is a tendency to market the Bedouin, or rather her or his simulacrum, as the exotic part of Jordan, Layne exaggerates the representative abilities of the Bedouin as simulacrum. The Jordanian government is quite careful to offer the Bedouin simulacrum as the exotic representative of Jordanian culture insofar as she or he is juxtaposed to modern Jordanians and a modern Jordan. This is done on the ground insofar as Bedouin simulacra are presented at tourist locations such as Petra and Jerash, and in hotels, serving coffee, driving horses and camels, or acting as desert guides.<sup>104</sup> These Bedouin simulacra are offered to visiting tourists side by side with modern Jordanians who act as their multilingual modern guides, hotel managers, and staff, in addition to “real” Jordanians that tourists can see conducting their daily lives in the public places of Amman and other cities. In addition, tourist publications published by the Jordan Information Bureau in Washington,

D.C., which market Jordan to Americans, for example, are careful to show Jordan's modern sector, facilities, industry, streets, and hotels, as well as modern Jordanians of both sexes—scientists, architects, chefs, performers, computer operators, farmers, artists, and so on.<sup>105</sup> The magazine *Jordan* put out by the bureau was also available on all *ALIA*, *Royal Jordanian Airline* flights worldwide.

And this was not all. Radio and television songs and soap operas with Bedouin motifs jammed Jordan's airwaves after the 1970 Civil War. Although Jordan's first radio station had been established in the West Bank town of Ramallah in 1950, followed by the Amman radio station "Huna 'Amman" and the Jerusalem station, both established in 1959, early attempts to popularize Bedouin songs and motifs had not yielded positive results. Traditional Bedouin music genres such as the different Ahazij—Shruqi, Hjayni, and Hda' (as they are pronounced colloquially)—could not compete with the popular Egyptian, Iraqi, and Lebanese songs of the period, nor could some of their idiomatic expressions and dialect-specific words be understood by townspeople in Jordan, much less outside it. As a result, a new strategy was planned, wherein the music would be redistributed (by Lebanese composers such as Tawfiq al-Basha) and the words and dialects of the songs changed. This strategy proved more successful, albeit in only a limited sense, until the 1970s. By then, traditional Bedouin forms of singing were completely dropped in favor of an invented semi-Westernized musical genre with "understandable" accents and words that the urban population could understand and that could be exported outside to the rest of the Arab world. This new genre was sold to the urban and Bedouin population as *Bedouin* songs and music and was exported abroad accordingly. Moreover, the words of the songs were mostly sung in urban accents with a slight pronunciation variation (the *qaf* sound becoming a *ga* sound) and with the use of a few "Bedouin-dialect" words familiar to urbanites, which give the songs their "authentic Bedouin" flavor.<sup>106</sup> In the late 1950s and early 1960s, the radio station, which was headed at the time by Wasfi al-Tall (who was succeeded by Salah Abu Zayd), sought the help of the folk lyricist Rashid Zayd al-Kilani to rewrite the songs in an urbanese "Bedouin" dialect.<sup>107</sup> In 1964, the government established the first Information Ministry in the country's history, with the Department of Culture and Arts (Dai'rat al-Thaqafah wa al-Funun) set up in 1966 as one of the Ministry's departments. This department undertook the "study" of Jordanian culture and was to commission the writing and publication of many books on Jordanian culture as well as a cultural journal, *Afkar* (Thoughts).<sup>108</sup> In 1972, and in celebration of the country's fiftieth

birthday, the department published a book of collected essays titled *Our Culture in Fifty Years*.<sup>109</sup> In 1968, Jordan established its first television station, thus giving not only songs but also soap operas, or *tamthiliyyat* and *musalsalat*, a new, more effective medium.

Soap opera productions such as *Wadha wa Ibn 'Ajlān* written by the Jordanian nationalist Ahmad 'Uwaydi al-'Abbadi, who is himself of Muslim Bedouin origins, and *Nimr al-'Adwan* written by Ruks Za'id al-'Uzayzi, of Jordanian Christian settled tribal origins, and produced for radio and television, were exported to the rest of the Arab world, launching the Jordanian soap opera genre. Such programs advertising Jordan's Bedouin identity were shown throughout the Arab world from Iraq to Morocco. The fact that Transjordanians of settled and Bedouin origins, Christian or Muslim, were active in promoting Jordan's Bedouin image attests to the inclusive project of Bedouinizing all Jordanians as a form of nationalizing them against the Palestinian national threat that was defeated on the battleground during the Civil War of 1970. The regime's military triumph in 1970 was now being buttressed by a peaceful strategy of consolidating Jordanian national identity.

In this sense, Jordan's living cultural past carried to the present by the Bedouins is being observed not only by foreign, mostly European and American, tourists, and by other Arabs, but also by modern Jordanians themselves. Although on the face of it Bedouin and modern Jordanians are living in a synchronic time and in a homologous national space, in reality they are not. The Bedouin is produced as a desert tent-dweller living far away from urban modernity, and as living in a *past* time, a *traditional* time, an *other* time, an *allochronic* time. Her or his geographic location, although nationalized, signifies the past history of the nation, which is contrasted with the urban location of modern Jordanians where the modern nation is always located. The evolutionary implication is that at some point *all those* who are today identified and who identify themselves as Jordanians must have lived like the Bedouins in their evolutionary childhood before they became modern urban adults. As such, the ability of the modern Jordanian and her or his European and Euro-American counterpart to *observe* the Bedouins and live in their time can take place "only if he outlives them, i.e., if he moves *through* the Time he may have shared with them" onto a level on which she or he finds modernity.<sup>110</sup> It is important to stress the Western colonial epistemology that the modern Jordanian is said to share with her or his European counterpart. As Johannes Fabian observes, "A discourse employing terms such as primitive, savage (but also tribal, traditional, Third World, or whatever euphemism is current) does not think, or observe, or critically

study, the ‘primitive’; it thinks, observes, studies *in terms* of the primitive. *Primitive* being essentially a temporal concept, is a category, not an object, of Western thought.”<sup>111</sup> This use of time, as Fabian asserts, has the explicit purpose of distancing those who are observed from the time of the observer, a denial of coeval time.<sup>112</sup> In line with this epistemology, the modern Jordanian views her- or himself and presents that self to Europeans as constituted through a repudiation of tradition, a repudiation of the Bedouin self that is said to constitute her or his origin, while simultaneously reclaiming that tradition and that self as a *living* past! This double operation is the process through which national identification occurs in the context of modern Jordan. Modernity sublates tradition for the majority of Jordanians (wherein tradition is incorporated within and not replaced by modernity) in such a way that the traditional component can be projected onto the living Bedouin, who gives that projection physical manifestation and materiality. Europeans and modern Jordanians can appreciate the noble and primitive Bedouin as the proto-Jordanian (the builder of Petra?) and compare her or him to the modern Jordanian—the temporal distance between the two can be the measure of how much civilization modern Jordanians have achieved over their *living* ancestors. The fact that most Jordanians of Bedouin lineage have been settled by the state and now live in urban and rural centers, no longer inhabiting the nonurban “desert,” is immaterial to this type of mythic representation, let alone the fact that much of what passes for Bedouin tradition is invented by the state.

Those Bedouins who still live in the desert and have a partial nomadic lifestyle can be and are packaged as tourist attractions. Those who stood in the way of “evolution,” “progress,” and “modernity,” like the Bidul, of Petra were expropriated, resettled, and/or co-opted for modern tourist projects. The story of the Bidul is interesting in this context because of the nation-state’s contradictory project of being modern-traditional, nomadic-settled, and Bedouin-Hadari.

It is unclear how long the Bidul Bedouins have lived in the Petra area. Whereas some accounts claim that they are newcomers to the area from the Sinai, documentary evidence mentions them as living in Petra for at least the last century. Their oral history asserts that Muslim Bedouins pursued their ancestors to Petra, where they took refuge. They were, however, converted to Islam—hence their name as the “exchangers” of religion from *baddala*, as in “to exchange.” Others assert that the etymology of the name Bidul goes to their ancestor Badl, one of the sons of the Nabatean king Nabt, hence Bidul meaning the people of Badl. Since the mid-1960s, the government has tried to dislodge them from Petra, forcing them to farm outside

the city within which they had farmed before. This was done after a new law was enacted with the recommendation of the Department of Antiquities (set up by the British during the Mandate) declaring Petra and other national monuments and ruins as national parks.

The Bidul, who used to live in the caves of Petra, had coexisted for the past century with visiting tourists, who saw them as part of the attraction, a sort of “living museum.” More recently, the neighboring settled tribe of Layathnah, whose members reside in the neighboring town of Wadi Musa, has come to be much more integrated in Petra’s tourist economy through its ownership of most of the horses used by tourists to reach Petra’s ruins.<sup>113</sup> The Bidul were newcomers to the horse-operating ventures, although now they operate and own a large number of them. Many worked as tourist guides, rented out their caves, and sold archeological objects found in the caves, such as shards of Nabatean pots. They were even contracted by the Forum Petra Hotel to provide a meal of *mansaf* to tourists in Petra’s al-Dayr—a Nabatean tomb once used by Byzantine monks as a monastery—while their donkeys carry the wine and beer to the site.<sup>114</sup> In the early seventies, the government’s campaign to evict the Bidul from Petra was met with fierce and armed resistance. Finally, in the early 1980s the government built a settlement for them near Petra, giving them until 1985 to move or face forceful eviction.<sup>115</sup> By 1985, the government’s decision had forced their relocation to new homes. The Bidul, with no choice but to comply, resisted the government by claiming Petra as theirs and the Nabateans as their direct ancestors, but to no avail.<sup>116</sup> In doing that, they were differentiating themselves from modern Jordanian nationalists who claim Petra and the Nabateans for all Transjordanians. Currently and following their forced settlement, the Bidul are increasingly integrating within the national fold through education and the media. Some of their members have specialized in hotel management at Amman colleges in the hope that they can manage the Petra tourist economy, whose big capital investors are from outside Petra, and increasingly from outside Jordan altogether. The story of the Bidul demonstrates the Jordanian state’s continuing juridical and coercive abilities to define and redefine Jordan’s national as well as Bedouin identities.

### Women Between the Public and Private Spheres

Whereas the Personal Status Law takes care of women as unequal inhabitants of the domestic sphere in their roles as wives, mothers, caretakers, housekeepers, and divorcees, regulating such activities through a certain

reading of religious tradition, the rest of the law controls women's integration into public life, the life of civil society—that of national citizenship. The duality of women's positions in the law is paralleled by that of men's. Men also have a dual status, one as part of civil society wherein they are citizen-nationals who are nominally equal to other citizen-nationals, and the other as heads of households in the private sphere with unequal privileges and rights that are juridically accorded. The discrepancy here between men's and women's standings in the private and public spheres is not based on women's sudden entry into the public sphere as workers, voters, nationals, citizens, and so forth, as women were always part of the extra-home economy, especially in agriculture but also in trade and property ownership, long before the advent of modern nationalism to the Middle East. What is new since the Ottoman Tanzimat is the Western assignment of modernity to the realm of "civil society" and tradition to the "private sphere." Indeed, the invention of this dichotomy, as Jürgen Habermas has shown,<sup>117</sup> is predicated on these valorizations assigned to them. For, after all, the private and the public, the industrial city and the rural village, are modern conceptions dividing social space. In the Arab world, the sociospatial division of *Hadar* and *Badiyah* (settled and Bedouin populations) has existed for centuries; however, their new significations of modern versus traditional resulted from their integration into the nation-state's modern epistemology of space. What I demonstrate in the rest of this chapter, however, is that the division of this social space is commensurate with, even constituted by, a temporal schema without which these divisions lose much of their functional signification and importance in the formation of modern citizen-nationals.

The transformation of Shari'ah into coded law is a modern phenomenon. It was the Ottoman Tanzimat that ushered in the transformation of Shari'ah, originally "a general term designating good order," from "a repertoire of precedents, cases and general principles, along with a body of well-developed hermeneutical and paralogical techniques" into a modern code.<sup>118</sup> It was also the Ottoman Tanzimat that classified Shari'ah into different sections, previously unknown, such as "civil," "criminal," "commercial," and "family," which itself is considered a subsection of "civil." The first such transformation was the Ottoman civil code, better known as the *Majalla*, enacted in the 1870s as the first-ever codification of Shari'ah. As for what came to be known as family matters, the Ottomans enacted the Law of Family Rights in 1917, a law that remained on the books in Jordan until 1947 (Turkey replaced the law in 1927 by adopting and adapting the "secular" Swiss code in its place). In the intervening years, Egyptian jurists became innovative in

the area of what came to be family law. In 1893, Muhammad Qadri Pasha, Egyptian justice minister at the time, published his *The Shari'ah Provisions on Personal Status*, a book containing 646 articles on marriage, divorce, inheritance, gifts, and so forth. He was the first to coin the term *personal status* as a reference to family matters.<sup>119</sup> More transformations of “personal status” followed suit in the 1920s. The eminent Egyptian jurist ‘Abd al-Razzaq Ahmad al-Sanhuri became the architect of the civil code of a number of Arab countries and made contributions to the debate on personal status laws, seeking to make them applicable to Muslims and non-Muslims alike.<sup>120</sup> Whereas the Ottomans relied on a certain reading and privileging of the Hanafi school of Shari’ah interpretation, Sanhuri called for more eclecticism. These transformations of Shari’ah coincided with the rise of the nation-state in Turkey as well as in the formerly Ottoman provinces. Codifying the Shari’ah therefore aimed at facilitating the governance of the modern nation-state—the modality through which “we” were to become modern while remaining traditional at the same time. Sanhuri was explicit on this matter: “Our law should be strengthened to the greatest extent possible from the Shari’a sources. We should work to have our law agree with our old legal traditions rectified by viewing it not as a static creation but a growing and developing thing, connecting our country’s [Egypt’s] present with its past. That is the historical aspect.”<sup>121</sup>

Laws were therefore devised to address the juridical status of women in a way that accorded with this traditionalized vision of “our old legal traditions.” This of course is not unique to the Middle East or Islam but to nationalism in the colonial world more generally. In charting the histories of nationalist and feminist movements in the Third World, Kumari Jayawardena<sup>122</sup> shows how, upon visiting western European countries at the turn of the century, Asian nationalist leaders “were struck by the openness of a society that permitted some men and women to take part in easy social intercourse. . . . Faced with societies that were sufficiently developed and powerful to subjugate them, and with the need to modernize their own societies, many reformers of Asia seized on the apparent freedom of women in Western societies as the key to the advancement of the West.”<sup>123</sup> Jayawardena identifies the objectives of the reformers as twofold: “to establish in their countries a system of stable, monogamous nuclear families with educated and employable women such as was associated with capitalist development and bourgeois ideology; and yet to ensure that women would retain a position of traditional subordination within the family.”<sup>124</sup> Such figures in the Arab world include Qasim Amin and Muhammad Abduh, who, since



the latter half of the nineteenth century, saw the status of women in the Arab world as one of the main reasons why the Arabs could no longer “keep up” with Europe. They devised new schemes to “modernize” Arab women without compromising “tradition.” What this project in fact intended was the new invention of Arab women (following European nationalist examples) as custodians of tradition and managers of the nation’s moral life and that of its future generations. Therefore, while women’s inferior status was to be maintained in the home and reinscribed as a tradition-inspired status, women, as custodians of tradition and as managers of the nation’s young generations, had to be equipped with modern education (literacy, scientific hygiene, home economy, scientific child-rearing, nutrition) to protect the national heritage (al-Turath). This call for a new kind of existence, that of national citizenship, was predicated on the cultivation of women and men, their assumed and enforced asymmetry in duties and rights notwithstanding, in preparation for building the future of the nation. To be effective, these new criteria had to be codified into law.

I should emphasize that Sanhuri was the architect of the civil code not only of Egypt, but of Iraq, Syria, and Libya, and he was the architect of the commercial code of Kuwait. Jordan’s Family Law of 1947 and of 1951<sup>125</sup> as well as the 1976 Personal Status Law<sup>126</sup> were all inspired not only by the Ottoman reading of the Hanafi tradition manifest in the 1917 Ottoman Law of Family Rights but also by Sanhuri’s contribution to the Egyptian code and later the Syrian and Iraqi codes—all three influenced Jordan’s laws substantially.

Although the first Jordanian family law was not issued until 1947, the need to assert the government’s and Amir ‘Abdullah’s view of what Shari‘ah was, was in evidence since the inception of the state. The amir’s desire to impose a certain modern juridical view of gender relations that was in line with his reading of Shari‘ah led ‘Abdullah to issue a decree soon after Transjordan became a state, prohibiting the “convention of kidnapping girls,” a kind of elopement then prevailing among the Circassian “immigrant” communities as part of marriage rituals: “The obeyed decree [Al-Iradah al-Muta‘ah] has been issued prohibiting the convention of kidnapping girls from their family homes that is practiced by some Circassian immigrants at the time of the marriage contract and that from now on the basis of the esteemed Islamic Shari‘ah will be followed in marriage contracts.”<sup>127</sup> This was, of course, part of the normalization of the population as one that adheres to the same conventions, as this is crucial for any project of nationalizing a people.

In the first Jordanian family law,<sup>128</sup> enacted after independence in 1947, replaced with a similar law in 1951, and updated in 1976, there is a discrepancy between the rights and duties of men and women not only toward the state but also toward each other as subjects of the state. Whereas these laws are clearly modeled on the Ottoman Law of Family Rights of 1917 even in its details, what J. N. D. Anderson notes about the 1951 law applies to all three: “it also incorporates a number of the more drastic Egyptian reforms of 1920 and 1929, together with a few amendments and even innovations of its own, while it also includes a few topics which fall outside the scope of either the Ottoman or Egyptian legislation.”<sup>129</sup> In the section on marriage (al-Zawaj), or proposal of marriage (al-Khutbah), most of the injunctions designate the limitations of men’s disproportionate rights in marriage and an elucidation of women’s rights and duties toward their husbands. Whereas the marriage contract *ipso facto* confers on the husband numerous rights (and duties), women’s rights will have to be spelled out in the marriage contract as terms and conditions that the husband would agree to (article 19)—a woman’s right to stipulate that her husband shall not compel her to leave the town or city where the marriage contract was signed, that she have the right to divorce herself from him, and that he not take another wife beside her, all three rights are not automatically conferred on a wife upon marriage. If anything, signing a marriage contract without these stipulations suspends a woman’s constitutional right of voluntary residency in the town or city where she had signed the contract and waives her right to end a marriage whose conclusion in the first place was carried out with her approval and agreement. In short, in signing a marriage contract without these listed protective clauses, a woman ceases to be a full citizen and is ushered into a different realm of juridical existence. Therefore, the condition of nominally equal citizenship applies to all men and all unmarried women who have nominally similar rights and duties in relation to the state. In this, marriage seems to be not only a social liaison sanctioned, witnessed, and supervised by the state, but also a contract that infringes on the citizenship of women, bifurcating their juridical status into, on the one hand, limited juridical citizenship within the public sphere and, on the other, unequal juridical residency in the private sphere or the home. The discourse that the state appeals to in order to put forth this gendered project of citizenship is the discourse of nationalism, especially that which relates to “national traditions and conventions.” The law itself is self-conscious of this discrepancy in rights and duties, and it attempts to make available to women certain legal avenues to equalize their status through the stipulations of some conditions

in the marriage contract, which ameliorate but do not do away with this inequality. This avenue has been made available to women since the 1917 Ottoman Law of Family Rights (article 38), and was present in all three Jordanian laws (article 19 of the 1947 Temporary Law of Family Rights, article 21 of the 1951 Law of Family Rights, and article 19 of the 1976 Personal Status Law).

One of the more important areas where the public and the private spheres intersect in the Family Rights Law and the Personal Status Law is a married woman's right to work outside the marital home. Whereas the 1947 and the 1951 laws stipulate a husband's right to no longer support his wife financially should she move out of the marital home or, in such cases when she owns the marital home, she prevents her husband from entering it,<sup>130</sup> the 1976 Personal Status Law expands these conditions to include a married woman leaving the marital home to seek wage labor without her husband's permission or approval.<sup>131</sup> In the draft law of the early 1980s, which never came into effect, it was stated that a husband's approval of his wife's working outside the home can be "implicit or explicit even if it is not registered in the marriage contract," thus giving women more freedom in pursuing wage labor.<sup>132</sup> It should be noted that a woman can always stipulate that she will work after marriage as a condition of the marriage contract at the time of signing, in which case her husband's future disapproval will have no legal standing. Whereas the 1976 law asserted a husband's right to withhold financial support of his working wife if she worked outside the home without his consent, thus limiting women's right to work in a time of relative national economic prosperity, the draft law of the early 1980s relaxed that stipulation in response to the deteriorating economy and the need for a second income.<sup>133</sup> In addition, by the 1980s many Jordanian women (excluding peasant women who had been working and continued to work in agriculture, in most cases without financial remuneration) had obtained high university degrees and began to enter the wage labor market in relatively large numbers.<sup>134</sup> This situation, wherein husbands' rights can infringe on the rights of wives in the public sphere as a result of a mutually signed contract regulating rights in the private sphere, demonstrates the porous nature of these spheres, showing them to be less than discrete and separate entities. As a consequence of this situation, there emerges a juridical discrepancy. On the one hand, the Jordanian constitution of 1952 stipulates that "work is the right of all citizens," on the other hand, the Personal Status Law grants men the juridical right to negate a married woman's constitutional right to work.<sup>135</sup>

Another example is the Passport Law, which is commensurate with the Personal Status Law as far as married women are concerned. It stipulates that a passport is granted to a wife and to underage children after the husband's approval.<sup>136</sup> This is in contradiction to the constitution, wherein article 9-2 states that "it is not permitted to prevent a Jordanian from living in a particular area nor can he be forced to reside in a particular area except in situations specified by the law." This infringement of public rights by private rights is indeed the stuff of which the status of all married men and women in Jordan is made. The state's ability to refashion the Personal Status Law in such a way as to make it commensurate with the constitution and other areas of law, including the civil code and labor laws, is indeed great. How far it will go in that direction in the near future remains, however, uncertain. The last attempt that was made was a 1990 new draft law sponsored by then Crown-Prince Hasan.<sup>137</sup> However, this draft law was also shelved in favor of a newer draft law that is yet to be presented to Parliament.

This dissonance between the rights of married men and women is characteristic not only of the private sphere and its ability to infringe on the public but also of the inherent discriminatory laws of the public sphere as well.<sup>138</sup> Whether in nationality laws, as we have seen in chapter 1, or in labor laws,<sup>139</sup> the law of retirement, the law of social security, penal laws,<sup>140</sup> and so on, women are systematically treated differently from men, being accorded fewer rights and privileges. Examples include the light sentences given to men (but not to women) who commit "honor" murders (or murders of "passion") to protect their honor when it was sullied by an errant woman relative (wife, daughter, sister, niece, aunt, cousin).<sup>141</sup> This penal law (*Qanun al-'Uqubat*) is quite similar to, and is in fact inspired by, the Napoleonic Code. Many such laws are still on the books in a number of European countries and in a number of states in the United States. Recent attempts made by Jordan's King 'Abdullah II to remove article 340 (which grants men committing crimes of honor extenuating circumstances reducing their sentences) from the penal code have led to confrontations with Islamists and other conservative members of Parliament. The government and women's groups have been able to mobilize a large popular following for the removal of the article with massive demonstrations led by members of the royal family. The article, as of this writing, remains on the books.<sup>142</sup>

Countries who adhere to these modernized versions of family laws and personal status laws inspired by the Shari'ah are not unique in their according women a dual status in the law. This is indeed characteristic of non-Muslim Western countries also. In *The Sexual Contract*,<sup>143</sup> Carole Pateman

advances a new way of conceptualizing what contract theorists (Locke, Rousseau, Hobbes, et al.) call the original foundational social contract of Western societies. She shows that the social contract has another hidden part to it that existed before the setting of the social contract. Pateman calls this hidden part the *sexual contract*. It is in the precontractarian domain that the axioms of the sexual contract exist, and it is through the social contract that they are concealed under the universal category of the individual. Pateman argues that “women do not appear anywhere as parties to the original contract; that contract is one between men.”<sup>144</sup> Unlike Shari‘ah, in its codified and precodified forms, which never questioned women’s rights to own property, Pateman asserts that, within the Western legal tradition, “classic theorists construct a patriarchal account of masculinity and femininity, of what it is to be men and women. Only masculine beings are endowed with the attributes and capacities necessary to enter into contracts, the most important of which is ownership of property in the person; only men, that is to say, are ‘individuals.’”<sup>145</sup> For Pateman, sexual difference is the difference between freedom and subjection. Citing Rousseau, Pateman states that “the social contract enables individuals voluntarily to subject themselves to the state and civil law; freedom becomes obedience and, in exchange, protection is provided. On this reading, the actual contracts of everyday life also mirror the original contract, but now they involve an exchange of obedience for protection; they create what I shall call civil mastery and civil subordination.”<sup>146</sup> Pateman proceeds to say that women in Western societies “are incorporated into a sphere that both is and is not in civil society. The private sphere is part of civil society but is separated from the ‘civil’ sphere. The antinomy private/public is another expression of natural/civil and women/men. The private, womanly sphere (natural) and the public, masculine sphere (civil) are opposed but gain their meaning from each other, and the meaning of civil freedom of public life is thrown into relief when counterposed to the natural subjection that characterizes the private realm . . . what it means to be an ‘individual,’ a maker of contracts and civilly free, is revealed by the subjection of women within the private sphere.”<sup>147</sup>

According to Pateman, only men who create political life can take part in the original contract, “yet the political fiction speaks to women, too, through the language of the ‘individual.’”<sup>148</sup> Pateman concludes that if women were merely excluded from civil life, like slaves, or wives when coverture held sway, the character of the problem would have been self-evident; “But women have been incorporated into a civil order in which their freedom is apparently guaranteed, a guarantee renewed with each re-

telling of the story of the social contract in the language of the ‘individual.’”<sup>149</sup> Note how much of what Pateman describes in European countries and the United States has been adopted by Muslim countries in the process of modernizing Shari‘ah, not to mention the wholesale importation of Western laws in many areas of law—commercial, labor, criminal, civil, penal, and so forth. In light of the Western precedent, it is important to stress that in the Jordanian 1952 constitution, no discrimination is made between men and women, as following article 6 “all Jordanians are equal before the law with no discrimination among them in rights or duties even if they differed in race, language or religion.” Moreover, article 43 of the Civil Law states unequivocally that “every person who reached full majority age and enjoys all his mental capabilities and who is not imprisoned is fully eligible to exercise his civil rights,” where full majority age is considered to be eighteen solar years. More recently, the Jordanian National Charter concluded by the state and civil society in 1991 (it was in fact signed by over 2,000 Jordanians spanning the social and political spectrum in civil society, and by representatives of the state) and ushering in Jordan’s new and exceedingly limited liberalization experiment stipulated in article 8, “Jordanians, men and women, are equal before the law, with no discrimination among them in rights and duties even if they differ in race, language, or religion. They shall exercise their constitutional rights and abide by the supreme interest of the homeland, and the ethics of national action in such a way as to guarantee the guidance of Jordanian society’s energies, to release its material and spiritual capabilities, for the purpose of achieving its goals of unity, progress, and the building of the future.”<sup>150</sup> Note that the charter did not use the language of the ungendered individual to describe the equality of all Jordanians, as do the constitution and most laws, but for the first time in Jordan’s history, it specified both genders as equal before the law. This is indeed a more explicit commitment on the part of the state and civil society. This new commitment to gender equality in the charter was brought about by the participation of four women who were part of the committee that wrote it.<sup>151</sup> However, the charter is not a juridical document but one that articulates the new commitments on the part of the popular discourse of national citizenship whose history and transformation will be discussed in later chapters.

Returning to the juridical as the site of negotiating gender relations in relation to the national and state projects, we find that this situation is equally prevalent in Western countries at the level that constitutes the juridical. In her book, *Toward a Feminist Theory of the State*,<sup>152</sup> Catharine MacKinnon asserts that the state (in the West) is “male” jurisprudentially,

meaning that it adopts the standpoint of male power on the relation between law and society. This stance is especially vivid in constitutional adjudication, though legitimate to the degree it is neutral on the policy content of legislation. The foundation for its neutrality is the pervasive assumption that conditions that pertain among men on the basis of gender apply to women as well—that is, the assumption that sex inequality does not really exist in society. The [U.S.] Constitution . . . with its interpretations assumes that society, absent government intervention, is free and equal; that its laws, in general, reflect that; and that government need and should right only what government has previously wronged. This posture is structural to a constitution of abstinence: for example, “Congress shall make no law abridging the freedom of . . . speech.” Those who have freedoms like equality, liberty, privacy, and speech socially keep them legally, free of governmental intrusion. No one who does not already have them socially is granted them legally.<sup>153</sup>

What happened in the West in the transformation from medieval to liberal law is that gender as a status category “was simply assumed out of legal existence, suppressed into a presumptively pre-constitutional social order through a constitutional structure designed not to reach it.” MacKinnon asserts that the “Weberian monopoly on the means of legitimate coercion, thought to distinguish the state as an entity, actually describes the power of men over women in the home, in the bedroom, on the job, in the street, throughout social life. It is difficult, actually, to find a place it does not circumscribe and describe.”<sup>154</sup> Mackinnon concludes that the “rule of law and the rule of men are one thing, indivisible, at once official and unofficial—officially circumscribed, unofficially not. State power, embodied in law, exists throughout society as male power at the same time as the power of men over women throughout society is organized as the power of the state.”<sup>155</sup> Our discussion of Jordanian laws bears out much of what MacKinnon describes in her Western examples.

## Women in Public

The prevailing discourse in Jordanian government circles for the first two decades of the state is interesting to note. The Amir ‘Abdullah was quite conservative on gender issues. He believed that his reading of Shari‘ah and

his ideas about gender were consistent. In the first manifesto that he issued to the Syrian people (i.e., the people of greater Syria) upon his arrival in November 1920 in Ma'an, then the northernmost city of the Hijaz, en route to Amman to begin the liberation of Syria from the French, he states, "The colonialist has come to you to rob you of the Three Graces: faith, freedom, and masculinity [al-dhukuriyyah]. He came to enslave you so that you will no longer be free, the colonialist has come to you to take away from you your weapons so that you will no longer be males [dhukur], he came to frighten you with his strength and make you forget that God is lying in ambush for him [bil-mirsad] so that you will not be faithful."<sup>156</sup> For 'Abdullah, as it is for most male anticolonial nationalists, masculinity is a contingent identity: a man being colonized is tantamount to being raped, which is tantamount to being castrated, an act that transforms the masculine into the feminine, and men into women. In this discourse, being raped and being a woman lead to a condition of unfreedom. Freedom, therefore, is the condition of a stable masculinity and femininity. 'Abdullah's interest, however, was not only the stability of gender identities, but also questions of public morality attendant to them. To safeguard public morality, a law against prostitution was issued in the country as early as 1927.<sup>157</sup>

Whereas most Jordanian women did not work in the wage labor market in the first few years after the state was formed, with the expansion of education, especially for girls, many women entered the wage labor market as teachers and school administrators in girls' schools. This situation raised much concern about the status of women in the public sphere, not by the population as much as by the amir himself and some clerics in the country. In late 1939, the amir became very concerned about the country's "public traditions and ethics" as reported by the Jordanian press.<sup>158</sup> More articles followed explaining the "un-Islamic" nature of *sufur* (revealing the face or unveiling) and citing a recent declaration by an Egyptian cleric to that effect.<sup>159</sup> The amir, responding to his and others' rising concerns about women's appearance in public places, sent an official letter to his government calling attention to the appearance of Muslim women as relates to their *tabarruj* (self-adornment and makeup).<sup>160</sup> In his letter, 'Abdullah ordered the education minister to launch an inspection campaign in all girls schools inspecting the women teachers and ascertaining that they were competent to uphold their "religious and ethical responsibility."<sup>161</sup> Finally, 'Abdullah issued a royal decree prohibiting adornment and makeup on women. In his decree, 'Abdullah cited several verses from the Qur'an to back him up. The prime minister proceeded by sending a letter to the supreme judge of the



country (Qadi al-Qudah) urging him to follow the amir's decree by issuing a manifesto containing instructions to Muslim women on their public appearance, especially teachers, as the amir showed much concern about them and what they were teaching Muslim Jordanian girls.<sup>162</sup> But even that was not enough. The amir insisted on his "desire" that Muslim women don the *mula'ah* (a black covering that wraps a woman's body but not her face) outside their homes. He wrote a letter to the prime minister expressing his outrage at what he witnessed a few days earlier—women "belonging" to major families in the country unveiled and adorned in public places, which contravenes religion and "human honor." He asked that a law be issued forcing all Muslim women in the country to wear *al-mula'ah* in public in accordance with "religion." In addition, he considered all women who are unveiled and adorned in public to be apostates. 'Abdullah also insisted in his letter that men's walking in public places without head coverings ("hasr al-Ra's") is "against the conventional virtues inherited by the nation [*al-ummah*]." <sup>163</sup> Note how 'Abdullah's understanding of religion and religious tradition leads him to impose the *mula'ah* on Jordanian Muslim women, a dress gear that was never part of their religious tradition or any other tradition. The *mula'ah*, which was usually worn by urban middle-class women in the Arabian Peninsula, Iraq, Egypt, and some Syrian cities, was not known in most Transjordanian villages nor in its Badiyah. As Jordan did not have major urban centers and most of its population centers were rural towns whose population had its own way of dressing, 'Abdullah's wishes were in fact to assimilate Jordanian Muslim women into another tradition—his. While women were chastised for not being proper custodians of national religious traditions, men, as an aside, were reminded that head covering is part of the national inheritance of "conventional virtues." No decrees, however, were ever issued to force men to cover their heads.

'Abdullah's shock at unveiled women was experienced much earlier than 1939. On one of his first trips outside of the Arabian Peninsula as a child, accompanying his father who had been exiled to Istanbul (*al-Asitanah*), the family had a stop-over in Egypt, where 'Abdullah marveled at seeing Egyptian Christian women unveiled.<sup>164</sup> As a result of all these decrees and official letters, the question of the *Hijab* (the Islamist dress code for women) began to be debated in the press.<sup>165</sup> Advice to women teachers on how to treat their girl students was also published.<sup>166</sup> Without any sense of irony about controlling women's presence in the public sphere, an article was published in *Al-Jazirah* chastising the "Jordanian girl" for doing nothing but "copying" love letters from books and "reading silly novels about love" when other Arab

women were “voraciously reading” [“yaltahimna al-safahat”] good books and partaking in their countries’ “renaissance” [“nahdah”]. The author calls on women to join the struggle of life. For it is with the “arms of both groups [young men and women] that the nation shall build its glorious monument [sarh].”<sup>167</sup> Other articles were directed at men. One such article entitled “Do You Want to Become a Man? Elements That Are Needed to Succeed in Life” listed the prerequisites for manhood.<sup>168</sup> Notable in this period is a certain anxiety about public manifestations of gendered appearance and behavior. Not only should such appearance and behavior be regulated by the state according to its nationalist criteria, but also, as with the attention paid to schools and schoolgirls, education and the media should cultivate this newly invented “national tradition.” None of the amir’s edicts or decrees about women veiling or not adorning themselves were ever published in the *Official Gazette*, which means that they never acquired the force of law, and it is unclear why this was so. Jordanian women continued to appear in public unveiled and adorned, the amir’s shock and horror notwithstanding.

‘Abdullah’s conservative interpretation of Islam and his commitment to it were in evidence elsewhere. His government licensed the Muslim Brethren (al-Ikhwan al-Muslimun) in January 1945 as the first nongovernmental political group allowed legal existence in the country.<sup>169</sup> Soon after, in February 1945, in an interview that he gave to the editor of *Al-Jazirah*, the amir insisted that although there exists a debate in the Islamic world as to whether Muslim women should remain in the home or enter public life, he supported the former opinion, as women cannot mix with men unrelated to them and should not adorn themselves in public. Although they can leave their homes to run their errands, they should do so veiled.<sup>170</sup> In line with this type of thinking, a professor of Islamic studies and an ‘Abdullah protégé, Shaykh al-Mukhtar Ahmad Mahmud al-Shanqiti, wrote a poem chastising and ridiculing the adorned and unveiled woman.<sup>171</sup> The importance of ‘Abdullah’s stance on women was demonstrated by its use (by him and by others) as the *mark* of his public religiosity. In fact, his stance on women continues to be cited to this day by Islamists and conservatives as the primary evidence of his religiosity.<sup>172</sup>

‘Abdullah, however, seems to have wavered slightly in his opinion of women by November 1948. In a conversation with the Mufti of Jerusalem, he makes fun of the latter. John Bagot Glubb reports the story:

“Is it wrong to look at a pretty woman?” next enquired His Majesty with assumed innocence.

The learned shaikhs pulled long faces, and replied solemnly: “A sin, Your Majesty, a sin.”

The King gave me a sidelong glance with a wicked twinkle. “I don’t see how you get that,” said His Majesty. “The Holy Quran says—‘if you see a woman, avert your gaze!’ Now, obviously you cannot avert your gaze unless you have already begun looking!” . . .

The good shaikhs were somewhat taken aback by these views. The Mufti, however, who was not to be easily defeated, remarked that we must insist that all women be veiled, and then no problem of looking at them would arise, because they would be completely invisible. . . .

“That’s all very well,” answered His Majesty, winking at the company, “but nowadays, far from veiling, they go and bathe in the sea. What are we going to do about that, O Mufti?” . . .

But even the Mufti was a man. “Is that so?” he replied, also winking at the company. “What a pity I am no longer a young man!”<sup>173</sup>

In 1951, ‘Abdullah reiterated his views of Muslim women, insisting that they should not mix with men in public spaces, and that they certainly are not allowed by religion to swim in the sea with men (“al-nuzul ila al-sahil ma’ al-rijal”)—a theme over which he seems to have obsessed. He added that it was against “Arab valor” (“al-muru’ah al-‘Arabiyyah”) for “a woman to disrobe even in front of her husband” (“an tatrah al-mar’ah dir’aha hatta ‘inda zawjiha”).<sup>174</sup> The latter view, which is more reminiscent of Saint Paul’s injunctions about women, is quite foreign to Islam but not to ‘Abdullah’s understanding of it. These views were expressed only two weeks after ‘Abdullah’s son Prince Nayif (at the time, the designated successor) had signed the 1951 Family Rights Law.<sup>175</sup>

## Women and Politics

In light of ‘Abdullah’s annexation of central Palestine and the arrival of hundreds of thousands of Palestinian refugees who had been recently expelled by the Zionist forces, the political situation changed significantly in the country. Palestinians brought with them half a century of experience in political organization and activism. Palestinian women, who had had political organizations since the early 1920s and who had participated in the Palestinian revolt in the 1930s, were to introduce a new genre of politics to the Jordanian political arena. Although the palace had set up a number of

women's organizations in the mid-forties, such organizations remained limited in membership to the upper classes and limited in goals and vision. The first organization had been set up on December 25, 1944, and was called *Jam'iyyat al-Tadamun al-Nisa'i al-Ijtima'iyah* (the Social Society of Women's Solidarity). It was headed by 'Abdullah's wife, Princess Misbah (the mother of Talal), and its goals were "caring for children and housing them, and taking care of other social matters with the aim of improving the [economic] level of poor people and improving their situations."<sup>176</sup> Another organization, *Jam'iyyat al-Ittihad al-Nisa'i al-Urduni* (the Society of the Jordanian Women's Union), was also headed by the princess. This society's goals were philanthropy, improving the social conditions of Jordanian women, improving women's educational level, and spreading "the health basis" of caring for children as well as offering financial assistance to poor women. This society, like the social society, was based in Amman and did not have other branches. It had 80 to 100 members.<sup>177</sup> The bourgeois composition of both groups was a reflection of the newly emergent merchant class, whose enrichment during World War II increased its say in politics and its influence over the palace. In fact, much of the attention to the appearance of working and bourgeois women in the public sphere in this period had resulted from the increasing fortunes of the Jordanian merchant class, leading to some tension between 'Abdullah and other traditionalizers on the one hand and a more modernizing merchant class on the other. Most merchants were of Syrian origins with some of Palestinian origins and still fewer native Transjordanians.<sup>178</sup>

In 1949, the two women's societies merged, forming the Hashemite Society of Jordanian Women, which was soon dissolved.<sup>179</sup> In light of the Arab-Israeli war of 1948 and the arrival of refugees, the Jordanian Red Crescent Society was founded by Palestinian women refugees who cooperated with the Hashemite Society of Jordanian Women to provide services to the refugees.<sup>180</sup> In 1951, the Law of the Ministry of Social Affairs was issued, founding the first such ministry in the country. The purpose of the ministry was to organize and supervise all voluntary activity, societies, and organizations in the country. Between 1951 and 1979, there were over 340 societies in the country (excluding the West Bank) engaging in a number of activities, and they were represented by the General Union of Philanthropic Societies. Of these, only twenty-two societies were women's societies, whose services included day care centers, nutrition centers, an orphanage, services to senior citizens, vocational training, literacy campaigns, a school for the mentally disabled, and programs offering financial assistance to poor families and to

families of soldiers.<sup>181</sup> Note that these services are an extension of services rendered by women in the domestic “private” sphere. Therefore, women’s presence in the public sphere is predicated on their performing domestic “private sphere” services. Thus, women’s private status can be rendered public, while their presence in the public sphere is privatized, in that their domesticity can be expanded to engulf the public sphere as can their private status, which remains what it is in all spheres—that is, private. In addition to these societies, a number of women’s clubs were founded that mostly cater to middle- and upper-class women. Foremost among them is the Club of Business and Professional Women (Nadi Sahibat al-A‘mal wa al-Mihan), which was founded in 1984 and includes a legal office offering advice to women as well as a research center for women’s studies.<sup>182</sup> It also began publishing a newsletter in May 1992.<sup>183</sup>

In addition to these societies and clubs, the two more important women’s organizations set up in the country were al-Ittihad al-Nisa’i al-‘Arabi (the Union of Arab Women),<sup>184</sup> which existed from 1954 to 1957 during the liberal parliamentary period that granted women the vote (although its resolutions including women’s suffrage were overturned by the palace coup of 1957), and the Federation of Jordanian Women, which existed from 1974 to 1981 and was founded the year women were granted the vote by royal decree. Whereas women’s suffrage was decreed in April of 1974, the federation was founded in November 1974 by a number of Jordanian women who elected the feminist pioneer Emily Bisharat as federation head in preparation for the 1975 United Nations Conference on Women in Mexico City. In 1981, the Ministry of Social Affairs illegally dissolved the federation in an attempt to control women’s independent activity in the country.<sup>185</sup> Shortly before dissolving the federation, however, In‘am al-Mufti, minister of social affairs and Jordan’s first woman minister, who had harassed the federation for months, had set up a government-controlled National Union of Jordanian Women.<sup>186</sup> In the meantime, in April 1978, the government for the first time ever invited three women (In‘am al-Mufti, Widad Bulus, and Na‘ilah al-Rashdan) to serve as members of the first National Consultative Council (which had a total of sixty members) set up by the government in April 1978 as a body representing society in the absence of Parliament and with the limited power of being consulted by the government.<sup>187</sup> This was the first time women participated in any official governing body since the state was founded in 1921. The second consultative council, set up in April 1980, included four women members (Widad Bulus, Na‘ilah al-Rashdan, ‘Adawiyyah al-‘Alami, and Janette al-Mufti Dakhqan) and excluded former

member In'am al-Mufti as she had been appointed minister of social affairs in December 1979.<sup>188</sup> The third consultative council was set up in April 1982 and included four women (Layla Sharaf, Hayfa' Malhas al-Bashir, Samyah Nadim al-Zaru, and 'Iddah al-Mutlaq) out of seventy-five members.<sup>189</sup> As for women's holding of leadership positions in political parties, this began only in the early 1970s when women became members of Wasfi al-Tall's and Mustafa Dudin's National Union, wherein women ran unsuccessfully for its leadership position. Still, the union's executive committee included three women, one of whom was Sa'diyyah al-Jabiri al-Tall, Wasfi al-Tall's Syrian widow. The union was soon dissolved.<sup>190</sup> These major activities in the seventies were indeed spurred by the international attention accorded women, which the Jordanian government could not ignore. In addition to suffrage and political appointments, the government set up the Department for Women's Affairs in February 1977 in response to the recommendations made at the United Nations conference in Mexico City and those made in April 1976 by the Human Resources Conference panel devoted to women.<sup>191</sup> It was with this background of state-sponsored expansion of the public roles of women as citizen-nationals that the Personal Status Law was passed in 1976, limiting slightly husbands' rights vis-à-vis their wives (in comparison to the 1951 Family Rights Law) and maintaining women's inferior status in the home. By the early 1980s, new projects were in the making to replace the 1976 Personal Status Law, which remains on the books to this very day.

It is significant that the women's movement of the mid-1950s received a large amount of support from the massive anti-imperialist Jordanian national movement, which fought for democratic rights, Arab unity, and an end to the colonial presence in the country. Political parties (both legal and illegal ones) on the left and in the center, as well as pro-government politicians, supported and pushed for women's suffrage and women's right to run for elections. In fact, many of the women who were members of the Ittihad were wives of politicians, such as Lam'ah al-Razzaz, wife of Munif al-Razzaz (one of the leaders of the Ba'th Party), and Faridah Shubaylat, wife of Farhan Shubaylat (Minister of Defense in 1955), and Faridah Ghanma, wife of Nqula Ghanma (appointed member of the senate). Moreover, in 1951, the political program of the illegal Communist Party, which was published in its newspaper *Al-Muqawamah al-Sha'biyyah* (Popular Resistance), called for the "struggle to liberate Jordanian women from reactionary chains, and to equate them with men in all political, economic, and social matters."<sup>192</sup> The Ittihad itself actually met with the deputy of the chief justice (Qadi al-Qudah) demanding an end to polygamy and that constraints be placed on

Muslim men's right of divorce.<sup>193</sup> As early as 1952, the Women's Awakening League (Rabitat al-Yaqazah al-Nisa'iyyah) organized demonstrations demanding suffrage, calling for an end to British colonial policies in the region, and mobilizing women to celebrate International Women's Day. Such activities were circumscribed by the military, whose head, John Bagot Glubb, ordered the league dissolved. The league continued to operate underground and finally began operating publicly after the 1967 Arab-Israeli war.<sup>194</sup> In 1970, the league changed its name to Jam'iyyat al-Nisa' al-'Arabiyyat (the Arab Women's Society).

After women signed many petitions and organized many demonstrations demanding women's suffrage, which resulted in a parliamentary vote granting women the vote, the council of ministers issued a decision on October 2, 1955, approving the parliamentary vote to grant educated women the right to vote but not to run for elections. In light of this development, women's groups launched a wide campaign demanding suffrage for all women and women's right to run for elections. Emily Bisharat (the head of the Ittihad) wrote an open letter in the daily *Filastin* under the title "We want our full rights."<sup>195</sup> The Ittihad met in a general meeting demanding women's full rights and calling on the government to grant voting rights to uneducated women and to allow all women the right to run for elections.<sup>196</sup> On March 8, 1956, the league organized a huge demonstration (over 800 women participated) in Jericho (West Bank) demanding equal rights, full suffrage for women, women's right to run for Parliament, and the cancellation of the Jordanian-British Treaty (which maintained Jordan under British tutelage).<sup>197</sup> Women's activism continued unabated after the expulsion of Glubb Pasha, the head of Jordan's army. Women demanded that they join the National Guard, and many volunteered.<sup>198</sup> The Ittihad sent a memorandum to the defense minister in this regard.<sup>199</sup> The government's repressive measures against the national movement, however, did not spare women. As already mentioned, in addition to dissolving women's groups, and attacking women's demonstrations that had both an anticolonial nationalist agenda and a gender-equality agenda, government forces did not hesitate to detain women, to dismiss them from jobs, even to shoot them, as they did Raja' Abu 'Ammashah in December 1955 as she set fire to the British flag at the British consulate in Jerusalem in protest against the Baghdad Pact.<sup>200</sup> With the defeat of the national movement in 1957, women's political activity, like the rest of the popular movement, came to a standstill.

With the rise of the Palestinian national movement in the sixties and the presence of most of its new elements in Jordan, the women's movement

found a new source of support. Still, most of the movement's groups did not go beyond calling for women's equality, and they incorporated women in their groups in service capacities. Although some groups enlisted women in their guerrilla units, that was aimed at national not gender liberation, as the leadership and its political agenda remained in the hands of men.<sup>201</sup> Still, the Palestinian national movement gave the impetus to the women's movement by providing it with an arena for activism. With the final defeat of that movement in 1970 and 1971 leading to the expulsion of its forces from the country, women's activism was halted one more time, not to be revived again until 1974 with the royal decree granting women the vote.

Despite the dissolution of independent women's groups in the country, women were able to infiltrate many fortresses in civil society that had been until then closed to them. In 1960 women participated and were elected, for the first time, as representatives in labor and professional unions, such as the Union of Dentists. Many women followed suit in other unions. The major cases were the Union of Lawyers (since 1971), the Union of Pharmacists (since 1977), and the Union of Agriculture Engineers (since 1984), where women were elected to the boards.<sup>202</sup> In addition, women participated as members of a number of government councils, including the Council on Education (since 1969), the Health High Council (since 1977), the Capital City Council (since 1980), and the University of Jordan Board of Regents (since 1983).<sup>203</sup>

Although women obtained the right to vote in 1974, the first time they had a chance to exercise that vote was in 1984, as Parliament had been suspended since 1967 as a result of the Israeli occupation of the West Bank, which prevented those Jordanians living under Israeli occupation from participating in such a national exercise of rights. However, it was not until 1989 that women ran for Parliament in what is considered the freest elections Jordan had ever seen. Of 647 candidates countrywide, however, only twelve were women, and none of them won a seat. However, 48 percent of voters were women.<sup>204</sup> It was not until the 1993 elections that the first Jordanian woman, Tujan Faysal, a feminist activist of Chechen ethnic background, won the first and only parliamentary seat to be occupied by a woman in the country's history. Although Faysal won, the 1993 elections were a setback for women. Of 534 candidates countywide, only three were women.<sup>205</sup> In 1997, with the majority of the Islamist and leftist opposition boycotting the undemocratic elections, of 524 candidates running, seventeen were women, the largest number yet, both relatively and in absolute numbers.<sup>206</sup> While campaigning, one of the women candidates, Wisaf Ka'abnah, representing the Bedouins of central Jordan, escaped an assassination attempt on her life.



In addition, unknown gunmen shot at her campaign headquarters. In an interview, Ms. Ka'abnah described those who were committing these criminal acts as "a group that is intent to prevent women from participating in political life and who reject [women's] role in society. . . . I am a Bedouin . . . but [!] I am qualified and I hold a university law degree and I practice law." She added that her entering political life is intended to "break the chains that constrict Bedouin women who live in conservative communities wherein the man has the principal role."<sup>207</sup> Not only did none of the women get elected, Tujan Faysal, the only Jordanian woman to enter Parliament, lost her seat. She accused the government of election fraud.<sup>208</sup>

The juridical and political history of Jordanian women since the inception of the state is a reflection of nationalist ideology (whose constitutive elements include Arabism and Islam, as well as a specific Jordanianness). On the one hand, political ideology seems to have led to and informed the codification of women's status as inferior in the private sphere with minimal state intervention, and a steady expansion of women's presence in the public sphere as nominally equal citizen-nationals with state protection. On the other hand, juridical rights (foremost among which are constitutional rights and personal status laws) inform an ideology of legal equality and expansion of rights, which many feminists and their state backers adhere to, and an ideology of traditionalization calling for circumscribing women's rights and their presence in the public sphere and keeping the state out of the home, which secular and Islamist antifeminists and their state backers adhere to. The nationalist tension between the notions of women as custodians of tradition inhabiting the private sphere (i.e., as custodians and therefore guardians of the eternal time of the nation) and women as "modern" mothers intermittently crossing through the public sphere (who, because of their national duties, which include the (re)production of the nation's future generations, must be cultivated in the areas of literacy, hygiene, child-rearing, and nutrition, according to modern scientific criteria for the nation's future to be ensured) can be resolved only through a recourse to juridical codifications and definitions and by soliciting support from both women and men for the national project. The inherent juridical and ideological contradictions plaguing such formulations of the status of women and men in the national project, however, do not lead to stasis; rather, they produce a dynamism that mobilizes the incessant rewriting of nationalist ideals, even of the story of the nation itself, by the state as well as society. By claiming the mantle of the nation and its traditions, both feminists and their state supporters (who claim that gender discrimination is against Islam and Muslim

traditions) and antifeminists and their state supporters, secular and religious alike (who claim the same national and religious tradition on their side) can make productive interventions whose ultimate hegemony (depending on who prevails) will produce the Jordanian citizen-national, as well as define not only what this Jordanian citizen-national looks like today but also how this citizen-national has always looked.

As in the case of Bedouins whose position in nationalist discourse straddles that discourse's temporal imperatives, women are similarly positioned within this discourse. At the 1994 signing of the Jordanian-Israeli Peace Accords, both sides presented young girls (whose grandfathers were killed during the 1967 War) who offered flower bouquets to each country's leader, inaugurating the future *fraternity* being established between the two peoples. Yitzhak Rabin, Israel's Ashkenazi Prime-Minister, was accompanied by a young Ashkenazi girl, Leah Yotan, with blondish hair and "gentile" European looks and dressed in European modern fashion, symbolizing Israel's oxymoronic gentile-European ideals and identifications,<sup>209</sup> and King Husayn was accompanied by a young Jordanian girl, Hiba Smadi, dressed in "traditional" tribal Jordanian clothes. What was interesting about the Jordanian girl was not so much that no Jordanian girl dresses like this anywhere in modern Jordan, but that no Jordanian girl has dressed like this ever. The fashion the Jordanian girl wore to the signing ceremony was that of an adult woman of tribal heritage, which today is worn by older women who did not succumb to the march of Western modernity and its fashion industry in the country—it was certainly not a dress for a prepubescent girl. However, those who dressed the girl were right on target. The nationalist vision that governed their choice of fashion was inspired by the pride taken by nationalist Jordanians in the preservation of Jordan's "traditional" Bedouinized past in the present, and that not only Jordanian women but also Jordanian girls, of tribal or nontribal heritage, shall be the custodians of that past, of that tradition, while men will live the future of the nation alongside them.