Patchwork compliance: political dialogues about contested human rights

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The conditions for political dialogue in Jordan

4.1 Introduction

This is the first empirical chapter about the case study of Jordan. It investigates the key actors and presence of the scope conditions that start a political dialogue as well as the conditions that shape such a dialogue. It discusses Jordan in the first years of King Abdullah II's reign that started in 1999. It describes the country's vulnerability to the human rights community, and the norm monitoring and demands for compliance made by the respective UN monitoring bodies. It also describes the space the Jordanian decision-makers had to create consensus, by discussing the country's vulnerability to the Arab-Islamic international community and several domestic communities, and the specificity of their respective norms. The chapter then moves on to describe the changes in these conditions that occurred over time up to 2017, and finds that there are two focal points in which these conditions changed considerably: the period after 9/11, and the Arab Spring and its aftermath. The chapter concludes with further specified propositions as based on these findings, that will be further investigated in Chapters 5 and 6.

It is important to note that from this chapter onwards, the phrase 'international human rights community' that was used in previous chapters is replaced by 'Western-oriented international community'. This is not because of an assumption that Western states comply with human rights, or always sincerely advocate them. Rather, this name is adopted on the basis of the interviews in Jordan, in which many respondents stated they perceived human rights norms as 'Western' norms from 'the West', a community of states they felt were spreading norms different from their own. They contrasted these Western human rights norms with their own norms, which they described as Arab, Islamic or the often-used combination Arab-Islamic, shared within the Arab-Islamic community that they felt part of. Jordanian liberals, too, who on the whole agreed with the content of human rights norms, talked about 'Western' human rights norms as something different from Jordanian or Arab-Islamic norms. Because this research aims to stay as close as possible to the respondents' experiences and perceived differences between communities, the term 'Western-oriented international community' was adopted rather than 'international human rights community'.

4.2 Operationalization of main concepts

The following qualitative chapters of this project explore the pathway in between the cause and outcome: the start of a political dialogue, the use of strategies to create consensus, and the failure or success of the dialogue to make a decision on compliance possible. It was not possible for the scope conditions of international vulnerability and norm monitoring to be fully operationalized through quantitative indicators only, as discussed in Chapter 3.

Therefore, because this qualitative part allows for a more in-depth understanding and a context-specific approach, these concepts are further elaborated on here.

International vulnerability

International vulnerability is operationalized as the extent to which a state is dependent on other states. It is treated as a sensitizing concept, as are all other concepts in the qualitative study.[167] This means that the theoretical conceptualizations were used as a base line, but that during interviews, respondents were also given the opportunity to discuss what they perceived as a period of vulnerability and why. Consequently, vulnerability entails, alongside trade and aid as percentage of GDP, dependency on other states' oil, tourist and expatriate flows, and participation in international institutions. In addition, respondents were asked to describe which community they believed the state belonged to; to describe what they believed were the normative preferences of the decision-makers; whether those were in line with a specific international community; and whether those preferences were debated or critiqued and if so, by whom. Moreover, it was discussed at which moments in time they believed state decision-makers saw a direct need to demonstrate they were part of an international community and if so, which one, and whether there were immediate security concerns brought about by that vulnerability, such as concerns over the economic and military consequences of regional instability, conflict and refugee flows.

Norm monitoring

The baseline operationalization of norm monitoring is how often and how extensive a state is evaluated on its compliance record through institutionalized, monitored procedures, and by other members in the community. Yet, because it is used as a sensitizing concept, it is possible to include, also, other actors' monitoring, political actors' understanding and perception of the monitoring processes, and changes in monitoring over time. Political actors and experts were asked to discuss whether, when, how often, and by which actors the country was evaluated on its compliance record.

Domestic vulnerability

Domestic vulnerability is considered to be the extent to which decision-makers are dependent on domestic communities to stay in power. It includes institutional rules that allow communities to remove a leader from power, such as democratic voting procedures, but also specific domestic communities' veto power outside of institutionalized procedures, and protests that threaten the power position of a decision-maker. [168] Alongside the consideration of the level of democracy as measured by the Polity IV scale,[169] political actors and experts were asked which domestic communities have political leverage and why, the extent to which these communities have veto power over a state leader's decisions, and

167 Boeije, 2010; Bryman, 2008
168 Cardenas, 2007: 12; De Mesquita et al, 2005; Mo, 1995; Lupu, 2015
169 Davenport, 2007

when and why protests were perceived as a serious threat to the state leader. Moreover, by treating it as a sensitizing concept, it was also able to capture informal arrangements surrounding formal democratic measures, such as informal agreements between parliament and government. Moreover, political actors and experts were asked which community they believed the state actors wanted to belong to, which domestic community had similar normative preferences as state decision-makers, and whether the decision-makers' preferences were debated or critiqued and if so, by whom.[170] Moreover, specific attention was paid to investigating at which moments in time they believed decision-makers were under particular pressure to demonstrate they were part of a certain community.

4.3 International vulnerability

Though the Jordanian political system has an elected parliament, and a government appointed by the King, the Royal Court and specifically the King hold the most decision-making power. Jordan's vulnerability to both the Western-oriented and Arab-Islamic international communities is considerable.

When King Abdullah II of the Hashemite family ascended the throne in 1999, Jordan was notably resource-poor, and had very limited agricultural land, extremely limited water sources, and no oil.[171] It needed strong partnerships with other countries to survive; "it is a country that is navigating many different donors. It is like one big NGO sometimes; it is a donor-led country."[172] Subsequently, Jordan could not afford to alienate any (potential) allies, donors, or investors, and needed to prove itself a reliable partner.[173]

King Abdullah II inherited an estimated 6.8 billion USD in foreign debt, and much of it was to Western states and organizations.[174] That economic dependence was further increased in the first years of his reign. From the very start, he had an extensive international travel schedule, making economic pitches to all potential investors and donors, and also invited foreign visitors to Jordan itself. His frequent visits to the US resulted in Jordan becoming the fourth country to sign a US Free Trade Agreement in October 2000, after Israel, Canada and Mexico. Moreover, the country became one of the US' Qualifying Industrial Zones. Subsequently, the King also arranged a Free Trade Agreement with the European Free Trade Association in June 2001, and signed an Association Agreement with the EU in May 2002. Within a year after coming to power, he arranged for Jordan to join the WTO, and for it to host the World Economic Forum, "underscoring the esteem with which the

170 Gurowitz, 1999
171 Milton-Edwards & Hinchcliff, 2009:69; CIA World Fact Book Jordan; UNDP Human Development Report Jordan, 2004
172 Interview 21 (International norm entrepreneur), interview by Violet Benneker, Amman 2017; Ryan, 2004:45.
173 Ryan, 2018
174 Milton-Edwards & Hinchcliff, 2009:89

country is held in some of the wealthiest circles of private business capital and also in some of the most powerful regional and global states."[175]

Jordan was also dependent on Western states for military resources and support in this period. Historically, the role of military protector had been taken up by Britain, but over the years that role was largely transferred to the US. There was still considerable military cooperation between Britain and Jordan, but it was the US that had become Jordan's "military support of last resort."[176]

Notably, King Abdullah inherited leadership of a country that was perceived as wanting to be a part of the Western-oriented international community, and not only because of the royals' frequent visits to the US.[177] Abdullah's father, King Hussein, was seen as 'Westernized' for several reasons. He was educated at Harrow School in England, and later trained as an officer cadet at the English Sandhurst Military Academy. He married an English woman, Antoinette 'Toni' Gardiner and Abdullah II's mother, in a second marriage. His English was flawless, and over the 50 years that he ruled Jordan, he built an extensive network in the highest political circles in the West. Within those circles, he gained the reputation of being a heroic leader, the 'Plucky Little King', that kept his country stable despite all the challenges of the region.[178] Over time, the Hashemite royal house became a credible Western-style, or Anglo-Arab royal family, and maintained close contacts with other royal families in Europe, such as the British, the Spanish and the Dutch.[179]

According to many, King Abdullah had the same Western inclination as his father.[180] He is half-English himself, through his mother Antoinette Gardiner who raised him.[181] Both his parents encouraged him to choose a Western-oriented educational path similar to that of his father. Abdullah completed his primary education in Britain, and later on moved to the US to go to college. Afterwards, he went back to England to attend Sandhurst Military Academy, as his father had done before him.[182] Due to this upbringing, it is rumoured that his English was better than his Arabic when he eventually ascended the Jordanian throne.[183]

Concerning women's rights norms specifically, there are indications that King Abdullah was not against the principles of women's rights and equality which are set out in CEDAW. Before Abdullah was made heir to the throne in 1999, he married the Kuwaiti-born Palestinian career woman Rania Al-Yassin in 1993. Since this was not a political marriage

175 Ryan, 2018:169
176 Milton-Edwards & Hinchcliff, 2009:99
177 Ryan, 2004; Milton-Edwards & Hinchcliffe; Shlaim, 2008; Brand, 2013; Ryan, 2018:169
178 Milton-Edwards & Hinchcliffe, 2009:3
179 Milton-Edwards & Hinchcliffe, 2009:3-4, 112; Abdullah II (King of Jordan), 2012:129
180 Ryan, 2004; Milton-Edwards & Hinchcliffe; Shlaim, 2008; Brand, 2013
181 Milton-Edwards & Hinchcliffe, 2009:57
182 Abdullah II (King of Jordan), 2012: 357
183 Milton-Edwards & Hinchcliffe, 2009; Ryan, 2004; Shlaim, 2008.

(he was to remain a military leader only), this marriage gives some clues about Abdullah's own position on women's rights. In the Jordanian context, Rania could be considered an a-typical Jordanian woman. Whereas about 12% of Jordanian women were employed at the time, in the early nineties, Rania was a career woman when they met and she insisted on continuing working after their marriage.[184] Also, the clothes she usually wore were not typical for Jordanian women, as she tended to wear pants as well as skirts and no veil. Oprah Winfrey has labelled her an international "fashion icon", and Vogue has declared her Instagram account a "Fashion lover's fantasy".[185]

Other women in Abdullah's family also seemed a-typical in the Jordanian context. For instance, his sister Aisha became major general in the Jordanian army, and the first woman from the Middle East to graduate from the military academy Sandhurst. During her brother's reign, she would become military attaché to the Jordanian embassy in Washington. As King Abdullah later commented; "It is women like Aisha, with her active role in the armed forces, and Rania, with her leadership position in philanthropic and charitable organizations, who are showing that the potential for women in our country is unlimited."[186] Also, he openly regretted how "Many Arab men are extremely prejudiced and believe that women should either stay at home and raise children or be restricted to certain professions. … Somewhere along the line you need more women like [Aisha and Rania] to stand up and say 'Let me lead my life as I want to lead it!'"[187]

CEDAW entrepreneurs in Jordan believed the King was on their side when it came to gender equality; "I know that if you give him the freedom to change everything, he will be 100% with women's issues! […] We trust the King, and the Hashemite family; 100% [they are with us] with their mind, with their perceptions, with their beliefs. But we understand sometimes the King has to strike a balance with the different communities and most of [the society], and what is the best in Jordan."[188]

Regarding religious freedom, there were indications that King Abdullah supported religious freedom for all religions. His family's descendance from the Prophet Mohammed, and the long religious legacy within the Arab-Islamic community made him very tolerant to other religions, according to him; "My view of Christians and Jews, because of my father's teachings and the family teachings—I was always brought up to believe that they are part of the larger family. Does that make sense? I don't have that extremism."[189]

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184 World Bank Development Indicators, Labor force participation rate, female (% of female population aged 15+) (modeled ILO estimate) Jordan, 1993, https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?locations=JO; Last accessed 13 May 2021. Abdullah II (King of Jordan), 2012

185 Edward Barsamian, "Queen Rania of Jordan's Instagram feed is a fashion lover's fantasy", *Vogue*, September 29, 2017

186 Abdullah II (King of Jordan), 2012:133

187 Abdullah II (King of Jordan), 2012:204

188 Interview 70, (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017

189 Jeffrey Goldberg, 'The modern King in the Arab Spring', The Atlantic, April, 2013

4.4 Human rights monitoring

International vulnerability is only one of the scope conditions of the political dialogue. Combined with human rights monitoring, these conditions are, together, necessary and sufficient in order for state leaders to initiate a dialogue to enable an increase in compliance. This paragraph discusses the monitoring for the CEDAW and the ICCPR separately.

CEDAW

At the international level, the CEDAW Committee was the most constant monitor of Jordan's compliance. Over a period of 18 years (1999-2017), Jordan submitted 4 country reports that were evaluated in 1999, 2006, 2010, and 2015. Jordan also submitted a report for the UN's Universal Periodic Review (UPR) review in 2009, in which its women's rights record is also evaluated. Alongside UN bodies, the US also monitors and reports on the implementation of women's rights through the yearly US Department of State Human Rights Report.[190]

Shortly after King Abdullah ascended the throne in 1999, Jordan submitted its periodic report to the CEDAW Committee. After its deliberation, the CEDAW Committee praised Jordan's show of political will in complying with the treaty. Jordan was "to be commended for demonstrating that international law was compatible with the principles of the Sharia and that it was possible to reconcile modernity and tradition."[191] At the same time, though, the Committee considered Jordan to be far from full compliance. Of the many recommendations the Committee made, there were four major issues that Jordan needed to solve in order to comply with the CEDAW.

First, the Committee urged the Jordanian government to increase compliance with several different articles, but especially Article 7 - which gives women the right to political participation. It recommended that the government take temporary legislative measures according to Article 4.2 to increase women's participation in politics. At that time, only one woman had actually ever made it to parliament since it was established, and that was on a Christian quota seat in 1991. In the 1997 elections, no woman made it to parliament despite active attempts by women's organizations.

Second, the Committee wanted Jordan to publish the treaty in the National Gazette. Even though the UN had registered Jordan as a ratifying state in 1992, it had actually never really ratified the CEDAW.[192] According to the Jordanian constitution, treaties that "involve financial commitments to the Treasury or affect the public or private rights of Jordanians shall not be valid unless approved by the National Assembly."[193] The Jordanian government

190 U.S. Department of State, Human Rights Reports: Jordan, all years 1999 to 2017
191 CEDAW/C/SR./456 (August 2, 2001)
192 United Nations Office of the High Commissioner, http://indicators.ohchr.org/ Last accessed August 8, 2018
193 Constitution of the Hashemite Kingdom of Jordan, Article 33 (ii)

had filed all necessary documents with the UN in 1992, but no government had sent the treaty to parliament in the meantime. Consequently, all human rights treaties that were registered as ratified by the UN, were actually never recognized as ratified domestically.[194]

In addition, the members of the CEDAW Committee urged Jordan to reconsider its reservations. Jordan had placed reservations on Article 9.2, which grants women the right to pass on their nationality to their husbands and children; Article 15.4, granting women freedom of movement and the right to choose their own residence, and Article 16.1 (c), (d) and (g), giving women the same rights and responsibilities as men in marriage and divorce, the same rights as parents in matters relating to their children, and the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation.

Finally, it pushed Jordan to include the word 'gender' in Article 6 of the constitution. At that moment, the Article read "Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion."[195]

At the domestic level, the Jordanian National Commission for Women (JNCW) did a large part of the monitoring of Jordan's level of compliance with the CEDAW in the period when Abdullah ascended to the throne. As a government organization, it also wrote Jordan's CEDAW country reports. Women's rights organizations such as the JNCW were rather well-organized, but never really independent.[196] They were supported by the Hashemite regime, often through royal patronage. For instance, Princess Basma, King Abdullah's aunt, was president of the JNCW. But despite the royal support, activists did not believe they enjoyed a lot of popular support, and felt they were opposed by, for instance, tribal leaders and Islamists.[197] Still, the organization had a relatively large amount of freedom to monitor the government's CEDAW compliance. According to many CEDAW entrepreneurs, women's rights was one of the few topics on which you could criticize the government without retribution.[198] In 1999, Jordanian women's rights organizations were particularly vocal about the lack of women in parliament, and pushed for a quota.

ICCPR

At the international level, the UN Human Rights Committee monitored the implementation of the ICCPR. During the time period studied, Jordan submitted two country reports - one in

194 Interview 69, (Expert on law) interviews by Violet Benneker, Amman 2017; 'Opinions and analysis 2' Wadi M. Sadi, Jordan Times Archive, 29 June 2003
195 Constitution of the Hashemite Kingdom of Jordan of 1952
196 Interview 71 (Expert on women's rights), interview by Violet Benneker, Amman 2017
197 Interview 70 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017; Husseini, 2010
198 Interview 58, (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 29 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 26 (Jordanian CEDAW norm entrepreneur), Amman 2017; Interview 68 (Jordanian CEDAW entrepreneur), interview by Violet Benneker, Amman 2017.

2009 and one in 2016. The Universal Periodic Review monitored religious freedom as well, and Jordan submitted its UPR report in 2009. Alongside these human rights committees, the UN special rapporteur on freedom of religion or belief visited Jordan in 2008 and 2013. The US monitored religious freedom in a separate annual Department of State International Religious Freedom Report.

In the last report submitted to the ICCPR Committee before King Abdullah succeeded his father in 1999, the principal subject of concern was Jordan's lack of clarity in the legal status of the treaty.[199] Jordan had become a state party to the Covenant in 1975, but subsequent governments had undertaken little to ensure domestic laws were in line with the Covenant. Therefore, the Committee noted "with concern" that the general legal framework still did not conform with the provisions of the Covenant, and that the constitution did not explicate the relationship between international conventions and domestic law.[200] The fact that the treaty was actually not ratified, since it was never published in the Official Gazette, seems to have been unknown to the Committee at that time, as it was not commented upon.[201] According to the UN's register, Jordan signed the treaty in 1972 and ratified it in 1975.[202]

Moreover, the Committee saw "shortcomings in the observance of the provisions of Article 18" on religious freedom.[203] It was particularly concerned about, first, the restrictions on the freedom of religion of non-recognized and non-registered religions. Second, it expressed concern about the "practical implications to the right to have or adopt a religion of one's choice, which should include the freedom to change religion."[204] The Committee therefore urged Jordan to comply specifically with the Committee's General Comment on Article 18.[205] That Comment explicates that religious freedom includes freedom for all kinds of religions and convictions: "Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions."[206] The General Comment also stresses that religious freedom includes the right to convert, and freedom of thought and expression regarding religion: "Article 18 [...] does not permit any limitations whatsoever on the freedom of thought and conscience or on the

199 'Consideration of reports submitted by states parties under Article 40 of the Covenant', Human Rights Committee, Fifty-first session, 10 August 1994
200 'Consideration of reports submitted by states parties under Article 40 of the Covenant', Human Rights Committee, Fifty-first session, 10 August 1994
201 Later, other Committees, notably the CEDAW Committee, did comment on it.
202 United Nations Office of the High Commissioner, http://indicators.ohchr.org/ Last accessed August 8, 2018
203 'Consideration of reports submitted by states parties under Article 40 of the Covenant', Human Rights Committee, Fifty-first session, 10 August 1994
204 'Consideration of reports submitted by states parties under Article 40 of the Covenant', Human Rights Committee, Fifty-first session, 10 August 1994
205 'Consideration of reports submitted by states parties under Article 40 of the Covenant', Human Rights Committee, Fifty-first session, 10 August 1994
206 'General Comment No. 22 (48) (article 18)' General Comment adopted by the Human Rights Committee under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights, 27 September 1993.

freedom to have or adopt a religion or belief of one's choice. These freedoms are protected unconditionally, as is the right of everyone to hold opinions without interference in article 19 (1)."[207] In short, the Committee urged Jordan to increase its degree of compliance, by guaranteeing freedom of religion and belief for its whole population, not just a subset, and to make sure everyone had the freedom to have their own opinions on religion and belief.

Domestically, the relative freedom that women's rights organizations enjoyed to monitor the implementation of CEDAW norms stood in stark contrast with the very limited space similar actors for the ICCPR and religious freedom had. The most likely domestic candidate for the monitoring of the ICCPR's religious freedom would be the National Center for Human Rights (NCHR), that has published an annual report on the implementation of ICCPR every year since 2003. Like the state-affiliated JNCW that monitored CEDAW implementation, the NCHR was established by royal decree and funded by the government. Though many of the ICCPR's articles were monitored in the NCHR's reports, religious freedom was not one of them. Only the first report of 2003/2004, in the paragraph on freedom of expression, criticized the government for restricting religious freedom in mosques. After that report, not one of the later reports evaluated Jordan's record of religious freedom.[208] There were very few other entrepreneurs present in Jordan who worked on religious freedom from an ICCPR framework. As one commented, "You will never push for that. That is not a topic. [interviewer: What would happen if you would?] Other than.. I don't know… we will probably be vandalized, we will certainly be outlawed."[209]

4.5 Space for creating consensus: the Arab-Islamic community

Once a political dialogue is initiated, a decision-maker can use several strategies to make an increase in compliance acceptable to the communities involved. However, the space that is available to use those strategies is dependent on the leader's vulnerability to the other communities involved, and on how highly specified their respective norms are. The configuration of these path-shaping conditions in Jordan is described in the following paragraphs.

Vulnerability to the Arab-Islamic community

The Western inclination of the Jordanian monarchy sometimes threatened their social credibility within the Arab-Islamic community.[210] In the words of a former foreign minister, "Jordan has often been regarded as too pro-Western, which has frequently cast doubt over

207 'General Comment No. 22 (48) (article 18)' General Comment adopted by the Human Rights Committee under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights, 27 September 1993.
208 Jordan National Centre for Human Rights, all years 2003-2018
209 Interview 21 (International norm entrepreneur), interview by Violet Benneker, Amman 2017
210 Milton-Edwards & Hinchcliffe 2009:112, 116

the sincerity of its objectives and the credibility of its ideas [among other Arab leaders]."[211] Still, even though Jordan was seen as a country with a 'Westernized' monarchy, that is not how King Abdullah liked to position himself. In his own words, "I have never felt that interacting with Western culture comes at the expense of my identity as an Arab or Muslim. As somebody born in the East but educated in the West, I feel deep affinity for both cultures."[212]

Historically, the Hashemites were religious, rather than political, leaders. The family has a very long legacy within the Arab-Islamic international community. As part of the Quraysh tribe, the Hashemites claim direct descent from the Prophet Mohammed through his daughter Fatima. The family took its name from Hashem, who was the great-grandfather of the prophet, and a prominent member of the Quraysh tribe.[213] They were the guardians of Islam's holiest sites in Mecca and Medina for centuries before they were ousted by the Al-Sa'ud family in the early twentieth century.[214] The family started to play an influential political role at that time, shaping much of the developments within the Arab-Islamic community. For instance, King Abdullah II's great grandfather, with whom he shares his name, is considered the architect of the Arab Revolt, and the family occupied the thrones of the Hejazi, Syrian and Iraqi kingdoms.[215] The family has lost these thrones, as well as their position as guardian of Medina and Mecca, but they are still the official guardian over Islam's and Christianity's holy sites in Jerusalem.

When King Abdullah ascended the throne in 1999, the Hashemite family no longer aspired to the creation of an extensive Arab union as advocated during the Arab Revolt. However, the Jordanian population did still feel closely connected to the Arab-Islamic community.[216] This took different forms at the domestic level. For instance, Salafist groups aspired to the creation of one unified Islamic state. Left-wing groups, though no longer as strong a movement as they once were, still supported pan-Arabist ideals. The Muslim Brotherhood was, at its core, a regional organization and had its head offices in Egypt. Consequently, the need for the Hashemite rulers to present themselves as an inherently Arab state remained logical and pivotal. This need often resulted in the playing of a "delicate balancing act, between the Janus-faced demands of Jordan's Western leanings and an Arab and predominantly Muslim popular base".[217]

In addition, the country was economically vulnerable to states in the Arab-Islamic international community. A former prime minister and later chief of the Royal Hashemite

211 Muasher, 2008:106
212 Abdullah II (King of Jordan), 2012, 16
213 Shlaim 2009:2
214 Shlaim 2009:2
215 Shlaim, 2009
216 Milton-Edwards & Hinchcliffe 2009:117
217 Milton-Edwards & Hinchcliffe 2009:117

Court noted that the Jordanian "geographic proximity and demographic nature puts us on the hot seat. Looking inward, King Abdullah is convinced that the Jordanian economy is very vulnerable to these regional problems."[218] The country depended on its Arab neighbours mostly for their oil, economic aid, tourism and remittances from Jordanian expats. In 1999, Jordan was particularly dependent on Iraq for its oil. A lucrative Iraqi-Jordanian oil deal practically meant the country was getting 100% of its oil from Iraq at significantly reduced prices.[219] But Saudi Arabia and the Gulf states were also very important to Jordan's revenue, and remain so to this day.[220] Most of these states gave significant amounts of aid and loans. For instance, by the time Abdullah came to power, the Arab Fund for Economic and Social Development provided 53% of the multilateral donor money Jordan received, totalling up to over 200 million USD. Thereby, rich Saudi and Gulf citizens flocked to Jordan every summer for its relatively mild climate of 40 degrees Celsius, bringing with them money to spend on services and major investments in hotels and houses. Jordanians, in return, travelled to Saudi Arabia and the Gulf as expatriates. Remittances from these workers made up a considerable source of income for the Jordanian state.[221]

The high dependence on states within the Arab-Islamic community also came with a significant vulnerability to its political turmoil.[222] Most major political events of the Middle East affected Jordan's development instantaneously and devastatingly. Sharing borders with Israel, the Palestinian West Bank, Syria, Iraq, Saudi Arabia and Egypt, this is not a surprise. The creation of the state of Israel flooded Jordan with refugees, and led to the loss of the fertile West Bank in the following Arab-Israeli wars. Furthermore, the Iran-Iraq War in the 1980s, the Palestinian Intifada, and the first Gulf War had grave economic consequences.[223] The latter, especially, demonstrates how the country's great international vulnerability can lead to instant economic problems. In this war, Jordan's then-King Hussein was split between loyalty to its Western and Gulf partners on the one hand, and his population's loyalties to Iraq and the Ba'athist party on the other. As a result, he refused to clearly side with Kuwait and the US. As punishment, all Jordan's expatriates in the Gulf were sent home and US funds and aid were directly terminated, resulting in an economic catastrophe affecting the entire country. [224] To this day, these events remain a national trauma lingering in the back of Jordan's decision-makers' minds, including that of King Abdullah II himself.[225]

Norm specificity within the Arab-Islamic community

Islamic thought had considerable social and political relevance throughout the Arab-Islamic

218 Ryan, 2018:169
219 Ryan, 2004:46
220 OECD, Investment Policy Review of Jordan, December 6, 2013:34
221 Milton-Edwards & Hinchcliffe, 2009:84-92
222 Ryan, 2018:178
223 UNDP Human Development report Jordan 2004
224 UNDP Human Development Report 2004: 35-38
225 Ryan, 2004:46

community, and it shaped the policy and practice of states as well as regional organizations, such as the Arab League and the Organization of the Islamic Conference (OIC). The public role of religion in individual states was formalized in their constitutions, of which a majority declared Islam the official religion of the state, recognized Islam as part of state law, or established state courts that apply Islamic law.[226] The role of Islamic norms for the Arab-Islamic community was captured in international treaties and declarations, such as the Arab Charter on Human Rights (1994, updated in 2004), the Charter of the Organization of the Islaic Conference (1972), and the OIC's Cairo Declaration on Human Rights in Islam (1990).

These treaties and declarations also specified women's rights and rights regarding religious freedom. For example, the Cairo Declaration describes the roles of men and women in family and society. It is generally considered as a mismatch with the CEDAW, as it is interpreted as denying full gender equality.[227] Article 6 specifies that "Woman is equal to man in human dignity, and has her own rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and lineage. (b) The husband is responsible for the support and welfare of the family." In addition, it outlines that "The family is the foundation of society, and marriage is the basis of its formation".[228]

Regarding freedom of religion, the Declaration specifies in Article 10 that "Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism." Article 27 safeguards individuals' right to practice their faith, but states nothing about conversion or apostasy: "Persons from all religions have the right to practise their faith. They also have the right to manifest their opinions through worship, practice or teaching without jeopardising the rights of others. No restrictions of the exercise of the freedom of thought, conscience and opinion can be imposed except through what is prescribed by law." Generally speaking, the understanding of apostasy as forbidden has been an important part of Islamic thought within the Arab-Islamic community. Particularly traditionalist Muslim states understand this norm to be an essential part of Islam, and that it should therefore remain unaltered. However, the traditional punishment (death) is no longer practised.[229]

4.6 Space for creating consensus: domestic communities

Vulnerability to domestic communities

The power of the Hashemite family was considerable at the start of the time period studied, and concentrated in the Royal Court. Domestic vulnerability was therefore not as great - by

226 Baderin, 2007:323
227 Hilal, 1997
228 The Cairo Declaration http://hrlibrary.umn.edu/instree/cairodeclaration.html. Last accessed 15 May 2021
229 Emon et al. 2012; Rehman & Breau, 2007

a long way - as in democracies, where a leader can be voted in and out of office. According to the constitution: "The King is the Head of State, and is immune from any liability and responsibility."[230] He appoints the government and the senate. Though parliament was chosen through, usually, free elections, it had very little power. New laws were created by the King, his prime minister and government, and then sent to parliament for approval. Voting on new laws was sometimes preceded by "a phone call", in which it was made clear what the required vote was.[231] When a law was rejected by parliament, it was not necessarily fully off the table. Often, it continued to act as a temporary law. The King could dissolve parliament at any moment in time. In addition to having considerable legislative powers as head of state, the King was also the supreme commander of the Jordanian army, and was the one who declared war, concluded peace and ratified treaties and agreements.[232]

The Hashemite King was thus not very vulnerable to domestic communities, as they had no legal way to oust him from power. Nonetheless, the Hashemite leadership seemed to be quite aware that it could only hold that power as long as it had the support of specific communities. In fact, the legitimacy of Hashemite rule lay in the fact that they could be rulers to all, and were not full members of one specific group. It was their role to stand above domestic divisions, and to safeguard the balance between the different communities.[233] In the words of one expert; "The Jordanian-Jordanians do not want to be ruled by the Palestinian-Jordanians, and vice versa. No tribe wants to be governed by another tribe, or by Islamists. This is the role the Hashemites have. They are the balance, and they keep the balance."[234]

However, in this balance, the conservative tribes such as the Rifa'i and the Abbadi tribes were traditionally given the greatest say as loyal supporters of the monarchy. For instance, parliamentary seats were distributed in such a way that the tribes always won a large majority of the seats. Also, other important state institutions, such as the secret service and the army, were dominated by the tribal families. The secret service in particular was, and remains to this day, a powerful organization in Jordanian politics.[235]

The tribes were highly organized. For instance, they established family leagues, which were registered as charitable organizations. The internal regulations of those organizations closely resembled the methods and mechanisms of political parties, especially during elections. At those times, they jointly decided on who their candidate for the parliamentary

230 Constitution of the Hashemite Kingdom of Jordan, Article 30.
231 Interview 25 (Political actor), interview by Violet Benneker, Amman 2017; Interview 20, (Political actor), interview by Violet Benneker, Amman 2017; Interview 17 (Political actor), interview by Violet Benneker, Amman 2017
232 Constitution of the Hashemite Kingdom of Jordan, Article 30
233 Ryan, 2018:105
234 Interview 44 (Political analyst), interview by Violet Benneker, Amman 2017, The Hague 2018
235 Ryan, 2018:161

seat would be, and everyone would campaign and mobilize voters for this candidate.[236] Due to their high level of organization, and their role as the traditional backbone of the Hashemite Court, these tribes held considerable veto power, and their demands usually weighed heavy in Royal Court decision-making processes.[237]

The relation between King Abdullah and the tribes was not an easy one, though. In an interview by journalist Jeffrey Goldberg, who had unique access to the King over the course of several years, and to whom some believe the King showed his true colours,[238] Abdullah called the tribal leaders "old dinosaurs" and the secret service they dominated "problematic".[239] According to the same interview, he critiqued the tribal way of doing politics: "It's all about 'I'll vote for this guy because I'm in his tribe.' [but] I want this guy to develop a program that at least people will begin to understand." This difficult relation is also something that was emphasized often in the interviews with Jordanian political actors for this project.[240]

The Islamists, of whom most are represented through the Muslim Brotherhood, seemed to have a somewhat similar relation with King Abdullah. Even though their presence in state institutions such as the government, senate, secret service and the army was limited, they were an important voice in Jordanian politics. They held that power mostly because they were highly organized and because of their considerable popularity.[241] The Islamists were very active in Jordanian society. They ran the only well-organized political party in Jordan, called the Islamic Action Front. They dominated organizations such as the Jordanian trade unions and student unions, and ran relief organizations, such as hospitals.[242] Also, they operated many Islamic NGOs, such as Al-Afaf, an organization that promoted marriage and family life.[243] Even though these Islamic civil society organizations were not allowed to be politically active, some did have a political agenda. Often, the organizations promoted Arab-Islamic norms and explicitly combatted what they considered "the intrusion of Western values and cultural codes."[244] These organizations were often relatively strong financially, as they received donations from private individuals and businesses throughout Jordan.[245] Consequently, the Hashemite regime traditionally played cat and mouse with the organization, sometimes giving them space and freedom to grow, and at other times repressing them.

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236 IDEA & ANND, Building Democracy in Jordan: Women's political participation, Political party life and Democratic elections, 2005.
237 Eilon & Alon, 2007; Lynch, 1999; Ryan, 2004, 2009, 2018
238 See, for instance, David D. Kirkpatrick, "Jordan's King finds fault with everyone concerned", *The New York Times*, March 19, 2013.
239 Jeffrey Goldberg, "The modern King in the Arab Spring", *The Atlantic*, April 2013
240 Interview 25 (Political actor), interview by Violet Benneker, Amman 2017; Interview 20 (Political actor), interview by Violet Benneker, Amman 2017; Interview 17 (Political actor), interview by Violet Benneker, Amman 2017; Interview 30 (Political actor), interview by Violet Benneker, Amman, 2017; Interview 05 (Political actor), interview by Violet Benneker, Amman 2017.
241 Harmsen, 2008
242 Harmsen 2008
243 Wiktorowicz & Farouki, 2000
244 Wiktorowicz & Farouki, 2000
245 Interview 26 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017

Though the Islamists were a force to be reckoned with in Jordanian politics, the King personally seemed to have no warm feelings towards the Brotherhood that organized and represented them. In the same interview in which the King called the tribal leaders "old dinosaurs", he described the Brotherhood as "a Masonic cult". He stated he considered it "his job [...] to point out that the Brotherhood is run by wolves in sheep's clothing and wants to impose its retrograde vision of society."[246]

Salafist organizations did not have as many supporters within Jordanian society as the Brotherhood, yet in the Jordanian context in which practically all Muslims were Sunni, they could not be ignored. On the whole, Sunnis often considered Salafism as just a very pious current within the same Sunni Islam.[247] This might explain why the Salafi current was already flourishing in Jordan by the end of the twentieth century. As Salafist expert Joas Wagemakers concludes, "one can safely say that Salafism in Jordan matters."[248]

Some of those Salafi organizations became actively involved in Jihadi-Salafism, the branch within Salafism that supports the use of violence to overthrow apostate regimes. Jordanian Salafists played a significant role in the development of that movement. Jordan is even described by some as "the intellectual reservoir for Jihadist Salafist ideology", as significant thinkers and advocates of the movement were from Jordan.[249] The Jordanian Shaykh Abdullah Azzam was Osama Bin Laden's mentor in Afghanistan.[250] Salafi Muhammad Nasi al-Din Al-Albani (1914-1999), "perhaps the greatest and most influential twentieth century scholar of the traditions of the Prophet Mohammad,"[251] lived the final two decades of his life in Jordan. Two Salafi scholars who are considered the main influential thinkers of this century were also Jordanian: Abu Qatada al-Falistini and Abu Muhammad al-Maqdisi, the latter being described as "the godfather of the Jihadi-Salafi movement".[252] Moreover, in addition to being a frontrunner in developing and spreading Jihadist thought, Jordanian Jihadist-Salafists also played an important role in attacking and resisting the US military efforts in the region after 9/11. The most important of those is Al-Zarqawi, named after the Jordanian city he was from, called Zarqa. He organized and led the Jihadist resistance against the US in Iraq, and would later be considered the founding father of Islamic State.[253]

King Abdullah himself was rather clear on his thoughts on Jihadi-Salafist groups, considering them an enemy that needs defeating ideologically: "I am a military man by training, but I

246 Jeffrey Goldberg, "The modern King in the Arab Spring", *The Atlantic*, April 2013"
247 Wagemakers, 2016:71. In addition, "Salaf, also often referred to with the honorific expression of 'al-salaf al-ṣāliḥ' are considered to be the first three generations of Muslims, which are the generation of the Prophet Muhammad and his companions, their successors, and the successors of the successors". Interview 12 (Expert on religion), interviews by Violet Benneker, Amman 2017, online 2021
248 Wagemakers 2016:32-71
249 Al-Shalabi 2017:146; Wagemakers, 2016:32
250 Abu Rumman & Shteiwi, 2018:22
251 Wagemakers, 2016
252 Wagemakers, 2016:279-294
253 Wagemakers, 2016

know from experience that no war on terror will neutralize this enemy. We have to convince people of the bankruptcy of the takfiris' ideology and to defeat them in the battlefield of the minds of young Muslim men and women."[254]

In addition to the different Islamic groups, Jordan is also home to Christian communities. Some of those are part of the Jordanian tribal community, as historically both Muslim and Christian tribes are present in Jordan. The constitution provided for their freedom to worship in the Muslim majority country: "all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality."[255] Also, in practice, the government did not interfere in the worship of the recognized Christian communities.[256] Christians were also granted political power, first, through the election law that made sure the Christian communities were overrepresented in parliament. They made up about 6% of Jordanian society, but consistently held 9 seats in parliament (11%) through a Christian quota. On the whole, the Christian communities were also doing well in economic terms. Yet, King Abdullah's vulnerability to them was nowhere near as considerable as compared to the communities discussed above. Nonetheless, it seems that the presence of Christian minorities was considered a natural part of Jordan's make up in the King's eyes.[257]

Another domestic community that played an increasingly significant role in Jordanian politics under the new King were the liberals. Even though they did not have the numbers, the degree of organization, nor the popular support of communities such as the Islamists, they did have a special place in Jordanian decision-making. This was mostly due to the fact that they seemed to share their liberal orientation with the Hashemite King. In the first years of Abdullah's rule, they were introduced to Jordanian politics as "the new guard", in contrast with the "old dinosaurs".[258] Consequently, they filled more positions in government than one would expect on the basis of their societal support: "Government definitely is less conservative than parliament, and this is not a coincidence. We have a palace that is even more liberal than anybody else. A government that is more liberal than the parliament. And the parliament is more liberal than the people."[259]

An important identity that cut through all these groups – or that was used as a political tool to do so – is the Palestinian. Jordan had taken in such a considerable share of Palestinian refugees that they made up a very large part of the Jordanian population. Precisely how big

254 Abdullah II (King of Jordan), 2012:357-358.
255 Annual Report on International Religious Freedom for 1999: Jordan, US Department of State, 9 September 1999
256 Annual Report on International Religious Freedom for 1999: Jordan, US Department of State, 9 September 1999
257 Jeffrey Goldberg, "The modern King in the Arab Spring", *The Atlantic*, April 2013
258 Interview 59, (Political actor), interview by Violet Benneker, Amman 2017; Milton-Edwards & Hinchcliff, 2009:9
259 Interview 17 (Political actor), interview by Violet Benneker, Amman 2017

that part was remains unclear, because the government did not publish the official census numbers. However, there are reliable sources that estimated that the Palestinians made up over 50% of the population in recent years.[260] Despite their considerable presence, the Palestinians were no longer represented as one community or movement. In the 1950s and 1960s, the Palestine Liberation Organization (PLO) and other resistance movements found safe refuge in Jordan. Yet, by the end of the 1960s, they had grown into a heavily armed state within the Jordanian state. The late King Hussein saw them as a significant threat to Hashemite rule.[261] In 1970, he had his army confront the Palestinian fighters and subsequently crushed the PLO. By 1971, the regime closed down the last two remaining PLO offices in Amman, and had expelled the whole Palestinian leadership and organization from Jordan within a year.[262]

Since then, many Palestinians have become politically active through the Jordanian Muslim Brotherhood instead. However, it was not a Palestinian-only organization, as the Brotherhood was also joined by members of tribes. In addition, while most Palestinians are Sunni Muslim, some are found among other communities in Jordanian society as well, including the liberals and the Christians.[263] The only communities they are not part of are the tribes. Even more so, a main demarcation line running through Jordanian society is the one dividing the 'East Bank tribes' and the 'West Bank Palestinians'. In Jordan, it was common to refer to these groups as Jordanian-Jordanians and Palestinian-Jordanians, or East-Bankers and West-Bankers.

Norm specificity of domestic communities

At the start of 1999, there were no domestic laws that directly prohibited women's political participation, and women had had the right to vote and to be elected since 1974. However, the first (and for little less than a decade the only) woman was elected to parliament on a Christian quota seat in 1993. According to journalist and gender expert Rana Husseini, it was "widespread patriarchal attitudes and practices" that routinely prevented women from taking full advantage of their legal rights, also when it came to political participation: "Most families expect women to focus more on their household and children than on civic affairs."[264]

In particular the norm regarding women's obedience to their family was a major impediment to women's political participation. This was a highly specified norm, and it was both socially widespread and codified in domestic laws. It meant that men were the appointed guardians of their wives and their unmarried female family members. Consequently,

260 Minorities at Risk, *Assessment for Palestinians in Jordan*, https://web.archive.org/web/20160101101403/http://www.cidcm.umd.edu/mar/assessment.asp?groupId=66302 Last accessed 23 June 2018; Ryan, 2018:100
261 Milton-Edwards & Hinchcliff, 2009:41
262 Milton-Edwards & Hinchcliff, 2009:44
263 Minorities at Risk, *Assessment for Palestinians in Jordan*, https://web.archive.org/web/20160101101403/http://www.cidcm.umd.edu/mar/assessment.asp?groupId=66302 Last accessed 23 June 2018
264 Husseini, 2010:7, 21

the choices that women made regarding political participation all first needed to be approved by their husbands or male family members. The extent to which men blocked or supported women's initiative regarding political participation varied widely from one family to another. However, the norm that women should obey their husbands or male relatives was interpreted by conservative families as a husband's right to confine a woman to the home. Such conservative families often felt that the calls for equality and women's independence were a direct threat and led to the destruction of the family as the central unit in society. In some families, women who violated these social norms, and acted without their husbands' approval, could be punished: "Gender-based violence remains a serious concern, and women may be severely beaten or even murdered if they disobey their male family members or commit an act deemed dishonourable".[265]

When it comes to social norms related to religious freedom, Christian minorities historically had a relatively good position in Jordanian society. Based on the idea of the "mosaic" of different religions living in peace with the Sunni majority, Christians were able to practice their faith, and had their own court system for matters of personal status.[266] Yet, other parts of religious freedom as captured in ICCPR's Article 18 were highly specified taboos within Jordanian society. Specifically, the freedom to become an atheist or convert from Islam to another religion was such a strong taboo that it was hardly ever discussed publicly. Apostasy and conversion from Islam to another religion were not only illegal under domestic law, but also carried social punishment.[267] There were very few individuals who openly converted from Islam to another religion or who openly became atheists. Some of the individuals who did publicly convert had to flee the country due to death threats by family members.[268]

4.7 Two time periods of changing conditions for dialogue

The above describes vulnerabilities and norms at the beginning of King Abdullah's rule that started in 1999. Since then, there have been two focal points when vulnerabilities intensified and some norms started to change.

9/11 and the US invasion of Iraq

The first point was 9/11 and its aftermath of the US invasions in the region. By 9/11, vulnerability to the Western-oriented international community had already further increased because of new trade deals made by King Abdullah, such as the free trade agreements with the United States and the EU.[269] Jordan's vulnerability further increased with the anticipated US' invasion in neighbouring Iraq. As soon as the Jordanian government saw

265 Husseini, 2010:2
266 Gutkowski, 2016:216
267 Sidlo, 2016
268 Interview 38 (Expert on religion), interview by Violet Benneker, Amman 2017; Sidlo, 2016
269 Milton-Edwards & Hinchcliffe 2009:117

the plans for the US invasion taking shape, it became determined to avoid a repeat of the national trauma of the first Gulf War. Back then, Jordan experienced immediate economic breakdown as punishment for not siding clearly with the US.[270] "We paid a heavy price at that time, economic sanctions by the Gulf States, and bad relationships with the US. This time, the consequences could be even worse." [271] It was experienced as a period in which Jordan clearly had to demonstrate which side it was on, and President Bush's comment that states were either with or against him was taken very seriously by the Jordanian government.[272] Soon, reports started to come in of Jordan's practical assistance to the American invasion, including sharing of military intelligence, facilitating training of American forces on Jordanian soil, and the use of the capital Amman as a rest and recuperation base for US personnel on leave. By 2004, Jordan was one of the top recipients of US aid.[273]

In addition to this increased vulnerability, this period was also characterized by an increase in norm monitoring for both women's rights and religious freedom. Alongside the usual monitoring by the UN bodies[274] and the annual US Department of State Human Rights Report,[275] the US became more closely involved in women's rights monitoring in the aftermath of 9/11. This is demonstrated especially by the Bush administration's Greater Middle East Initiative, the plans for which were leaked in February 2004. The Initiative was meant to become the new Helsinki Process for the Muslim world and strongly criticized the Muslim states for their alleged lack of progress in reform.[276] Women's rights were one of the three central themes the Initiative addressed.[277] According to one former minister, the Initiative was not taken lightly: "I remember I was in a meeting in Cairo for ministers of foreign affairs. I was there as foreign minister for Jordan at the time. It was then when the US leaked their plans for the Greater Middle East Initiative. We took that seriously, because Bush had bombed Iraq."[278]

As with women's rights, religion and religious freedom also became much more closely monitored after 9/11 in addition to the usual monitoring by the human rights institutions.[279]

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270 Ryan, 2004:46

271 Interview Dr. Oraib Rantawi (Member of Jordan First Committee, Director of Al-Quds Center for Political Studies), interview by Violet Benneker, Amman 2017

272 Interview Dr. Oraib Rantawi (Member of Jordan First Committee, Director of Al-Quds Center for Political Studies), interview by Violet Benneker, Amman 2017

273 Milton-Edwards & Hinchcliffe 2009:121; Woods, 2008

274 The CEDAW Committee is the most constant monitor of Jordan's compliance. Over a period of 18 years (1999-2017), Jordan submitted 4 country reports, in 1999, 2006, 2010, and 2015. Jordan also submitted a report for the UN's Universal Periodic Review (UPR) in 2009, in which its women's rights record was also evaluated.

275 U.S. Department of State, Human Rights Reports: Jordan, all years 1999 to 2017

276 Carnegie Endowment, The Greater Middle Eastern Initiative: Off to a false start, March 2004

277 U.S., Greater Middle Eastern Partnership (leaked draft), February 2004

278 Interviews with Dr. Marwan Muasher (Former Minister, President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018

279 The UN Human Rights Committee monitors the implementation of the ICCPR. In the time period studied, Jordan submitted two country reports - one in 2009 and one in 2016. The Universal Periodic Review discusses religious freedom as well, and Jordan submitted its UPR report in 2009. In addition to these human rights committees, the UN Special Rapporteur on Freedom of Religion or Belief visited Jordan in 2008 and 2013. The US monitors religious freedom in a separate annual US Department of State International Religious Freedom Report.

The US, in its 'War on Terror', wanted its allies in the region to explicitly denounce religious extremism, and call for inclusion and acceptance of other religions. However, the monitoring did not focus on religious freedom for all. The US demanded and supported the active repression of some Salafists, and Jordan would become an important ally in the US' extraordinary rendition program in the region. It aided with secretly transferring, detaining, interrogating and torturing suspects.[280]

The Arab-Islamic response

While Jordan's vulnerability to the Western-oriented community increased, and monitoring of women's rights and religious freedom intensified, so did vulnerability to other communities, especially to the Arab-Islamic community. The US invasion was seen by some as a clash of civilizations between Islam and Christianity, and this discourse pushed Arab leaders to clearly show which side of the clash they stood on.[281] However, many believed King Abdullah to be uncritically supportive of the Americans. His perceived support of what was seen as a fundamental cultural clash, or a neo-colonialist attempt by the US to dominate the region, severely weakened Jordan's reputation and standing within the Arab-Islamic community.[282]

In addition, the normative mismatch with CEDAW became intensely debated and subsequently further specified within the Arab-Islamic community as a response to the US interference. Many felt that a foreign cultural model was imposed on them; one that did not suit Arab-Islamic societies at all. Dr. Sani Zebian, an author and opinion writer for Al Jazeera, wrote that "the US term for the success of such reform is that Arab and Muslims were to forget what they have in common, moreover, also to forget Islam and its revered values. … It is evident that the US project is rejected, since it does not recognise the true structure of the Muslim social order nor its identity. As a result, I think that the common people in the Middle East refuse this project more than the political elite."[283]

Women's rights quickly became a symbol of what was wrong with the Western interference; "The American reform means to disturb the position of each Arab and Muslim country through forced development without considering its … social identity and culture, such as the woman's situation in [this] culture or attitude towards mixing between the two sexes."[284] Moreover, the American attempts at women's rights reform in the region were not perceived as a genuine attempt to improve the lives of the women on the ground, especially because of its military campaign in Iraq that went on at the same time: "[In Iraq], women were everywhere, you know. So, don't tell us you're liberating the Iraqi women.

280 Amnesty International, 'Your confessions are ready to sign' 2006
281 Kayaogly, 2012; al-Shalabi & Alrajehi 2011; Gutkowski, 2016:208; Wiktoriwicz & Taji-Farouki, 2000
282 Milton-Edwards & Hinchcliffe 2009:120
283 "US reform threatens Arab identity" Al Jazeera, May 20, 2004
284 US reform threatens Arab identity' Al Jazeera, 20 May 2004

That is just bull shit. And any way, you don't liberate by bombing people."[285]

The Arab-Islamic international community responded by, first, presenting its own reform plan, and second, by updating the Arab Human Rights Charter. The first reform plan was presented at the Arab Summit of May 2004. The plan did mention women, but it intentionally "couched language on women's empowerment in diplomatic terms in order to win the acceptance of all Arab countries."[286] The plan's stated aim was: "Pursuing the advancement of women in Arab society and buttressing their rights and social position to foster their contribution to development through their active participation in the different political, economic, social, and cultural spheres."[287]

The Arab leaders also agreed on the updating of the Arab Charter. The Charter now formally acknowledged most human rights treaties, but not the CEDAW; "reaffirming the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and having regard to the Cairo Declaration on Human Rights in Islam."[288] Women's rights were covered by the Cairo Declaration and Article 3.3 which states: "Men and women are equal in respect of human dignity, rights and obligations within the framework of the positive discrimination established in favor of women by the Islamic Sharia, other divine laws and by applicable laws and legal instruments." This version of the Arab Charter would later be declared incompatible with international standards for women's rights by UN High Commissioner for Human Rights, Louise Harbour.[289] As Arab-Islamic norms on the role of women in society became further specified and formalized in a new Arab treaty, the space to negotiate over, or find consensus between, the different norms decreased.

Regarding international monitoring of religious freedom, the US 'War on Terror' was perceived as an aggressive attack on Islam and Muslims within the Arab-Islamic international community;[290] "People are just so fed up. They think that the West, that in their minds still represents Christianity, is oppressing Arabs [meaning] Muslims, who still represent the Islamic world."[291] Some considered the War on Terror a holy war of Christians against Islam, especially after Bush's statement on 17 September 2001 that "This crusade is going to take a while".[292]

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285 Interview 71 (Expert on women's rights), interview by Violet Benneker, Amman 2017
286 Muasher, 2008:242
287 Muasher, 2008:243
288 League of Arab States, Arab Charter on Human Rights, May 22, 2004,
289 Haviv Rettig Gur, "'Anti-Zionist' Arab Charter inconsistent with UN norms", *The Jerusalem Post*, February 1, 2008
290 Al-Janhani 2007:14; Kayaogly, 2012; al-Shalabi and Alrajehi 2011; Gutkowski, 2016:208; Wiktoriwicz & Taji-Farouki, 2000
291 Interview 12 (Expert on religion), interviews by Violet Benneker, Amman 2017
292 Interview 12 (Expert on religion), interviews by Violet Benneker, Amman 2017; Kayaogly, 2012; al-Shalabi and Alrajehi 2011; Gutkowski, 2016:208; Wagemakers, 2016: 127

By 2004, the updated Arab Charter on Human Rights read "Everyone has the right to freedom of thought, conscience and religion and no restrictions may be imposed on the exercise of such freedoms except as provided for by law".[293] According to some, this contradicts ICCPR Article 18, as it allows for limiting freedom of thought, conscience and religion if provided for by law. Though ICCPR Article 18 also refers to limitations by law, it does so for the manifestation of these freedoms only, which is bound "to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others".[294]

Domestic communities

The outrage within the Arab-Islamic community was shared by most Jordanians, as they were strongly against Western interference in the region and in their country. Domestic vulnerability had increased slightly before the US invasion, as the regime was struggling with the aftermath of the collapse of the Oslo accords, and the ongoing second Intifada.[295] As a considerable part of the population is of Palestinian descent, the Intifada and Israeli re-occupation of Palestinian territory caused much unrest in Jordan – especially because Jordan is one of the few countries in the Arab world that has a peace agreement with Israel.[296] The US invasion in the region and Jordanian alignment with the Western powers only further increased the domestic unrest. A large majority of Jordanians were rooting for the Iraqis and Saddam Hussein, and they were furious about the US plans for toppling the Iraqi regime and Jordanian support for it.[297] Consequently, the events in Iraq, Israel and Palestine became triggers for an outburst of social protest in Jordan, showing the government's volatile bond with its citizens, and their strong links to events outside Jordan's borders.[298]

The King responded by suspending parliament, as he expected that the Islamists would gain more power and call for the rejection of the Jordanian-Israeli peace agreement in the upcoming elections of November 2001.[299] Going without parliament for over two years enhanced the King's executive powers. Effectively but temporarily decreasing his domestic vulnerability despite the protests, this created space in which the King could implement new legislation without formally seeking parliament's approval first.

The Arab Spring and its aftermath

The second time point starts with the Arab Spring at the end of 2010. Though Jordan's relation with the Western-oriented international community largely remained the same,

293 http://hrlibrary.umn.edu/instree/loas2005.html?msource=UNWDEC19001&tr=y&auid=3337655 Last accessed April 16, 2021
294 Rishmawi, 2010:171-172
295 International Crisis Group, The Challenge of Political Reform: Jordanian democratization and Regional Instability, October 8, 2003; Gutkowski, 2015:218
296 Interview 55, (Political actor), interview by Violet Benneker, Amman 2017, Gutkowski, 2015:218
297 Interview 55, (Political actor), interview by Violet Benneker, Amman 2017
298 International Crisis Group '*The Challenge of Political Reform'* 2003.
299 Freedom House, Freedom in the World, Jordan, 2002.

relations with the Arab-Islamic and domestic communities changed drastically.

Western-oriented international community

During and after the Arab Spring, Jordan's traditional role as US ally and launch pad for its military actions in the region continued, yet in a different form than after 9/11. The Obama administration was much more reluctant to get American boots on the ground in the region and in Syria specifically. Even after the Assad regime had crossed the red line of chemical attacks, the US preferred a negotiated deal to remove most chemical weapons over military intervention.[300] The US did maintain its presence in Jordan, though, and strengthened Jordan's border defences to protect it against its neighbours' unrest. Nonetheless, Jordan's alignment with the US was as politically problematic as it was after 9/11. Domestic groups were quick to point out when they believed Jordan's choices had brought it much too close to Western powers.[301]

Though US-Jordan relations largely remained the same, the US intensified monitoring of women's rights did significantly decrease in the aftermath of the Arab Spring. According to a leading CEDAW entrepreneur in Jordan, there was hardly any international pressure or attention on women's rights anymore, and most Western donor money was now focused on refugees; "We keep talking about refugees and are not talking about women's rights anymore. And I think the [Western-oriented] international community is accomplice in our lack of progress. They don't want to deal with the refugee issue, so they give Jordan praise and everything, so they don't have to deal with them."[302] This is confirmed by recent academic research as well, as it states that "Jordan has used its refugee policies as leverage in international negotiations to lobby for increased access to aid, and threatened to retract protections and services if it is not delivered."[303] According to an anti-CEDAW norm entrepreneur, "it has calmed down now. Because now things are different, and many other things are happening in Jordan."[304]

The intensified monitoring of religion and religious freedom from the US also declined under the new president, as he seemed less eager to openly continue the 'War on Terror'. Instead, he used secret drone attacks in the region, targeting alleged extremist Islamists.[305]

Arab-Islamic community

The Arab Spring and its aftermath demonstrated Jordan's vulnerability to countries within the Arab-Islamic community. The Spring had brought down an ally in Egypt's Mubarak,

300 Ryan, 2018:186
301 Ryan, 2018:186
302 Interview 68 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017
303 Kelberer, 2017
304 Interview 26 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017
305 Amnesty International, https://www.amnestyusa.org/the-obama-bush-doctrine/ Last accessed April 16 2021

and put a key domestic rival, the Muslim Brotherhood, in power – if only temporarily.[306] The Jordanian decision-makers worried about the possibility of an Islamist ascendancy in Tunisia, Libya, and Syria – if the Assad regime were to be ousted - and the Jordanian popular support for these types of state.[307] The eventual establishment of the so-called Islamic State created a direct security threat to the Jordanian state, for one because some Jihadi-Salafists advocated that Jordan become part of the newly-founded Islamic State.[308] In addition, the rise of Islamic State in neighbouring countries also weakened Jordan's economy by stifling main trade routes and 20% of its exports.[309] The massive influx of refugees put a further strain on the crippled economy.[310]

In response, the Jordanian King tried to avoid antagonizing the regimes at its borders, such as the Syrian regime of Al-Assad, while at the same time supporting more powerful regimes in the region, such as that of Saudi Arabia. For instance, there are credible claims that Saudi Arabia and other Gulf Cooperation Council (GCC) countries were supporting the Syrian rebels, and sending them arms via Jordan in secret.[311] That support helped Jordan make up for its trade losses. In 2011, the GCC had already promised Jordan 5 billion US dollars to help weather the domestic Spring storm.[312] In 2014, the GCC sought to include new members who shared "the political and cultural values of the GCC", and invited the additional two Arab monarchies, Jordan and Morocco, to join its ranks.[313] By 2015, exports to Saudi Arabia had reached an all-time high of 1 billion US dollars.[314]

Both during and after the Arab Spring, religion and religious freedom within Islam remained a central focal point within the Arab-Islamic community. This was influenced first by the rise to power of the Muslim Brotherhood in Egypt, and later by the establishing of the Islamic State in Iraq and Syria. These events opened up a fundamental debate as to what, exactly, an Islamic state should look like, and relatedly, what freedoms other religions should have in such a state. [315] This debate on religion and religious freedom with the Arab-Islamic community further decreased the King's space to create consensus on religion-related topics.

Domestic communities

The Arab Spring increased the regime's domestic vulnerability considerably more than 9/11's direct aftermath, because of the broad popular support for the protests and the examples of ousted regimes in the region. The protesters were a rare combination of

306 Ryan, 2004:179
307 Ryan, 2018:183; Wagemakers, 2016
308 Wagemakers, 2016
309 Ryan, 2018:181
310 Ryan, 2018:181
311 Ryan, 2018:185
312 "Unstable neighbours and bad policy are just two of Jordan's problems", *The Economist*, April 28, 2018
313 Dr. Saud al Tamamy, "GCC Membership expansion: possibilities and obstacles", *Aljazeera*, March 31, 2015
314 "Unstable neighbours and bad policy are just two of Jordan's problems", *The Economist*, April 28, 2018
315 Wagemakers 2016

youth, (Palestinian) leftists, and members of the Muslim Brotherhood. Even the usually loyal supporters of the regime did not remain quiet. For instance, a group of influential tribesmen from the south published a letter accusing Queen Rania of corruption.[316] Criticism of the royal family had never been so open before under King Abdullah. Even though only a minority was calling for the full abolition of the royal family – most demanded a curbing of their powers, and all the different groups wanted very different things, King Abdullah was very concerned about the survival of the Hashemite throne.[317]

The rise of Islamic State also increased domestic vulnerability, as it gained popular support in Jordan as well. For instance, in 2014, Jihadi-Salafists chased the police out of Ma'an, a town in the south that once was considered a stronghold for Hashemite support. They pledged allegiance to ISIS's leader, Abu Bakr al-Baghdadi, and plastered the mosque with pictures of Jordanian jihadists killed in Syria. Allegedly, Ma'an's youth shredded their Jordanian passports, said "death to the King" and chanted that the caliphate was coming to Jordan.[318] These developments led to such an extent of anxiety among the Christian minorities that some started to leave Jordan.[319]

These developments went hand in hand with increased discussions on religion and the meaning of religious freedom, as they did in the rest of the Arab-Islamic community. Especially the freedom to worship and questions of what a truly Islamic state would look like became a much-debated topic in Jordan in this time period.[320] Salafi groups had a significant influence in that debate, and stated that Sharia law should be the basis of such a state, or as Ibn 'Abd al-Khaliq, an influential political Salafist writer, argues: "generally, the Islamic peoples want Islam and the Islamic *sharī'a*", yet they are ruled by governments that enforced or [still] enforce rules and laws that clash with Islam. There's no question that an effort should be made to amend these laws so that they become Islamically legitimate."[321] During the Arab Spring protests, Salafists and other Islamic groups demanded full implementation of Sharia law.[322] In 2013, Islamists in parliament tried and failed to push through a bill to harmonize Jordanian legislation with Sharia.[323] Some Salafists advocated a decrease in religious freedom for Christians. Jihadi-Salafist groups in Jordan believed that 'infidels' should be killed, using a definition which includes Christians as well as Shi'a Muslims.[324]

316 Laurent Zecchini, "Bedouin tribes accuse Jordan's Queen Rania of corruption", *The Guardian*, February 15, 2011
317 Interview 20, (Political actor), interview by Violet Benneker, Amman 2017
318 "Shuddering: The ructions in neighbouring Iraq are making Jordan's rulers edgier than ever", *The Economist*, June 28, 2014
319 Rula Samain, "Christian emigration: mildest in Jordan vis-à-vis the region, but worrying enough", *Jordan Times*, January 8, 2011
320 Wagemakers, 2016
321 Wagemakers, 2016:314
322 Abu Ruman & Shteiwi, 2017:30
323 David Schenker, "Down and out in Amman: The rise and fall of the Jordanian Muslim Brotherhood" *Foreign Affairs*, October 1, 2013
324 Wagemakers, 2016

4.8 Conclusion and specification propositions

Now that the scope conditions and vulnerabilities to other communities in Jordan have been discussed, the propositions for the qualitative studies (P3 to P5) can be further specified for each treaty and the two time periods.

Proposition 3 proposes that state leaders who are vulnerable to the Western-oriented international community, and whose human rights compliance is monitored actively, will start a political dialogue. Together, these scope conditions are necessary and sufficient to trigger the proposed pathway. Consequently, for the CEDAW, we expect there to have been a political dialogue in the period after 9/11, but not during the Arab Spring.

> Proposition 3 (CEDAW). When decision-makers are (i) vulnerable to the human rights community and (ii) the human rights norms are closely monitored, they start a political dialogue to make an increase in compliance possible.
> - 3a (CEDAW). Jordanian decision-makers start a political dialogue to make an increase in range or degree in compliance possible in the direct aftermath of 9/11.
> - 3b (CEDAW). Jordanian decision-makers do not start a political dialogue to make an increase in range or degree in compliance possible during the Arab Spring.

Proposition 4 concerns the use of the consensus-creating strategies once the mechanism is triggered. It expects that the space state leaders have to create consensus on compliance is determined by their vulnerability to other communities and their norms' specificity. For the CEDAW, this means that Jordanian decision-makers had a fair amount of space in the first period, but very little space during the Arab Spring. We would therefore expect them to use the consensus-creating strategies to support a move towards compliance only in the first period and not in the second.

> Proposition 4 (CEDAW). Decision-makers whose vulnerability to other communities is low, when the norms of the communities in question are not very specified, have considerable space to use different strategies to find or create consensus when the communities' norms and human rights are a mismatch. Decision-makers who are very vulnerable to other communities whose norms are highly specified have very limited space to use different strategies to find or create consensus.
> - 4a (CEDAW). Jordanian decision-makers use many different strategies

to find or create consensus during the dialogue to make an increase in the range or degree of compliance possible in the direct aftermath of 9/11.

- 4b (CEDAW). (If dialogue present) Jordanian decision-makers cannot use different strategies to find or create consensus during the dialogue to make an increase in the range or degree of compliance possible during the Arab Spring.

Proposition 5 proposes the outcome that would logically follow from the findings of Proposition 4. For the CEDAW, we would expect an increase in the range or degree of compliance in the first period, while in the second we would not expect an increase.

Proposition 5 (CEDAW). Through political dialogues, decision-makers make an increase in compliance possible and acceptable despite initially mismatching norms. The more space they have to use different strategies, the greater the eventual increase in range or degree of compliance.

- 5a (CEDAW). Jordanian decision-makers make an increase in the range or degree of compliance possible and acceptable in the direct aftermath of 9/11.
- 5b (CEDAW). Jordanian decision-makers do not make an increase in the range or degree of compliance possible and acceptable during the Arab Spring.

The quantitative findings of Chapter 3 indicate that we cannot have similar expectations for the ICCPR, as the analysis suggests a different role for the international scope condition of vulnerability. While for the CEDAW, international vulnerability weakened the effect of domestic norms on compliance, this was not the case for the ICCPR. Moreover, international vulnerability actually seemed to decrease states' compliance. In this chapter, we have also seen how dependency on the Western-oriented international society, and the US specifically, resulted in support for its 'War on Terror'. Consequently, we would expect either no dialogue at all (P3), or if there were to be one, that it would at least be very different compared to the CEDAW (P4), and that it would somehow result in a decrease in compliance (P5). Because of these findings, the ICCPR study will have a more explorative approach. It will focus on investigating if there indeed was a political dialogue, if so, in which ways it was different from the one expected for the CEDAW, and why and how it may have led to a decrease in compliance.

Proposition 3 (ICCPR). When decision-makers are (i) vulnerable to the human rights community and (ii) human rights norms are closely monitored, they

start a political dialogue to make a decision on compliance possible.

- 3a (ICCPR). King Abdullah II of Jordan starts a political dialogue to make a decision on compliance possible in the direct aftermath of 9/11 (?).
- 3b (ICCPR). King Abdullah II of Jordan does not start a political dialogue to make a decision on compliance possible during the Arab Spring (?).

Proposition 4 (ICCPR). Decision-makers whose vulnerability to other communities is low, and when the relevant communities' norms are not very highly specified, have considerable space to use different strategies to find or create consensus when the communities' norms and human rights are a mismatch. Decision-makers who are very vulnerable to other communities whose norms are highly specified have very limited space to use different strategies to find or create consensus.

- 4a (ICCPR). (If dialogue present) King Abdullah II of Jordan could not use different strategies to find or create consensus during the dialogue to make a decision on compliance possible in the direct aftermath of 9/11 (?).
- 4b (ICCPR). (If dialogue present) King Abdullah II of Jordan could not use different strategies to find or create consensus during the dialogue to make an increase in compliance possible during the Arab Spring (?).

Proposition 5 (ICCPR). Through political dialogues, decision-makers make a decision on compliance possible and acceptable despite initially mismatching norms.

- 5a (ICCPR). King Abdullah II of Jordan made a decision on compliance possible and acceptable in the direct aftermath of 9/11 (?).
- 5b (ICCPR). King Abdullah II of Jordan did not make a decision on compliance possible and acceptable during the Arab Spring (?).