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# Patchwork compliance: political dialogues about contested human rights

Benneker, V.L.

**Citation**
Benneker, V. L. (2021, July 1). *Patchwork compliance: political dialogues about contested human rights*. Retrieved from https://hdl.handle.net/1887/3192803

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**Note:** To cite this publication please use the final published version (if applicable).

Cover Page

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**Author**: Benneker, V.L.
**Title**: Patchwork compliance: political dialogues about contested human rights
**Issue Date**: 2021-07-01

# Political dialogues about ICCPR compliance in Jordan

## 6.1 Introduction

The previous chapter showed how political dialogues resulted in an increase in compliance, but also in strong backlash effects against the treaty. This chapter on ICCPR's Article 18 has a similar starting point of mismatching norms and the same changing scope conditions.[515] Yet, the quantitative findings of chapter 3 indicated that if a political dialogue on religious freedom is present at all, it would be notably different from the one on women's rights.

This chapter finds that Jordanian decision-makers did start a political dialogue in response to Jordan's vulnerability to the Western-oriented international community and increased monitoring on norms regarding religious freedom. However, the dialogue did not have the aim of increasing compliance. Instead, the dialogue was used to make a new law in Islamic legislation possible that reaffirmed the status quo of religious freedom. In addition, the dialogue was instrumental in legitimizing the constraining of some extremist Islamist communities, as was demanded by the US. Subsequently, the dialogue made it possible to maintain the religious freedom of some groups and to decrease it for others. In the period after the Arab Spring, the US 'War on Terror' had ended, and with it the intensified monitoring. Consequently, we do not see the start of any new political dialogues on religious freedom either. Nevertheless, Jordanian decision-makers did aim to maintain the legislative status quo, and continued constraining some parts of religious freedom.

## 6.2 A dialogue to protect freedom to worship: 2001-2010

As Chapter 4 describes in more detail, Jordan had always carefully balanced its connections to the Arab-Islamic and domestic communities, in response to its significant involvement with and vulnerability to the Western-oriented international community. 9/11 and its aftermath significantly deepened the need for that balancing act. When the Bush administration leaked its Greater Middle East Initiative in February 2004, the Jordanian decision-makers "took that seriously, as Bush had bombed Iraq."[516] At the same time, the US actions were seen as a clash of civilizations within the Arab-Islamic international community. In that clash, Jordan needed to show it was on the Arab side – especially when it came to religion.[517] Domestically, the Jordanian decision-makers needed to address the increasing popularity of Salafism, but also the concerns that were growing among the Christian minority groups.[518]

515 See chapter 3 on the scope conditions at the start of the time period studied.
516 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
517 Al-Janhani 2007:14; Kayaogly, 2012; al-Shalabi and Alrajehi 2011; Gutkowski, 2016:208; Wiktoriwicz&Taji-Farouki, 2000
518 Gutkowski, 2016; Browers 2011; Al-Shalabi 2017; Al Shalabi and Alrajehi 2011

*Starting a dialogue: 'the Amman Message and the Three Points'*

By 2004 and right after the Greater Middle East Initiative was leaked, the King started a new dialogue which would become known as The Amman Message. It was a direct response to criticism from the Western-oriented community that blamed Arab-Islamic states for restricting religious freedom and encouraging extremism. At the same time, it was also directed at those communities who believed Arab-Islamic states should indeed limit religious freedom, including the freedom of 'other' Muslims such as Shi'as; "Today, the magnanimous message of Islam faces a vicious attack from those who, through distortion and fabrication, try to portray Islam as their enemy. It is also under attack from some who claim affiliation with Islam and commit irresponsible acts in its name."[519] The dialogue had to counter these "attacks" through creating a consensus on religious freedom for Muslims and non-Islamic religions.[520] Or, as the King described the goal of the dialogue in his own words: "in the end, this is a battle in which ideas are the most potent weapon."[521]

The dialogue started as a sermon on 9 November 2004, the holiest night of the month of fasting, Ramadan, in the Al-Hashimiyyin mosque in the capital Amman.[522] The sermon was led by the King's Advisor on Islamic Affairs and the Chief Justice Shaykh Tamimi, who had previously headed the Jordan First Committee. Even though the dialogue started from an inherently Islamic platform, it had the specific aim to address non-Muslims as well.[523] Prince Ghazi bin Muhammad bin Talal, the King's cousin who was chosen to lead the dialogue, would later declare that "the Amman Message expressly holds that non-Muslims can expect certain things from Muslims", such as religious freedom.[524]

*Participant selection for the Amman Message*

The choice for Prince Ghazi to lead the dialogue is telling. First and foremost, he was the King's special advisor and personal envoy, and from the Hashemite family. Consequently, the King could count on his loyalty, and the initiative could lean on the Hashemite legitimacy in religious matters. The Prince was a "highly respected Islamic scholar"[525], who emphasized the tolerant face of Islam and the value of interfaith communication.[526] At the same time, the King would later emphasize he was also recognized as a scholar within the Western-oriented community, as he holds a PhD from Cambridge University.[527]

Unlike other dialogue initiatives in Jordan, there is no public record listing the other

519 https://www.ammanmessage.com Last accessed 13 May 2021
520 Gartenstein-Ross, 2008
521 'Our last best chance', by Abdullah II, p.357
522 Markiewicz 2017:20
523 Browers, 2011:944
524 H.R.H. Prince Ghazi bin Muhammad bin Talal, "Introduction," in True Islam and the Islamic Consensus on the Amman Message (Amman, 2006), p. xxxiv; Gartenstein-Ross, 2010:13
525 Abdullah II 2012:257
526 Interview with Prince Ghazi by Prof. Tamara Sonn, 23 January 2012. Accessible at www.oxfordislamicstudies.com - last accessed 9 May 2018.
527 'Our last best chance', by Abdullah II, p. 355

members of the initiative. They are not mentioned in the final document itself, either. King Abdullah refers to them as "a group of leading Islamic scholars in Jordan" [528], and Prince Ghazi describes them as "some Jordanian scholars"[529]. Two members found through interviews were Shaykh Tamimi and Abbadi. Both were loyal figures within the Jordanian government and related to the Ministry for Awqaf and Religious Affairs. Shaykh Tamimi, especially, was known for having "deep Islamic thought" and enjoyed respect among different kinds of religious groups in Jordan.[530]

*Topic selection*

Addressing religious freedom through the ICCPR was not an option, as the treaty had little to no meaning in Jordan.[531] In 2004, the treaty was not officially ratified yet, meaning that it had no legal status at all, and there were no voices calling for ratification.[532] In fact, according to some; "For Jordanians, freedom of religion [through the ICCPR] equals fighting against Islam, and this is completely unacceptable. Human rights are conceived as foreign, European. We should not be taking those into consideration, because they are fighting Islam."[533]

Organizations and individuals working within the framework of international human rights treaties did not advocate implementation of Article 18 either. As one would later comment, "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."[534] Another stated; "I don't want to work within the ICCPR. We know the issues here in Jordan much better than some international body. We don't need these fancy international meetings. … The women's rights movement does this with CEDAW, and that is why they do not have any influence! … to hell with these international agreements!"[535]

Despite the fact that the ICCPR's understanding of religious freedom was controversial in Jordan, the treaty did not lead to open opposition either. According to some, it was because most people had no knowledge of the treaty.[536] But also for those who did know of its existence and of Article 18 in particular, the treaty was not perceived as something that would change anything on the ground. They believed other norms were considered more important, such as norms within the tribal community; "I personally believe the [religious]

528 Abdullah II 2012:355
529 Interview with Prince Ghazi by Prof. Tamara Sonn, 23 January 2012. Accessible at www.oxfordislamicstudies.com - last accessed 9 May 2018.
530 Interview 69, (Expert on law) interviews by Violet Benneker, Amman 2017
531 Interview 14 (Expert on law) interviews by Violet Benneker, Amman 2017
532 'Opinions and analysis 2', Walid M. Sadi, *Jordan Times Archives*, 23 June 2003
533 Interview 14 (Expert on law) interviews by Violet Benneker, Amman 2017
534 Interview 21 (International norm entrepreneur), interview by Violet Benneker, Amman 2017
535 Interview 55 (Political actor), interview by Violet Benneker, Amman 2017
536 Interview 76 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 69 (Expert on law), interview by Violet Benneker, Amman 2017; Interview 37 (Political actor), interview by Violet Benneker, Amman 2017.

balance was maintained not because we have super laws, but because of tribal law. Let's take an example. If you go to the desert, people do not have the hierarchy of the cities. They have their own law, they have their own code of conduct, their own code of… social codes, let's say. And everybody respects that. If you receive a guest, they call it the guest of God [regardless of the religion]. That means he is sacred."[537]

Moreover, conversion was considered a taboo, and it was expected that people would not be looking to convert anyway; "[a convert] will be declared dead. […] It was never applied in Jordan [by the state], but it might be applied by his own family. They will decide to kill him, because according to Islam you cannot leave Islam. You cannot convert to a different religion. […] We have a very moderate state that does not apply this law. Practically speaking. But families would apply it.[538]

Discussing religious freedom from within Arab-Islamic norms, instead of the ICCPR, made more sense, even to the liberals in Jordan who in principle would agree with the ICCPR's norms; "We can only talk about religious freedom from an Islamic perspective, using the Islamic discourse. This is why the Amman Message was possible, and nothing else."[539] And, "We have to play on their playground when it comes to religious freedom."[540]

The sermon of 9 November 2004 addressed several communities at the same time. It touched upon relations between Muslims, but also the relations between Muslims and other religions. The sermon emphasized that the core values of Islam are compassion, mutual respect, tolerance, acceptance and freedom of religion,[541] and started with the quote that is often used to demonstrate that tolerance of other groups and religions is at the heart of Islam; "In the Name of God, the Merciful, the Compassionate. Peace and blessings upon His chosen Prophet, and upon his household, his noble blessed companions, and upon all the messengers and prophets. God Almighty has said: 'O humankind! We created you from a male and female, and made you into peoples and tribes that you may know each other. Truly the most honored of you before God is the most pious of you. (49:13)'." The first part, referring to "all the messengers and prophets" acknowledges Jesus Christ as a prophet in Islam. The second part is often interpreted as God's intention for different groups and religions to meet and accept each other.

Furthermore, the sermon emphasized how much Muslims share with believers of other religions; "Together, these are principles that provide common ground for the followers of religions and [different] groups of people. That is because the origin of divine religions is one, and Muslims believe in all Messengers of God and do not differentiate between any of

537 Interview 12 (Expert on religion), interview by Violet Benneker, Amman 2017
538 Interview 12 (Expert on religion), interview by Violet Benneker, Amman 2017
539 Interview 14 (Expert on law) interviews by Violet Benneker, Amman 2017
540 Interview 55 (Political actor), interview by Violet Benneker, Amman 2017
541 Browers, 2011:945

them. Denying the message of any one of them is a deviation from Islam. This establishes a wide platform for the believers of [different] religions to meet the other upon common ground, for the service of human society." Finally, the sermon asserted that "Islam honors every human being, regardless of his color, race or religion", and that "Islam calls for treating others as one desires to be treated. It urges the tolerance and forgiveness that express the nobility of the human being", and calls upon Islam's "noble principles and values that verify the good of humanity, whose foundation is the oneness of the human species, and that people are equal in rights and obligations."

King Abdullah would later introduce the Message by writing that "as all true Islam forbids wanton aggression and terrorism, enjoins freedom of religion, peace, justice and goodwill to non-Muslims, it is also a message of good news, friendship and hope to the world." This message was fully within the Jordanian Hashemite tradition of accepting other (Christian) religions, which the kings before Abdullah had built.[542] In addition, it was not perceived as a Western import and was connected to existing Arab-Islamic norms. The Arab-Islamic freedom to worship is usually described as a "mosaic" of different religions and ethnicities living in peace with the Sunni Arab majority.[543]

However, this version of religious freedom was the subject of much discussion within the Arab-Islamic community itself. It was not something everyone agreed with. Salafi scholars, in particular, contested whether the Amman Message had the right understanding of the concept. For instance, Shaykh Abdel Mohsen al-Abbad, an eminent Salafi scholar in Medina, commented with regard to the Message that "as for saying that all religions … are all valid and true and equal, this is the most invalid and repellent of statements."[544] Salafist author Abu Mo'adal Tahir commented that "this Message consisted of many and big deviations that revoke the principles of the nation of Islam. … it stated that… it is necessary to honour human beings regardless of their faith!".[545] The Saudi professor of Islamic law, Rabee' al Mudali, critiqued the Message because it "incorporates a call for the unity and brotherhood of religions and brotherliness and affection among the followers of religions, [and] equality of religions".[546] Abu Mohammad Al-Maqdisi, who is considered the Jordanian founding father of Jihadi-Salafism, wrote the pamphlet 'The Amman Message: A Correction of Concepts'. In it, he stated that since the Amman Message considered Muslims and non-believers equal, it was clear "that those who wrote the Amman Message do not understand the true nature of Islam".[547]

But even though not all within the Arab-Islamic community agreed on the content of the

542 Browers, 2011
543 Gutkowski, 2016:216
544 Al-Shalabi, 2017:141
545 Al-Shalabi, 2017:140
546 Al-Shalabi, 2017:141
547 Al-Shalabi, 2017:142

Message, King Abdullah and Prince Ghazi wanted to make it a recognized and legitimate law within that community. When Shaykh Tamimi presented the Amman Message for the first time, Prince Ghazi knew it would not be "sufficient in itself" to gain real legitimacy or authority within Jordan or the Arab-Islamic international community.[548] Therefore, shortly after its release, the Prince advised the King to have the Message ratified under Islamic law.[549] There is not one leading authority within Islam that can declare new rules or norms. Instead, the Message needed to gain universal acceptance under leading Islamic scholars from different Islamic schools for it to be considered ratified.[550]

Prince Ghazi therefore filtered the Message down to three questions all scholars might agree upon: (i) Who is a Muslim? (ii) Is it permissible to declare someone an apostate? (iii) Who has the authority to issue a fatwa? This filtering down meant significant parts of the original sermon were left out;[551] "the Amman message seems to be one of strategic silences in regard to points on which consensus is not possible."[552] Notably, the three questions only focused on religious freedom within the Muslim community, by trying to outline who should be considered a Muslim and who an apostate. The rights of other religions within Islam, which formed a considerable part of the original sermon, were left out. The more controversial topics of religious freedom, too, which could not be included in the sermon, were not addressed in the three questions either. For instance, the question of whether it is permissible to declare someone an apostate does not touch upon whether a Muslim has the right to become an apostate or atheist or is allowed to convert to another religion if he or she so desires, and without being punished. The Amman Message discussed religious freedom, but that was considered something very different from the right to convert; "[religious freedom] literally means freedom for worship. That the Christians can go to the church to pray, and Muslims can go to the mosque to pray. That does not mean that you can convert. Socially speaking, [people] do not believe in that. Not as many believe in that, that is. [Interviewer: being that… conversion is an option?] Well, that religious freedom is in that sense *freedom*."[553]

*Participant selection for the Amman Message's Three Points*

The three questions that were filtered from the original sermon were sent to 24 leading Islamic scholars from the four main schools of Sunni Islamic jurisprudence (Hanafi, Maliki, Shafi and Hanbali), and the two main Shi'a schools (Jafari and Zaidi), the Ibadhi school (a movement dominant in Oman) and the Thahiri scholars. On the whole, these were all scholars with "towering reputations" within the Muslim community, which would ensure

548 Interview with Prince Ghazi by Prof. Tamara Sonn, 23 January 2012. Accessible at www.oxfordislamicstudies.com - last accessed 9 May 2018.
549 Markiewicz, 2017:24
550 Markiewicz, 2017:25
551 Interview 55, (Political actor), interview by Violet Benneker, Amman 2017; Gutkowski, 2016
552 Browers, 2011:945; Gartenstein-Ross, 2008
553 Interview 12 (Expert on religion), interview by Violet Benneker, Amman 2017

the legitimacy of the outcome in the Muslim community.[554]

Sending it out to scholars from both Sunni and Shi'a schools demonstrates the intention to counter the 'takfir' practices from Jihadi-Salafists, who considered Shi'as apostates.[555] In addition to excluding these Salafist groups, other sects or groups of Muslims were not invited either to provide an answer to the three questions. It is likely that the identity of these groups - such as the Alawites and the Ahmadis - as Muslim was too contested.[556]

*Acceptance and rejection*

On 4 July 2005, after the answers were collected, King Abdullah and Prince Ghazi invited two hundred Muslim scholars from fifty countries including Saudi Arabia, Iran, Turkey and Egypt, to a conference in Jordan's capital Amman.[557] The careful condensing of the original sermon into three questions and selection of the scholars to answer them turned out to be effective strategies to make sure at least a part of the Amman Message could be broadly accepted, and thus ratified in Islamic law. By 6 July, all participants of the conference in Amman had agreed on what, from that moment onwards, was called 'the Three Points of the Amman Message': (i) a Muslim is someone who adheres to one of the four Sunni schools of Islamic jurisprudence, one of two Shi'i schools, or the Ibadi, Thahiri or Ash'ari schools of Islamic jurisprudence, Islamic mysticism (Sufism) or 'true' Salafism; (ii) Any person who adheres to any of these schools of law cannot be declared *kafir* (an apostate); (iii) Only qualified muftis may issue fatwas and only within the interpretative boundaries of the eight *madhahib* (schools of jurisprudence).

The answers to the three questions effectively meant that the freedom to practice their religion was guaranteed for Muslims belonging to the Islamic schools named in the First Point. The freedom to practice religion for some of the smaller schools or sects is not covered in the first point. However, the second point allows for tolerance towards these communities, because communities who accept the articles of faith and the five pillars of Islam cannot be called apostates.[558]

Despite, or more likely because of, the fact that this seems a strong watering down of the original sermon, it resulted in widespread acceptance after the conference by the leaders of the Arab-Islamic community. The Three Points were again ratified in the September of that year by a conference in Mecca, and the following November by two conferences in Kuwait and Jordan. In December, the Organization of the Islamic Conference (OIC) did the same. The Three Points continued to garner signatures all through the following year.

554 Gartenstein-Ross, 2008:18
555 Wagemakers, 2016; Gartenstein-Ross, 2008:14
556 Browers, 2011:945; Gartenstein-Ross, 2008:14-15
557 'Our last best chance', by Abdullah II, p. 356
558 Browers, 2011:946

By July 2006, the Three Points had been signed by 552 scholars and political leaders.[559] It became "widely cited by the political elite in the Arab region as evidence of the tolerant and peaceful character of Islam."[560]

As well as gaining approval from within the Arab-Islamic community, the Message was also praised by states from the Western-oriented international community. For instance, the US Department of State Report on International Religious Freedom of 2006 reports on the Message and the conference with approval. The US Embassy in Jordan funded at least one of the conferences held on the Amman Message in 2005.[561] The EU funded the spreading of the Amman Message within Jordan and the Arab-Islamic community.[562]

Only the ICCPR Committee remained critical. Jordan's country report to the Committee listed the Amman Message as proof of its compliance with Article 18.[563] In response, the Committee reiterated "its concern at the restrictions on freedom of religion, including the consequences of apostasy from Islam such as denial of inheritance, and the non-recognition of the Baha'i faith (Art. 18). The Committee reiterates its 1994 recommendation that the State party should take further measures to guarantee freedom of religion." [564]

Domestically, the Amman Message did not meet with significant opposition from anyone other than the Jihadi-Salafists. Allegedly, the Muslim Brotherhood was suspicious at first. Yet, when the Message was ratified by an increasing number of Islamic scholars and leaders, they also became willing to support it. According to Prince Ghazi, after "a controversial period" the Jordanian Brotherhood issued a statement on 12 June 2006 that affirmed their adherence to the Amman Message and its Three Points.[565]

*Maintaining the status quo of compliance through the Amman Message*

The Three Points of the Amman Message were ratified as Islamic law on 6 July 2005 and had gained acceptance from most communities after that, including the Arab-Islamic and Western-oriented community, even though the ICCPR Committee remained critical. The next steps were, among others, "to introduce it through pragmatic and institutional means" into national legislation, and to "mak[e] it part of the training of mosque Imams and mak[e] it included in their sermons."[566]

559 http://ammanmessage.com/grand-list-of-endorsements-of-the-amman-message-and-its-three-points Last accessed 13 May 2021
560 Browers, 2011:943
561 US State Department report – Jordan, 2006
562 For instance, leaflets and brochures available at the University of Jordan and the Royal Institute for Interfaith Studies are funded by the EU, as are workshops on the Amman Message in Jordan (Mads Nørgaard-Larsen, "Workshop seeks promotion of Amman Message in civil society", *Jordan Times*, August 14, 2012, Jordan Times Paper Archive in Amman)
563 ICCPR/C/JOR/2009
564 ICCPR/JOR/CO/4
565 https://ammanmessage.com/introduction/11/ Last accessed 23 June 2018
566 http://ammanmessage.com/frequently-asked-questions/#10 Last accessed 23 June 2018.

In practice, this meant much of the legislative status quo of Jordan could be maintained. Muslims from the different schools already had the freedom to worship and practice their religion. The non-violent, so-called 'quietist' Salafis were given that freedom too, as they were now considered 'true' Salafists from the government's point of view.[567]

As the Three Points had not addressed relations with other religions or conversion, it was also possible to maintain that legislative status quo. Despite the ICCPR Committee's criticism of the restrictions to religious freedom in Jordan, it seems that the elaborate praise by the states in the Western-international community of Jordan's commitment to religious freedom as displayed by the Amman Message, was sufficient for the Committee's concerns to be ignored.

The Amman Message also provided the Jordanian decision-makers with a framework to crack down on Jihadi-Salafists without being accused of attacking Islam or Salafism, or joining the American side in its War on Terror or the 'clash of civilizations'. That crackdown came after 9 November 2005, when Jordan experienced the largest terrorist attack ever on its soil. In an attack on three big hotels in Amman, the suicide bombers killed 60 and injured many more. The attack was claimed by Al-Qaeda in Iraq, that was led by the Jordanian Jihadi-Salafist Al-Zarqawi.

Some of the measures taken after the bombings could be described as decreasing religious freedom. Yet, these measures were fully in line with what was now the understanding of religious freedom as outlined in the Amman Message and its Three Points. Moreover, these measures seem to have been aimed at protecting that understanding of religious freedom. For example, government passed a law that year that made sure that sermons and classes in mosques were controlled by the government, in order to make sure no inflammatory language, for example against different types of Muslims, was used. All Muslim imams and teachers needed written approval from the Ministry of Religious Affairs for their trainings and sermons.[568] The Amman Message's programme had already encouraged governments to interfere in such religious practices, by stating that governments needed to make it "part of the training of mosque imams and mak[e] it included in their sermons."[569]

Another example is the law that was approved in 2006, which sought to make sure that only state-appointed councils could issue fatwas, and to make it illegal to criticize these fatwahs. The Third Point of the Amman Message had already limited the legality of the issuing of fatwas, by stating that only "qualified muftis may issue fatwas and only within the interpretative boundaries of the eight *madhahib* (schools of jurisprudence)." The state-appointed councils adhered to both requirements.

567 Wagemakers, 2016:235-255
568 US Department of State, Jordan Country Report on Human Rights Practices 2006
569 http://ammanmessage.com/frequently-asked-questions/ Last accessed 23 June 2018.

These two laws were adopted in order to curb the influence of the Jihadi-Salafist agenda, and that larger-scale strategy was not in contradiction with the overall Amman Message either. The Amman Message had made the Jihadi-Salafist legitimation of their violent activities illegal, by stating that any person who adheres to any of the identified Islamic schools could not be declared *kafir*. [570] Moreover, the answer to the first question 'who is a Muslim', allowed for a distinction to be made between "moderate Salafi Islamic thought" and Jihadi-Salafists. Or, as the official Amman Message's Three Points state, "it is neither possible nor permissible to declare whosoever subscribes to *true* [emphasis added] Salafi thought an apostate."[571] Consequently, the government could step up repression of Jihadi-Salafists, but at the same time co-opt the peaceful, or so-called 'quietist' Salafis to become "part of the regime's efforts to spread and promote a 'moderate' type of Islam".[572] Or, as Lieutenant-general Husayn al-Majali as head of General Security stated; "We would like to distinguish between the peaceful Salafi trend [and violent Salafis]. There are many [of the former], like Shaykh al-Halabi. We have great respect for him and his group and their loyalty to the Hashemite leadership, to the ruler".[573] The government's clear separation of these groups was emphasized even more when the leading quietist Salafi in Jordan, 'Ali Al-Halabi, was invited to give a sermon in the presence of the King, right after the terrorist attacks by Jihadi-Salafists.[574]

In short, the Amman Message made it possible for the government to tackle the growing influence and support of the Jihadi-Salafists.[575] Religious freedom within Jordanian mosques decreased as a result, yet without it appearing as un-Islamic to domestic and Arab-Islamic communities. At the same time, it provided the government with a framework that allowed it to maintain its existing restrictions on religious freedom that the ICCPR Committee had pointed out, without appearing to the Jordanian Christian communities and the Western-oriented international community as being against religious freedom.

In the years following its publication, The Amman Message was used to organize many international interfaith meetings and initiatives, which greatly benefitted Jordan's reputation on religious freedom within the Western-oriented community. [576] Instead of demanding more religious freedom or more reform, maintaining the status quo was considered by the Western-oriented international community to be an accomplishment in itself. Projects and speeches on the Amman Message were given on a continuous basis, and received support, funding and approval from the Western international community. For example, the Message was actively used in programmes on religious freedom paid for by the EU,

570 Wagemakers 2016:235
571 http://ammanmessage.com/the-three-points-of-the-amman-message-v-2/ Last accessed 19 June 2018.
572 Wagemakers, 2016:235
573 Wagemakers, 2016:235
574 Wagemakers, 2016:235-255
575 Abu Rumman & Shteiwi, 2018:27
576 See, for instance, the 2005 'Amman Interfaith Message', the 2007 Muslim-Christian initiative 'A Common Word' and the 2010 'UN Interfaith Harmony Week' as initiated by King Abdullah.

not only in Jordan and the Arab-Islamic community, but also in Europe itself.[577] Faith-based organizations, such as the Royal Institute for Interfaith Studies, established under the patronage of the Jordanian Prince El Hassan bin Talal, developed international trainings and outreach initiatives.[578] In 2014, the Amman Message was praised by the UN Special Rapporteur on Freedom of Religion or Belief Heiner Bielefeldt, who commended "the Government of Jordan for its commitment to religious diversity in the country and within the broader Arab region" and described the country as a safe haven of religious moderation in a volatile region.[579] In the report of his mission to Jordan in 2014, he writes that Jordanians "acknowledged and appreciated Jordan's role as a voice of religious moderation in the region, as evidenced in the 'Amman message' of 2004 … , which presents Islam as a religion of open-mindedness that promotes amicable relations with adherents of other faiths."[580]

## 6.3 Maintaining the status quo of religious freedom: 2011-2017

While there was considerable international praise for the Amman Message and Jordan's perceived commitment to religious freedom within the Western-oriented international community, discussions within the other communities on religious freedom were far from over. In the Arab-Islamic and Jordanian communities, discussions on religious freedom and particularly on the role of religion in the Jordanian state further intensified during the Arab Spring and its violent aftermath in the region.[581]

Ibn 'Abd al-Khaliq, an influential political Salafist writer, stated; "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."[582] In 2013, Islamists in parliament tried and failed to push a bill to harmonize Jordanian legislation with Sharia law.[583] These developments led to such anxiety among the Christian minorities that some started to leave Jordan.[584]

As the following section demonstrates, King Abdullah responded by attempting to maintain the legislative status quo, but not through initiating another political dialogue to make compliance

577 Rula Samain, "Inter-faith project institute embarks on project to promote Amman Message: Arab world, Europe targeted with effort", *Jordan Times*, January 13, 2013, Jordan Times Paper Archive in Amman
578 See, for instance, http://www.riifs.org/ar/Home Last accessed 17 April 2021.
579 A/HRC/25/58/Add.2, p.1
580 A/HRC/25/58/Add.2, p.1
581 Wagemakers, 2016
582 Wagemakers, 2016:314
583 David Schenker, "Down and out in Amman: The rise and fall of the Jordanian Muslim Brotherhood" *Foreign Affairs*, October 1, 2013
584 Rula Samain, "Christian emigration: mildest in Jordan vis-à-vis the region, but worrying enough", *Jordan Times*, January 8, 2011, Jordan Times Paper Archive in Amman

possible.[585] Instead, he did so by writing so-called 'discussion papers', heavily regulating the public debate, and repressing those criticising Islam as well as radical Islamists. The dialogues that were initiated in Jordan as a response to the domestic protests described in Chapter 5, never discussed religious freedom. Moreover, none of the evidence indicates that the King's discussion papers were a result of a political dialogue initiated in response to demands made by the Western-oriented community. First of all, there was no committee of political actors or representatives of different communities involved that were meant to discuss legislation and come to a common understanding. Instead, these papers were written and signed by the King only. There was no decision-making process with the aim of making a legislative change in either Jordanian or Islamic law possible or acceptable, in order to avoid sanctioning by the Western-oriented international community. Instead, the papers were meant to "encourage debate about our progress as a nation", and did not aim for or achieve legislative change or renewed policies or commitments on religious tolerance or freedom.[586]

*The debate on the civil state*

As in previous years, the ICCPR was not used at all in the King's attempts to maintain the status quo. Instead, the national debate became centred around the concept of creating a 'civil' or 'civic' state.[587] This term had been used extensively during and after the Arab Spring by both Islamists and secularists in countries across the Arab-Islamic community, such as Egypt and Tunisia.[588]

Even though the King officially encouraged this debate,[589] not everyone could freely participate in it. The state carefully regulated who was allowed to participate and with which message.[590] Individuals who insulted Islam, or who touched upon other "sensitive issues" were actively repressed through press gag orders.[591] For example, the writer Nahed Hattar was arrested for "insulting religion" after he posted a cartoon of the Prophet Mohammed on his Facebook page.

585 When the Arab Spring protests hit Jordan, King Abdullah announced the formation of two committees; one was to discuss a new electoral law, and the other a new constitution, which is discussed in Chapter 5. This project has not found evidence that either of these committees discussed a change in religious freedom, which is why they are not discussed in this chapter. However, there was a very strong presence of Islamists demanding Islam be used as the basis for the state across the region during the Arab Spring. Therefore, it is seems likely that religion as a matter of the state was discussed, but that it is much harder to find proof of this given that political demands of Islamists and especially Salafists are considered a security threat by the Jordanian government. At the same time, it remains a possibility that the Constitutional Committee did not discuss demands to use Islam as the basis for the state, because the Islamic identity and nature of the state was already enshrined in Article 2 of the Jordanian Constitution, which reads: "The people of Jordan form a part of the Arab Nation" and "Islam is the religion of the state", and the legitimacy of Sharia law and courts was also already captured by Articles 104, 105 and 106 of the Constitution.

586 'Our journey to forge our path toward democracy' King Abdullah II, Accessible via https://kingabdullah.jo/en/discussion-papers/our-journey-forge-our-path-towards-democracy, Last accessed 25 May 2018

587 Interview 21 (International norm entrepreneur), interview by Violet Benneker, Amman 2017

588 Larbi Sadiki, 'Civic Islamism: The Brotherhood and Ennahdha: A new political trend of Islamism has taken hold since the Arab Spring – one that is inclusive and moderate.' 15 November 2011, *Al Jazeera*.

589 'Our journey to forge our path toward democracy' King Abdullah II, Accessible via https://kingabdullah.jo/en/discussion-papers/our-journey-forge-our-path-towards-democracy, Last accessed 25 May 2018

590 Interview 44 (Political analyst), interviews by Violet Benneker, Amman 2017, The Hague 2018; Freedom House, *Freedom in the World: Jordan*, 2016, 2017; U.S. Department of State, *Human Rights Reports: Jordan* 2015, 2016, 2017

591 Human Rights Watch Country Report: Jordan 2016

He was later murdered on the steps of a court house by a Jordanian extremist.[592]

Those seen as advocating more extremist versions of Islam were also actively repressed. One of those movements was the Muslim Brotherhood. In 2015, deputy leader Zaki Bani Irsheid was jailed and a further crackdown on the movement continued throughout that year.[593] By the time of the election in September 2016, Zaki Bani Irsheid, who had by then been released, had changed tactics significantly: "Now is the time for us to evolve from an Islamist movement to a national, inclusive movement that speaks for the aspirations of all Jordanians" he stated, "We needed to change in order to survive." Election banners called for "reform" and "renaissance of the homeland, dignity for the citizens". The movement no longer advocated the aligning of national legislation with Sharia law, and had for the first time selected four Christian candidates to run on their list.[594]

Other organizations and groups who were allowed to participate were, for instance, the Royal Aal Al-Bayt Institute. This institute was closely aligned with the government's agenda on religious freedom, and had also cooperated in spreading the Amman Message. They held a conference on what a "modern, viable and sustainable Islamic state enterprise" should look like.[595] The Al-Quds Centre organized a conference to discuss the place of Christians in Arab countries, urging government "to implement political reforms granting Christians fully-fledged citizenship to put an end to discrimination."[596] Even some women's rights organizations became involved in the discussion on the civil state; "we will hold workshops on secular ideologies that would counter takfirist and extremist thoughts. … we strongly believe that it is of utmost importance to explain these concepts that would eventually help in establishing a civil state."[597]

Yet, the organization that would come to dominate the discussion on the civil state was the Ma'an movement, which was most active in the months running up to the September 2016 elections.[598] Though Ma'an was threatened by some Jordanian groups, they were able to

592 'Suspect in Hattar's murder identified' 25 September 2016, *Jordan Times Archive*
593 'Muslim Brotherhood leader sentenced to 1.5 years in jail' 15 February 2015, *Jordan Times Archive;* 'Muslim Brotherhood choices' Daoub Kuttab, 29 April 2015, *Jordan Times Archive;* 'The King and the Islamists' https://www.foreignaffairs.com/articles/jordan/2016-05-03/king-and-islamists Last accessed 30 May 2018; Muslim Brotherhood to sue unlicensed group for failure to vacate offices' 15 July 2015, *Jordan Times Archive'*; 'Authorities close more Muslim Brotherhood offices, others to follow', 14 April 2016, *Jordan Times Archive.*
594 https://www.washingtonpost.com/gdpr-consent/?destination=%2fworld%2fmiddle_east%2fa-rebranded-muslim-brotherhood-attempts-a-comeback-in-jordan%2f2016%2f09%2f19%2fb9be80a6-7deb-11e6-ad0e-ab0d12c779b1_story.html%3futm_term%3d.1d2236aa3bca&utm_term=.1d2236aa3bca Last accessed April 16 2021.
595 "A modern, viable and sustainable Islamic state enterprise", *Jordan Times*, August 22, 2013, Jordan Times Paper Archive in Amman
596 Elisa Oddone, "Scholars call for full citizenship rights for Christians across region: Participants at Amman conference discuss future of Arab Christians", *Jordan Times*, September 30, 2013, Jordan Times Paper Archive in Amman
597 Rana Husseini, "Jordanian Women's Union to fight for establishing civil state", *Jordan Times*, September 25, 2014, Jordan Times Digital Archive in Amman
598 "Young Islamists and the civil state in Jordan", *Jordan Times*, April 11, 2018, Jordan Times online; Ryan, 2018:144

advocate their program. Considering that many other attempts to form political parties or movements had been and were actively frustrated by the government, this is remarkable. It seems likely that the government at a minimum tolerated the party for its role in countering the Islamists' influence, since it was allowed to run in the elections the way it did.

Ma'an wanted to advocate for full religious freedom and equal treatment of all religious communities by separating religion from the state. Yet, the movement was very careful in developing its strategy. They kept an eye not only on the state's red lines, but also on the taboos within Jordanian society. They kept track of cultural and religious red lines as well as those of the state, and of how their messages came across within the Jordanian population, by carrying out research.[599] So, while the movement was in favor of secularism, they did not advocate for it directly. Other topics, too, such as the Islamic identity of the state that is enshrined in Article 2 of the constitution, were considered completely off bounds and could not be raised in the campaign or after it. [600]

Other topics were reframed. As a result, the Ma'an movement did not talk about freedom of religion. Instead, they argued that the civil state is like Medina, where Christians and Jews and Muslims had the freedom to pray and practice their religion.[601] As the movement adapted its strategies to the state's and society's red lines, it fully remained within the normative status quo and the Amman Message. Still, the movement was often accused of apostasy and was seen as a threat by religious extremists.[602]

In the election of 2016, the Ma'An movement won two seats in the third district of Amman. This district is generally considered a liberal district with a considerable number of Christians. Khaled Ramadan won an open list seat, while Kais Zayadin won a Christian quota seat. Yet, even though Ma'an were now present in parliament, there was still little opportunity to advocate any legislative change. This is first and foremost due to the very limited power that parliament has in the Jordanian political system. In addition, this is because Ma'an was met with a lot of resistance from other members of parliament, such as the Muslim Brotherhood, and from other communities outside of parliament.[603]

The Muslim Brotherhood won 10 seats. Considering the electoral system in Jordan was designed in such a way to ensure the traditional supporters of the monarchy won the most seats, this can be considered a win, and a show of support from the population after the government crackdown on the movement. The other parties that won the most seats were government-approved (moderate) Islamists as well, such as the ZamZam initiative (5 seats)

599 Interview 43 (Political actor), interview by Violet Benneker, Amman 2017
600 Interview 15 (Political actor), interview by Violet Benneker, Amman 2017
601 Interview 15 (Political actor), interview by Violet Benneker, Amman 2017
602 Interview 56 (Political actor), interview by Violet Benneker, Amman 2017
603 Interview 15 (Political actor) interview by Violet Benneker, Amman 2017

and the Wasat party (7 seats).[604]

Right after the elections, the King published his sixth discussion paper called 'Rule of Law and the Civil State'. It directly addressed the Islamist and secular sides of the discussion on the civil state: "the term 'civil state' has been actively debated recently. Some even contested the concept, which seems to be the result of confusion and lack of understanding for what it really stands for." The King defined the civil state as based within the rule of law, and as based within Islam. Consequently, "the reform-minded people find what they like in that one part, and the Islamists like the other part", but it does not result in actual reform.[605]

The first part describes the civil state as one that "is governed by a constitution and laws that apply to all citizens without exception. … It is a state built on peace, tolerance and harmony and is distinguished for respecting and safeguarding pluralism, respecting different opinions and protecting all members of the community, regardless of their religious or intellectual affiliation. … It guarantees religious freedom for its citizens and enroots tolerance and respect for others in society." It then continues with the 'second version' of the civil state, which is based within Islamic understandings: "These principles constitute the essence of a civil state. This is not synonymous with a secular state. In a civil state, religion is a key contributor to the value system and social norms. Religion is also enshrined in our constitution." The paper continues by outlining how the civil state is indeed built on Islam; "in the conducts of Prophet Mohammad, peace be upon him, we find a great inspiring example in the Medina Charter after he migrated from Mecca to Medina, with the aim of regulating the relationship between all sects and groups in the city. … it established respect and protection of religious freedom and worship, social solidarity, protecting non-Muslim citizens and non-Muslim minorities as well as exchanging counsel and acts of charity among Muslims, people of monotheistic faiths and others."

Most actors interviewed agreed with the King's idea of a civil state, including Islamists, tribal leaders and liberals.[606] This had the result that "everyone finds something they agree on when they talk about the civil state. But they all talk about something else."[607]

## 6.4 Conclusion

The quantitative study in Chapter 3 found that international vulnerability did not mediate the negative correlation between the presence of communities whose norms are a

604 Ryan, 2018:145
605 Interview 55 (Political actor), interview by Violet Benneker, Amman 2017
606 Interview 34 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 25 (Political actor), interview by Violet Benneker, Amman 2017; Interview 15 (Political actor), interview by Violet Benneker, Amman 2017; Interview 20 (Political actor), interview by Violet Benneker, Amman 2017
607 Interview 55, (Political actor), interview by Violet Benneker, Amman 2017

mismatch with human rights and levels of compliance. Even more so, it suggested that international vulnerability was negatively correlated with compliance. States that were dependent on US or EU aid were more likely to repress religious freedom. Following those findings, a more explorative approach was necessary in this chapter to investigate whether a political dialogue was actually triggered by the scope conditions of vulnerability and norm monitoring (P3a), and if so, in which way this dialogue was different (P4a) to such an extent that it led to a decrease in compliance, rather than to an increase (P5a).

As the evidence on the post 9/11 period and the Amman Message suggests, a political dialogue was still triggered by conditions of international vulnerability and intensified norm monitoring by the Western-oriented international community, which supports Proposition 3a. However, there is a considerable difference in the nature of the scope conditions and the normative mismatch. The mismatch was not necessarily due to a Western-oriented international community that demanded an increase in religious freedom for all, while other communities had the opposite normative preferences. Rather, powerful states in the Western-oriented international community, most notably the US, demanded religious freedom for some non-Islamic religions, and repression of some other Islamic groups. Though these states were thus not demanding full compliance with Article 18, there is still a mismatch; Arab-Islamic and some domestic communities believed religious freedom for non-Islamic religions should decrease, and rejected US demands on repression for Islamic groups. Consequently, a political dialogue to respond to pressure from the Western-oriented international community was still necessary, but not to make an increase in compliance possible. Rather, it was necessary to maintain acceptance of the normative status quo of religious freedom for some non-Islamic religions, and to legitimize repression of other extremist Islamist groups from within an Arab-Islamic framework. In addition, the finding that the dialogue was also used to legitimize repression of extremist groups suggests that international vulnerability and norm monitoring do not always create the need to move towards compliance, but a need to move towards any preferences – whichever those are – of the Western-oriented community. This means the framework of the political dialogue is useful not only to understand human rights implementation, but can potentially also be valuable to analyse other types of international pressure on national decision-making processes.

It was expected that there would be very little to no space to create consensus on compliance with Article 18 (P4a), in particular due to the strong taboos on some topics of religious freedom, such as on conversion or atheism. That is indeed what the evidence discussed in this chapter suggests, and particularly the processes of participant and topic selection make the very limited space to create consensus on compliance visible.

At the start of the development of the Amman Message, there was still some space to select

the King's cousin and other loyal Jordanian statesmen to work on the sermon. However, as the Jordanian decision-makers wanted the Amman Message to be taken seriously within the religious Jordanian and Arab-Islamic communities, options to select participants became extremely limited, and needed to follow the rules of Islamic law ratification. There was also extremely limited space to select the topics of the dialogue. The Amman Message and its Three Points were discussed from within a religious framework, even though they were commissioned by the King and had clear political aims. It was not possible to discuss religious freedom from within a human rights framework, and it was also never a topic for political committees such as Jordan First or the National Agenda as discussed in Chapter 5. Keeping within the religious framework meant it was not possible to go beyond many of the red lines. While the Amman Message sermon was already limited to discussing religious freedom for other, mostly Christian, communities, even this had to be dropped during the rest of the process and development of the Three Points.

No evidence suggests that the dialogue on the Amman Message created a backlash effect similar to the one against the CEDAW described in Chapter 5. However, criticizing anything related to religion or the royal family was not allowed in Jordan. In addition, especially the Islamists and Salafists experienced strong repression from the Jordanian government. Consequently, it remains difficult to judge whether the lack of backlash was because of this repression, or because the dialogue created a consensus among the different communities. However, also in off-the-record interviews and in informal talks, the impression was never given that communities other than the Jihadi-Salafist community had actually wanted to mobilize against the Amman Message. Therefore, it is probable that the outcome of the dialogue indeed demonstrated a consensus that was acceptable to most communities, and therefore enabled the maintaining of part of the normative status quo on religious freedom and decreasing it for specific Islamic communities (P5a).

In the period after the Arab Spring, Jordan remained vulnerable to the Western-oriented international community, but the intensified monitoring that occurred during the US War on Terror decreased. In addition, Jordan received continued praise on its Amman Message and this strengthened its reputation as a state committed to religious freedom amid an increasingly destabilizing environment. As is in line with Proposition 3b, a political dialogue did not occur. However, it is difficult to judge whether this is due to a change in the scope condition of monitoring, or because of the Amman Message's success in affirming Jordan's reputation on religious freedom with the Western-oriented international community, or both. Still, some Jordanian and Arab-Islamic communities actively questioned and contested the Islamic character and legislation of the Jordanian state. Jordanian decision-makers responded with repression of these extremist groups, as well as repression of those considered to be criticising religion and Islam specifically. In addition, the King encouraged

(and heavily regulated) a debate on the civil state, a term much used during and after the Arab Spring by both Islamists and secularists. This debate largely stayed within the lines of normative status quo in Jordan, and the King eventually framed the term as both Islamic and secular at the same time. The debate on the civil state did not lead to a political dialogue and did not result in any constitutional, legislative or policy changes on religious freedom (P3b).