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Rania F. Al-Rabadi

Anas N. Al-Rabadi

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Inequality Analyses of Gendering Jordanian Citizenship and Legislative Rights

By Rania F. Al-Rabadi¹ and Anas N. Al-Rabadi²

Abstract

Awareness has been recently increased about gender-based rights and citizenship in Jordan. Many of the issues concerning gender equality arise in the private sphere. Therefore, focusing on the politics of family law is important with regards to women's rights in particular. Family law is the law related to matters such as polygamy, divorce, inheritance, child custody, guardianship and obedience. The effects are observed especially when Jordanian women try to exercise their granted constitutional political rights. It is the family (personal status) law that runs individual affairs within the private sphere in a patriarchal society where it affects also on exercising others' rights in the public sphere. It still embodies and reinforces explicit discrimination against women and is enshrined in national legislations. For example, in private sphere family issues, women have to address the religious court, where decisions are based on the judge's perspective. This study is an attempt to analyze the current personal status (family) law. Much of the available local literature in Jordan is purely theoretical, and systematic empirical studies with strong gender analyses are devastatingly absent. Therefore, semi-structured interviews using purposeful sampling that encompassed a range of elite actors involved in these issues—from academics to politicians and civil society activists – were conducted. A reputation-based snowball sampling method, a technique for finding research subjects by referral from one subject to the next, was used. Interviews of elite actors were conducted to collect the qualitative primary data, while the secondary sources represent document analyses, such as national and international documents like the Jordanian Constitution, agreements, laws, regulations, articles and books. This study concluded that Jordan has to establish both a public sphere and private sphere (e.g. the family domain, where women are primarily located) as an ideology in the corresponding laws and Constitution, because the modernization or liberalization of laws is an essential process for empowering individuals, particularly women in Jordan. This means that the laws and basic human rights need to be taken seriously and reconstructed for each development or evolution era for the citizens' benefit rather than just as a display for the international community showing fake modernity.

¹ Rania F. Al-Rabadi completed her Ph.D. in Gender Studies at the Free University of Berlin in 2012 and M.Sc. in State Management and Humanitarian Affairs at the University of Rome – La-Sapienza in 2007. She has been involved in research studies regarding women's empowerment and legal status within FU Berlin and through the German Association for International Cooperation (GIZ). Dr. Al-Rabadi is also a lecturer at the Center for Women's Studies at The University of Jordan and has a well-known, internationally recognized book published in 2012 within Gender Studies, *Legal Reform in Women's Rights: A Comparative Study between Jordan and Bahrain Concerning Citizenship and Political Participation*.

² Anas N. Al-Rabadi is currently a Professor in the School of Engineering at The University of Jordan. Prof. Al-Rabadi received his Ph.D. from the Electrical and Computer Engineering Department at Portland State University in 2002, received his M.Sc. from the ECE Department at Portland State University in 1998, and was a Research Faculty at the Office of Graduate Studies and Research (OGSR) at Portland State University. Currently, Prof. Anas N. Al-Rabadi is the author of more than 130 international scholarly articles in international books, book chapters, journals and conferences, in addition to a U.S. patent registered in 2009 in the USPTO. In addition to several technical Electrical and Computer Engineering fields, his current research includes gender in teaching and gender studies.

Keywords: Citizenship, Family Law, Women's Rights, Legal Reforms, Political Rights.

Introduction

The Jordanian political-social system is based mainly on ruling families and conservative elements, both of which look at themselves as beneficiaries of a system under threat from particular movements and ideologies connected with modernity. Both groups are proven to be against political parties, by which modern democracy is represented (Owen, 2000: 51). According to Schwedler and Gerner, religion is used to achieve many political objectives, just as politics can be used for several religious functions (Schwedler *et. al.*, 2004: 382). This interaction process can be observed in the Jordanian Constitution, where the religious authority is legitimized to run all gendered citizens' rights, which has a direct effect on women's rights in Jordan.

Such circumstances might affect the liberalisation of rights and duties of citizens. On one hand, Jordan has seen mounting pressure for a greater degree of liberalisation (Al-Ali, 2003: 218). On the other hand, the religious authority is granted the right to govern and grant citizens' social entitlements. In Article 103(ii), the Jordanian Constitution grants direct authority to the religious power. In doing so, this gives them the power to involve themselves in defining the concept of citizenship, which affects the rights and duties, as well as the identity, of a citizen in a state. This means that the religious institution is authorised to govern individual private affairs and thereby women's constitutionally granted rights. This is contradictory to the idea of liberalism; the Jordanian Constitution grants authority to conservatives to guard access to certain rights. Abu Hanieh argues that the Islamic parties are opposed to and in confrontation with the modern democratic model (2008: 15). This shows why it is important for women who believe in women's empowerment to be involved and represented in the political process in order to influence policies and not be defined in a traditional way or by those who have the religious power.

The traditionally defined role of a woman in society affects her constitutionally granted legal rights. Thus, citizenship is gendered and women are consequently excluded from the social contract. There is more at stake here; reform is affected by the political outcome of Parliament, which has been a timid and limited one. As a matter of fact, the combination of the Islamic movement and conservative government has created a timid political-legal atmosphere (Moghadam, 2003b: 38). Al-Ali argues that there are internal political challenges and power struggles particularly related to the government's fear of the on-going Islamist expansion (2003: 218). This has led to stimulating women's movements that are challenging the patriarchal gendered contract (Moghadam, 2003a: 65).

Therefore, the interaction between women's movements' activities with the state and political parties, within the political process, is highly important. The political process cannot be separated from policy outcomes. Waylen argues that once we recognize women as political actors and the ways in which diverse institutional arenas are gendered, we can then achieve constructive and positive policy outcomes that come out from their insights (2007: 9).

Women's organisations have come together to raise the issues of gender outcome and low female representation in political parties, which is already fragile in Parliament. An alliance of several women's groups campaigned for a quota that allocates seats in the Lower House to women (Al-Ali, 2003: 220). Waylen argues that these organisations operate within a liberal perspective; although civil society is not a major player in bringing about changes, it does play a role in maintaining a democracy (Waylen, 2007: 50). Given that, women's organisations might play a role with respect to women's citizenship equality not only by advocating through awareness

campaigns and pushing for greater liberalisation, but also with insistent and consistent work calling for legal reforms to gain more rights and social equality. It is worth mentioning that Jordanian women's groups and charitable societies have been started and headed by the Royalty, particularly by Princess Basmah (Al-Ali, 2003: 223), to overcome the ethnically-mixed, very conservative (extremist) and patriarchy-based state (Moghadam, 2003b: 25).

In 2001, legal reforms were supported by women activists and members of the royal family (Moghadam, 2003b: 55). In an interview, a female senator said that "women's empowerment could be recognized in the public sphere, which has been reflected by the liberal point of view, such as appointing female senators in the Upper House" (Interview 4). According to her, this legal reform might be due to the desire of the state leadership to support women's issues. Recently, field research has been analyzed investigating gender equalities in the Middle East and North African (MENA) region (R.F. Al-Rabadi and A.N. Al-Rabadi, 2017), where a comparative study has been implemented showing several aspects of gender-based inequality and discrimination. In addition, a case study of gender-related societal and legislative reforms in the state of Bahrain has been also conducted (R.F. Al-Rabadi and A.N. Al-Rabadi, 2016). In Jordan, the theoretical and practical status of the Constitution and laws and their negative consequences on women's rights have not changed until recently. Ahmad and Ginsburg (2014) argue that many constitutions in the Muslim world, including that of Jordan, incorporate clauses stating that Islamic law is considered supreme over the constitution. The prevalence and impact of these Islamic supremacy clauses are of immense importance for the constitutional design within Muslim countries. However, there has been no systematic and comprehensive investigation of these clauses (Ahmad and Ginsburg, 2014). In the next sections, the legal aspects of Jordanian women will be discussed along with the interviews conducted with corresponding Jordanian governmental elite, Members of Parliament, women activists, and UN personnel.

Legal Aspects of Women's Citizenship

In Article 6(i), the Jordanian Constitution stipulates that all Jordanian citizens shall be equal before the law, and there shall be no discrimination between them with regards to their rights and duties on basis of race, language or religion. It is worth saying here that the Jordanian Constitution frankly fails to prohibit gender discrimination. More to the point, in the Jordanian Constitution, women theoretically enjoy equal rights with respect to their social entitlements in the public sphere, such as political participation, health care, education and employment, but it is not the same in the private sphere, although the private sphere may affect women's decisions and access to opportunities. Also, a previous United Nations consultant, when explaining citizenship in the Jordanian Constitution, reported that:

The Jordanian Constitution, in Article 6, in principle grants equality among male and female citizens as equal in rights and duties..., however, the [Convention on the Elimination of All Forms of Discrimination Against Women] CEDAW committee always criticizes Jordan for this definition because it does not explicitly specify equality regardless of gender. For "all Jordanian" does not mean men and women. (Interview 6)

Furthermore, the UN consultant comments that the CEDAW committee has asked, "Why doesn't the Jordanian Constitution specify that men and women are equal?" (Interview 6). She means that,

since society discriminates against women, it would be better if the Constitution clearly stated explicit gender equality. In the national laws, which are supposedly derived from the Constitution, women and men are not equal. This is clear in some of the national laws which will be discussed later. This maintains discrimination, as the legal representative in the Legislation and Opinion Bureau comments, "...instead, the purposes of laws are to be performed in order to point out the citizen's rights in all fields" (Interview 3).

Women's citizenship in practice³ is different from what is written in the Constitution. At the same time, there has been significant progress in the field of legislation which was achieved with a number of legal amendments or reforms coming into effect in favour of women. These changes have been consistent with the Constitution and the National Charter.⁴ It also goes to some extent in line with the international CEDAW convention ratified by Jordan. However, there still remains a gap between law in theory and practice. This situation runs counter to the principle of equality between the sexes in the Constitution. The following presents facts from written documents, agreements and interviews in order to show the legal aspects of concern with respect to women's citizenship inequality.

Legislative Biased Statements Regarding Citizenship

The Jordanian Constitution takes precedent over national legislation, and the Jordanian legal legislation contains a number of provisions that run counter to the principle of equality enshrined in the Constitution. This section will rely on a close study of national, state legislative and international documentation from secondary and primary interpretations. It will bring to light legal issues of special concern to women's rights, family law and law reforms that have been enacted. As mentioned above, according to the Jordanian Constitution, all citizens are equal in duties and rights with respect to civil, political and economic rights. Nevertheless, exercising these rights depends greatly on defining family law; it is governed by the religious institution and derived from the corresponding Shari'a law⁵ (Islamic Law).

Family Law

Family law is based on interpretations by religious interpreters as an authority incorporated into the Constitution, and is executed in the religious courts⁶ by religious judges, as stipulated in Articles 103(ii) and 106 of the Jordanian Constitution.

Family law which is situated in the Personal Status Law (no. 82 of 2001) is practiced in the cultural, political and economic structure of society. Family law is ruled by and conforms to

³ In this work, practice means political participation at the governmental level (legislative, executive and judiciary).

⁴ The National Charter is a non-legal binding text that puts into view the main principles and measures leading to action by public authorities. It expressly confirms the constitutional equality of men and women, who together play a role in the progress and modernization of Jordanian society, as well as equity and equal opportunity for all citizens regardless of their sex (Social and Economic Development Group MENA, 2005: 41).

⁵ Shari'a: an independent legal system which obtains many of its laws from juristic precedent similar to the principle of adhering to, and reasoning by, a jurist parallel to common law. Therefore, Shari'a and jurisprudence represent an early application of the legal idea of the rule of the law (Malhas, 2009: 16, f). It deals with women's rights in every stage of a women's life. This includes pre-marriage, within marriage and post-marital rights (Malhas, 2009: 22). Further, as Al Mubarak (2009: 81) argues, it is a circle of doctrines that seeks to regulate a person's social life. It connects with the environment and its political and economical aspects.

⁶ Religious court: it is stipulated in the Jordanian Constitution Article 104 that the religious court is divided into the Shari'a court and the turbulence court for other religious communities.

Shari'a Islamic law. It is safeguarded by the exclusive jurisdiction of particular family courts, specifically the Shari'a Court (Malhas, 2009: 16). The office of the Chief Qadi represents the senior judge in the Shari'a system of law. He resembles the body with competence in the matters of personal status (Personal Status Law, 2006: 41). Family law deals with a set of rights concerning women's lives with regards to pre-marriage, within marriage and post-marital rights (Malhas, 2009: 22). An activist for women's rights states, when asked about family law, "...family law or the personal status law organizes the rights and duties in the family between women and men" (Interview 2). This describes the significance of such laws that are governed by Shari'a judges that regulate family affairs and rule over the domestic sphere. This leads to identifying roles, rules and regulations that are specific to women and in favour of men. Women are usually classified as dependents of the males in their families and are expected to follow them. Therefore, women's access to the political sphere is limited. The following list reflects some of the law's failings by which women are specifically disadvantaged.

Polygamy and Interfaith Marriage

Polygamy raises significant issues of equality and choice. It is practised under both customary and religious laws. It is argued that polygamy is an inherently unequal practice because no legal religious system allows a woman to have more than one husband, while many systems allow a man to have more than one wife. Under the Shari'a system, a man may marry up to four wives at the same time if he can treat them "equally" (Atawi, 2009: 153). Given that, polygamy is going against basic human rights (Mohanty, 1988: 75). This adds to the general understanding of the fact of discrimination in family law. A lawyer and women's rights activist says to "...take the position that polygamy should be prohibited, because no man can treat his wives equally under any circumstances ..." (Interview 7). This is further confirmed by the Third and Fourth Reports to the Committee of CEDAW, which reported that the situation of men and women under Shari'a is not the same in yet another regard: a Muslim man can marry a woman who belongs to a different monotheistic religion, e.g. a Christian or Jewish woman, whereas a Muslim woman cannot marry a non-Muslim man – such a marriage is considered religiously invalid (Hashemite Kingdom of Jordan, 2005: 89).

Rights and Responsibilities during Marriage

Under Jordanian Shari'a Islamic law, marriage is not based on equality of rights and duties for spouses, but on reciprocity: the rights of the wife entail equivalent duties for the husband, and the rights of the husband entail equivalent duties for the wife. It follows that the concept of equality between partners cannot be made to fit into the existing legal system. By way of demonstration, the wife has a right to be supported, and the husband has an equivalent right to expect her to obey him and follow his instructions. This has been reported in the Jordanian Third and Fourth Reports to the Committee of CEDAW (Hashemite Kingdom of Jordan, 2005: 90).

Guardianship, Wardship and Trusteeship of Children

Another feature of family law, as stated in the Jordanian Third and Fourth Reports to the Committee of CEDAW (Hashemite Kingdom of Jordan, 2005: 94), are the provisions of Jordanian law concerning the concepts of guardianship, trusteeship and wardship, all of which maintain the father as the person legally responsible for his children. These concepts are connected with the concept of responsibility for care and maintenance. In the event of the death of the father or in the absence of both the father and paternal grandfather, legal responsibility for the children is given to

the mother. Women do not exercise the same rights as men concerning the guardianship, trusteeship and wardship, despite the fact that they are the mothers. This national legislation maintains discrimination based on gender; it still distinguishes between custody and guardianship, and the man generally remains the legal guardian of his children. This cannot be justified because the interest of the children should be considered first as the priority.

Inheritance

In regards to legal rights of inheritance, Al Qaddoumi (2000: 15) argues that under Shari'a law, women do not inherit equal to men. Daughters inherit half of their brothers' shares of property. Widows inherit more of an estate if there are children, and less if there are none. On the contrary, widowers receive much more of an estate compared to widows in equivalent situations. Moreover, widows who have male children inherit much more than those with only female children, in which case relatives from outside the immediate family, such as uncles, could share the inheritance. Furthermore, Al Qaddoumi argues that, in many instances, a daughter's inheritance is managed by male family members, and a daughter does not receive the benefits of ownership even of this small share. This represents a truly patriarchal society and a further example of legal inequality. It is worth mentioning here that the Islamic inheritance system in Jordan is also applied to the Christian community, and the majority of Christian women are also customarily forced to concede their inheritance rights. The economic denial of women can be seen in the example of real estate. A study done by Abu Sneh shows that family law encourages gender-based discrimination; the proportion of real estate that is owned by women does not exceed 4%, and very little of that land comes from inheritance (2014: 12).

New Legal Reforms

The principle of non-discrimination does not exist in all current laws and legislations, namely those illustrated above, which contain provisions that are unfair to women and hence create obstacles to women's status development. In response to the question "Have legal reforms that grant women more rights come about?", the interviewee from the Legislation and Opinion Bureau declared:

Some legislation was improved in favour of women, such as the provisional law modifying family law (no. 82 of 2001), where the age of marriage was raised to 18 for both men and women by adjusting Article 5, but special cases are permitted based on the judge's opinion. (Interview 3)

As a matter of fact, permitting exceptions in the age of marriage became the rule instead of the exception, and this could be considered a loophole in applying the reformed family law. On further reforms, she commented:

The reformed family law provides the wife with the right to request separation from her husband on the condition that she gives back the dowry she got from him and the expenses sustained by the husband. If the husband refuses divorce,

the judge rules to terminate the contract, which is known as Kulu',⁷ based on Article 126. (Interview 3)

A senator in the Upper House responded to the same question:

A decision by Parliament rejected this article after discussing it in August 2003; family law was presented to the Senate, which approved it twice. It is now awaiting a joint session between the Senate and Parliament to take the opinion of the majority, according to the provisions of the Constitution. (Interview 4)

This assessment illustrates how some governments introduce positive reforms, yet they still have loopholes, as discussed above. Furthermore, it illustrates the actual outcome of some reform legislation in Parliament regarding women's rights. Parliament here acts as an obstacle by enacting policies that bring negative outcomes and loopholes. One might wish to argue that having active women legislators in Parliament can give the means to claim women's rights, and for women to interact and engage in decision-making in the public arena. At the same time, substantive representation is important, and real motivation of female representatives is crucial, too, because a lack of motivation could be an obstacle hindering women to advocate for reforming laws in their favour within the Lower House. To give more insight, in Parliamentary Session No. 14, when the government introduced family law to Parliament for discussion, the majority of women legislators sided with their male colleague legislators and rejected the reformation of family law. This shows the reality of a patriarchal and conservative structure within the legislative authority, and how it resulted in a disapproval of the law. This also shows that women are organized around men to whom they are attached in a socially legitimate way (Joseph, 1986: 4).

The Jordanian Third and Fourth Reports to the CEDAW Committee (Hashemite Kingdom of Jordan, 2005: 84) illustrates another amendment that equated the right of the mother and the right of the guardian to see the child; this happens when the child is physically with someone else who has the right to have custodianship once a week. The amendment also featured a provision making it mandatory for a husband to inform his first and second wives if he wants to marry again, in addition to investigating the financial ability of the husband. Despite such legal reforms, family law still contains several legal gaps that require reform. For example, the committee argued that there is a need to organize matters related to divorce and re-marrying. Divorce should take place based on certain controls; the judge should be given the authority to prevent marriage and should consider children's rights first during the divorce. In addition, the committee expressed the need to set a clear stipulation that allows married women to visit their parents and receive visits from them.

It is also important for the government to take measures and implement policies addressing contradictions between reformed laws and their outdated instructions. In some cases, problems of law application might happen, as the lawyer and women's rights activist says: "...in practice, this is not always applied ..." (Interview 7). She means that when a reformed law is introduced, it is not necessarily applied, and therefore, serious policies should be implemented in order to put the law into effect. Furthermore, since the amended laws are provisional, Parliament should vote to

⁷ Kulu' divorce is regarded as a Muslim woman's fundamental right, permitting her to unilaterally leave marriage without her husband's approval, as long as she is willing to pay back the dowry that was paid to her (Malhas, 2009: 53).

adopt them permanently. These positive reforms could be removed at any time depending on the nature of the government and the perspectives of those in power on supporting women's rights.

Finally, despite women's right to run for election, from 1989 till 2003, no women candidates succeeded in gaining a seat in the Lower House. It was then that the Government decided to introduce the quota system. According to a recent study of the Global Gender Gap (Hausmann *et. al.*, 2008: 97), Jordan has made some improvements across the board, driven by improvements in the number of women in Parliament. For example, in the Parliament of 2008, women legislators were elected at a ratio of 0.07 compared to men, which translates to 6 of 94 legislators. Reforms were adopted by the state with regards to women's political participation in Jordan in the legislative authority. This occurred when seat-allocation strategies (a form of quota) were created to sustain women's political participation at important decision-making levels. For instance, as for the provisional electoral law of 2010, 12 seats in the Parliament's Lower House were reserved for women (Alatayat and Barari; 2011: 362).

The Quota System: Between JNCW Mobilization and Governmental Policies

The quota system is a tool to help overcome women's failure to obtain seats in elections. It helps to challenge the cultural notion and belief that women have fewer leadership capabilities (Alatayat and Barari; 2011: 368). The Jordanian National Commission for Women (JNCW) pursues the corresponding governmental policies, and they are supportive of the mentioned quota system. The JNCW secretary argues that "...in order to have an influential quota that leads to a positive effect concerning women's rights issues in the Jordanian Parliament, they needed a minimum of 30 %" (Interview 5). The quota has been enacted to improve women's descriptive representation (Waylen, 2007: 39). Descriptive participation should not be regarded as entirely insignificant because, however ritualistic the formal assembly, it did provide women with some experience in the public domain. Also, given the high official status accorded to women's participation, the symbolic dimension of women's political involvement also had some importance (Waylen, 2007: 98).

Indeed, as far as we are talking about inequality in front of the law, temporary measures might be a priority when talking about positive gender outcomes and ending discrimination. According to the Association for Women's Rights in Development, Jordan can encompass gender-based neutralizing rules and practices such as gender quotas, which are a common tool to quickly pursue women's equal representation in government, and therefore quota systems may be adapted to the country's political structure (Maltbie, 2011). The imposition of legislative quotas could be a first step towards political and social equality. A real intervention policy by the government might help to primarily change the patriarchal conservative society's point of view about women's role, and to change the customary ways of making decisions.

Women's Political Participation and Challenges

A citizenship that attributes no value to political participation can be considered a weakness to constitutional rights and to the exercise of power. Thus, the respect for exercising this right is highly demanded; this is because it is about participating in the decision-making process and changing inequality in citizenship patterns. Indeed, the reflection of citizenship in traditional political beliefs reveals how inclusive the concept is. The extent to which citizenship is inclusive essentially shows how far political institutions and activities are represented. The contemporary idea of citizenship assumes that citizenship should be represented as well as implemented in

practice, such as the real opportunity to become a representative. In a developed liberal democracy, every citizen has an essential role in the representative process and system (Sperling, 2001: 63). Political participation is an essential and basic right that shows to what extent a state is democratic. Certainly, it is central for women's citizenship since it reflects their inclusion in the decision-making process. Through true representation in decision-making, women could achieve reforms with regards to their inequality status in the corresponding legislations. However, the reform process requires a dynamic feminism of resistance and persistence, which are both important to achieving women's equality before the law. To elaborate, liberalism requires the extension of civil rights and representation to all citizens regardless of their gender. Citizenshi, as defined by Suad Joseph states a classification of the relationship between the state and citizens through laws that maintain individuals' participation in all aspects. This includes, political, economic and social participation, regardless of an individual's beliefs, race, religion, class and gender, which is based on a liberal view of citizenship and equality among citizens; it is not about the idea of citizenship-based reservation of rights in the constitution, but about enjoying these rights by practising them (Joseph, 2000).

Nevertheless, women face challenges to enjoying their rights. Women's representation in the Lower House, attitudes towards women's role and public opinion towards women are undoubtedly of importance; the voting outcome reflects the people's point of view because they vote for their representatives. Thus, at the root there exists the social practices of people's religious upbringing with respect to attitudes towards women. In addition, the stereotyping of women is a key point for women's representation. However, there are other issues to be considered when we talk about political participation. With respect to that, a liberal environment is essential; it favours social progress that is achieved by implementing laws and reforms, and the belief in the significance of equal rights and liberty. Furthermore, the current religious power believes that women have limitations with respect to occupying decision-making positions. Women's empowerment does not seem to have been on the minds of the religious authority. This also influences women's political participation; women vote for men but not for women because they belong to a particular group, such as a tribe or an Islamic religious group. For Joseph, this price that women pay for their political participation may be influenced by their class membership and family background (1986: 5).

At this point, it is important to talk about women's activism, actions and consciousness with regards to their rights. The issue that women, as active citizens, push towards equality is explained by a UN Director:

There isn't a push from her side. Most of them are from the elite. I totally agree with you, unfortunately that is what makes the United Nations double its efforts, to involve everybody. You shouldn't leave one stone in favour of mobilising every kind, efforts, resources, entity and individuals to touch this issue. I agree with you, in theory, that if you give women their rights then you expect them to go for election, to go all of them, and to vote for women. This is not easy and would take a long time. (Interview 9)

He means that some women are not active with regards to their issues, and the support comes mostly from the active elite class as top-down support, but not from the opposite direction, which is also important for restoring rights. So, all forces need to push this issue in order to see tangible gains, but this needs time. For others, women's political activism might not result in structural

changes in their lives, and it possesses the potential for feminist awareness, but not for feminist action (Joseph, 1986: 3). Indeed, for structural changes, both activism and awareness are important for a positive gender outcome.

In addition to what has been stated above, there is another issue that affects women in the political life as deputies since the election system also plays a role in women's participation in the Lower House. A former Deputy comments, "'One man, one vote' influences the selection of candidates because people's preference is for male candidates, but not for women, due to social upbringing" (Interview 1). Under the election system currently in use, there is only one option, which is to choose one candidate; since the society is patriarchal and mostly religiously radical, women are not the public preference. Not having a candidate list, but rather a "one man, one vote" election system, contributes to no women winning seats; instead, male candidates are preferred. Additionally, an academic states:

It is this law that practically reinforces the role of belonging to a particular group, such as a tribe or a religious one. Consequently, the idea of a citizen turns out to be a citizen in a tribe or family, or in a religious group, but not in a state. This leads to the reduction of the role of the state institution, which normatively has to ensure women exercising their rights, such as their engagement in political parties, but rather it reinforces the idea of kin-based patriarchy, which hinders real women's equality with men with regards to political, economic and social rights. (Interview 8)

Indeed, how society should be organized in the Middle East is disputed. Middle Eastern states and their governing bodies have not done well in imposing their hegemony, kinship and communal power increase; rulers rely on governments to support their power, while citizens turn to rulers to save themselves from state repression or to compensate for incompetent administration. The domestic sphere is a lively area for social, economic and political action that currently places Middle Eastern women primarily in the domestic domain (Joseph, 1986: 2).

There are many negative social attitudes towards women's participation in the public sphere. This is clear, as a human rights activist in Jordan says:

...there is a traditional division between the private sphere and the public sphere in the society. A woman is to work inside the house and a man is to work outside the house. Of course, this prevents her from being an active citizen in political life. Many women have no opportunity to exercise this right... (Interview 5)

From what is stated above, the division between public and private spheres has been harmful to women in Jordan. It is important for the state to ensure social equality against specific interests (Al-Rabadi, 2012: 161). Therefore, Jordan applied measures such as the quota. The First Secretary of the Jordanian National Committee for Women explains that, even though there is a quota, the percentage is not high enough:

Women have not been able to reach elected office competitively. The significant support from the country's leadership by introducing a provisional quota law in January 2003, activated as Provisional Quota Bylaw (no. 42 of 2003), enabled the

quota system for women to work... but we need a quota of more than 30 % in order for the quota to be effective. (Interview 5)

It can be seen that women's representation at its current rate does not reach the goal. However, in order for women to participate in Parliament, Jordan has applied some measures by reserving seats for female representatives as mentioned above; this could show the influential role of international positive interventions, women NGOs such as JNCW, and the true desire of the leadership to improve women's legal status. To that effect, a lawyer and women's rights activists comments: "Women's representation in the legislative authority shows that when chances are open for them, they do participate" (Interview 5).

Thus, a key issue is to increase the number of women in decision-making positions, especially in Parliament, since men and women have different perspectives and present different policies when dealing with women's rights. At the same time, this needs to be accompanied not just by a descriptive representation that concerns only numbers, but rather a representation that is substantive and takes into consideration representative support and positive gender outcomes. The role of the state is crucial; the modern state not only formalizes politics, but also alters the nature of political conflict between actors that diminishes the positive structure in which women might previously have contributed (Joseph, 1986: 2). The state could contribute significantly by introducing gender-friendly policies. This will carry real and serious advocacy and support strategies to grant women more rights and push for reforms to remove bias in laws, for example, by training candidates in order to make them eligible to run as representatives for Parliament, especially when it is dominated by traditionalists. Thus, the state can mobilise all kinds of efforts, resources and individuals to enhance and really empower women's rights issues.

Furthermore, political participation is affected by women's economic independence. As a matter of fact, many women in Jordan do not have the right to make decisions; even though they are legally treated as economically independent, real life finds them in a situation of dependency. The right to have access to political participation is also influenced by family law. Malhas (2009) argues that family law is entrenched in the cultural, political and economic structure of any society. She says that, for example, family law in Arabian Gulf states is similar to other Islamic countries; it is ruled by or otherwise performed in conformity with Shari'a and safeguarded by the special jurisdiction of particular family courts, that is to say, Shari'a courts. Women are excluded from public life because they are restricted to childbearing and other issues which belong to the domestic sphere. This has led to the framing of the state as a male-dominated public sphere that has been established as separate from the private sphere at the political level. Joseph argues that some citizens are admitted to the public sphere, where matters of state policy are a main issue, while others are constrained to the domestic sphere of kin and community. The more influential public sphere is usually rationalized through an association of men with the public sphere and women with the domestic (Joseph, 1986: 2). Real equality would mean replacing the patriarchal socio-political structure with a liberal society where all individuals are alike in front of the law. The re-integration of the public and private spheres would enhance current women's rights in Jordan.

Finally, it is worth mentioning that the Jordanian Constitution, in principle, confirms the right of women as citizens to participate in the political sphere. Article 22 states that every Jordanian is entitled to be appointed to public office and that appointment to any government office has to be decided on the basis of qualification. The laws, policies and institutions should enable women to exercise their right to political participation in practice, too, as decision-makers. Women are being accepted into high-level positions more often, which displays to the international

community that women are participating in the government institutions; but when it comes to leadership and decision-making positions, women are rarely represented. This means that the Jordanian government is only concerned with its reputation in front of the international community. On the other hand, the Jordanian Constitution grants women the right to political participation, and the positive measures that the State leadership has tried to implement have improved women's political participation. However, it remains low in comparison with international standards of the CEDAW convention. Existing discrimination is apparent in the contract of women's citizenship; more serious attention needs to be given to real participation, where the current imbalance appears because of the inconsistency in dealing with women's rights in matters of citizenship and legislative perspectives.

Conclusion

Current Jordanian family law governs personal life and embeds the idea of women's exclusion from an active citizenship. It is based on traditional and restrictive interpretations by religious authorities. This code reinforces and legally motivates the stereotyping of Jordanian women as belonging in the private sphere. In turn, other laws and rights are affected, for example, obedience and freedom of movement, where men have the authority over women. Relatively weak policies with regards to family law reforms have been achieved. However, these policies did not remove discrimination against women, and only when this code is reformed can discrimination against women be successfully eradicated. Furthermore, the absence of women in Parliament who are really motivated, believe in women's equality and work to support their legal status, has a negative influence on debating and reforming laws that may favour gender equality in the legislative authority. Progressive laws and basic human rights need to be taken seriously.

Appendix: Interviews

Name	Title and Function of Position	Date of the Interview	Time of the Interview
1- Toujan Al-Feisal	- Former Deputy in the Lower House of Parliament - Political activist	9.12.2009	4 p.m.
2- Maram Magalsah	- Lawyer (family law) - Member of the Women's Union	- 13.12.2009 - 23.12.2009	- 6 p.m. - 1 p.m.
3- Dr. Maha Al-Deir	- Legislation and Opinion Bureau	15.12.2009	2 p.m.
4- Lila Sharaf	- Senator in the Upper House of Parliament	21.12.2009	11p.m.
5- Asma Khader	- First Secretary in the JNCW - Human rights activist - Lawyer - Former government spokeswoman	- 24.12.2009 - 7.1.2010 - 11.1.2010	- 11p.m. - 1:30 p.m. - 8:30 a.m.
6- Lamis Al-Nasser	- United Nations consultant (CEDAW) - Human rights activist	28.12.2009	4 p.m.
7- Rihab Al Qaddoumi	- Lawyer - Women's rights activist	30.12.2009	2 p.m.
8- Dr. Masod Al-Rabadi	- Academic - Political Science, Yarmouk University	13.1.2010	12 p.m.
9- Najib Fraiji	- MENA region UN Director	15.4.2010	4 p.m.

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