

Part 2

Chapter one: Women and political development

1. Historical perspective

For a relatively new state, Jordan has a long history in terms of its constitutional evolution. Jordan's first legislative council was directly elected in 1929, while the country was under the British Mandate. The first elections were according to Jordan's First Basic Law (16 April 1928)⁽¹⁾. Between 1929-1947 five elections were held.

When Jordan was created, it was a rural society with 95% of the population living in rural areas.⁽²⁾ Jordanian society was governed by tribal ethics. In 1924, "tribal law" was accepted as a legitimate law and had a similar validity to civic law.⁽³⁾ It was abolished in 1975.

In the early years, women were excluded from the political process. Equality between men and women was not considered to be a political issue nor was it perceived as a priority during most of this period. Until 1949, the women's movement in Jordan was concerned with improving women's status in terms of health, education and social welfare. No political overtone was evident.⁽⁴⁾ During this period, in terms of political participation, there was no significant discrepancy between women's expectations and actual practice.

Remarkable changes took place during the 1950s, of which the most important was the unification of the East and West banks of Jordan in 1950. The unification had two immediate consequences for Jordan. First, it contributed to an acceleration of the process of urbanization which had begun in 1948 with the addition to Jordan territory of new urban centers including Jerusalem. Second, the Palestinian issue became a Jordanian issue with all its ramifications.

The women's movement in Jordan responded with a growth in women's activism and involvement in the Palestinian issue and other pan-Arab causes. There were also evident signs of growing awareness of issues of equality and rights, including political rights. In 1952, Jordanian women activists launched a campaign demanding women's right to participate in local elections.⁽⁵⁾ In 1954, the Arab Women's Federation was set up, and at its first meeting, the Federation called for women's right to vote in general elections.⁽⁶⁾

In 1955, women gained the right to vote, but not to stand for election. However, that right was restricted to women with primary education or above, thereby still excluding a large number of women from the right to vote.⁽⁷⁾ In 1960, this conditionality was dropped.⁽⁸⁾ In November 1974, women in Jordan were finally accorded the full right to vote and to stand for election. It was not until the 1984 by-election that Jordanian women had the opportunity to exercise that right by voting. At that election there were no female candidates.⁽⁹⁾

For the period between 1974 and 1984, the elected parliament was suspended and replaced by an appointed Consultative Council. Out of the total of 60 members appointed to the council, only three were women. In 1979, this number was increased to five women members. This represents a higher proportion than that which applies under the 2003 quota system.



In 1989, parliamentary life was fully restored in Jordan. Women participated in the election both as voters and candidates, but women candidates did not win any seats.⁽¹⁰⁾

2. Political Structure and Process in Jordan

Jordan's political system is based on the 1952 Constitution and subsequent amendments.⁽¹¹⁾ In a broad sense, the Constitution has many of the features of a liberal, parliamentary form of government. Article 1 of the Constitution states that Jordan's political system is "parliamentary, monarchic and hereditary", in that order. Article 24, paragraph 1 emphasizes that "[the] nation is the source of authority". Article 25 stipulates that "legislative authority is the prerogative of Parliament and the King". That order of wording has important legal and political ramifications.

In comparative terms, using the notion of the separation of power, Jordan's constitution does not conform easily to either of the major models of governments, namely the British parliamentary system or the American presidential system. The British system makes it a precondition that any cabinet member has to be a member of parliament. The American system, in contrast, explicitly prohibits such joint membership. The Jordanian constitution allows, but does not require, such joint membership. Since 1999, a *de facto* separation between the executive and legislative branch has taken place. However, it is unclear whether this separation will continue in the future.

In theory, parliament can exert significant influence on the shape and composition of the executive branch as well as its program, by using the right to demand a vote of confidence in the whole cabinet or any of its members (Article 53 Jordan Constitution). In July 2005, for example, the Prime Minister designate Dr. Adnan Badran was obliged to reshuffle his cabinet to meet the demands of members of parliament who threatened to vote the government out.

It remains true, nevertheless, that the executive branch holds enormous power which reduces significantly the power of parliament. The executive branch has the power to dissolve parliament. Distribution of power tends to be skewed in favour of the executive branch. It is also to be noted that the King's prerogative to dissolve parliament is based on his position as head of the executive branch but not that of the legislative branch. This prerogative was exercised during the years when parliament was either dissolved or not in session, most notably during 1974-1984. The executive branch in those circumstances became *de facto* the legislative branch (Article 94, Paragraph 1).

Both the Jordan National Charter (1990) and the Jordan First Document (December 2002) put forward suggestions that may lead to overcome these shortcomings. The National Charter argued for the necessity of adhering to the spirit of the Constitution. It called, more significantly, for unification of laws and regulations related to the use of emergency power and to restrict its use. The Jordan First Document underlined the necessity of holding regular elections on time.⁽¹⁴⁾

The adequacy of existing legal guarantees against possible abuse of authority in violation of the Constitution is a matter of debate. Such violation could occur by either or both legislative and executive authorities. The setting up of the High Court (1992) was a significant development in addressing that concern. Interpretation of the Constitution, however, remains the prerogative of the High Council.⁽¹⁵⁾

3. The Legal and Administrative Framework of Elections

During the period between 1923 and 1986, Jordan had five electoral laws and frequent amendments.⁽¹⁶⁾ The current Electoral Law (2001) is based on the 1986 Electoral Law and subsequent amendments.⁽¹⁷⁾ The 2001 Electoral Law and regulations associated with it were also amended in 2002 and 2003. The most important amendment was the one related to introducing the quota system for women candidates (Article 45).

According to the 2001 Electoral Law, Jordan is divided into 13 electoral regions, which are equivalent to Jordan's 12 governorates plus the "Bedouin region". The latter includes Bedouin of the north, central and southern parts of Jordan. The 13 electoral regions are divided into 45 constituencies with a total of 110 seats, an increase of 30 seats compared to the 1986 electoral law. The number of seats in the Upper House, which is appointed by the King, was also increased to 55. Among the 110 seats in the Lower House, nine seats are allocated on religion grounds (Christian seats); three seats were allocated on ethnic/ cultural grounds (Chechnians /Circassian); six seats were allocated to women and nine seats were allocated to the "Bedouins" of Jordan.

The size of constituencies varies from a single-seat to four-seats. The winner/s are those who receive the highest votes compared to other candidates. The principle of "winner takes all" and "first past the post" should be read in the plural rather than singular because in many cases there is more than one winner. (Article 45, paragraph A).

According to the quota system, women candidates are ranked according to their share as a percentage of the total votes cast in their respective constituencies. Those with the highest percentage share are declared the winners (Article 45, paragraph C).

According to the Electoral Law, all Jordanians aged 18 and over are entitled to vote in a parliamentary election (Article 3, paragraph 1). That was an improvement on the 1986 law which limited voting to those ages 19 and above. Between 1986 and 1960 the voting age had been restricted to those aged 20 and above.⁽¹⁸⁾ There are certain mental conditions which disqualify a person from voting and also certain criminal offences as limiting factors. Also by law, members of the Jordanian armed forces, security and civil defence are prohibited from voting (Article 3, paragraph B).

Many aspects of Jordanian electoral law are the subject of debate or controversy. Most important perhaps is the on-going debate in Jordan concerning the criteria for delineating constituencies and allocating seats. The issue of the appropriateness of the system of “one person, one vote” currently applied in Jordan is also debated. Other models have been proposed, varying from a system of proportional representation to a “mixed” system with aspects of proportionality and single seat constituencies.

5. Monitoring elections:

The term ‘monitoring’ is used here to cover voting, candidacy and results of elections to make sure they are conducted properly and according to law.

Anyone who has been disqualified from voting or from standing for election has the right of address to the Court of Appeal, which carries no fees for the applicant. The inclusion of any name on the list of voters, which is prepared by Department of Civil Affairs and Passport, can also be challenged in court. The decision by the electoral special committee to include names on the list of candidates can also be challenged in court of law.⁽²⁰⁾

This certainty of appeal and the clear authority of the courts on the issue of the right to vote and the right to stand for election and any possible violation of its applicability, is not particularly clear when it comes to monitoring the act of voting itself nor to challenging the results of a given election. It is those two areas which deserve most attention.

In the case of monitoring the act of voting itself, it is the responsibility of a special committee headed by the Minister of Interior. Other members include the Secretary General of the Ministry of Interior, the Director of Civil Affairs and Passport Department, a High Court judge and the head of the department responsible for elections at the Ministry of Interior. The Secretary of the committee is appointed by the Minister of Interior.⁽²¹⁾

In the case of the committees responsible for monitoring elections in the governorates, the structure is similar to that of the national committee except that the Governor substitutes for the Minister of Interior. It is also to be noted that the judge on the regional committees is nominated by the Minister of Justice.⁽²²⁾

As far as monitoring elections is concerned, the central problem with such committees is not whether they act in good faith or not, but rather the fact there is no right of appeal to any court. According to the Constitution, challenging the result of a successful candidate can only be submitted to the Lower House itself.⁽²³⁾ However, it requires a two thirds majority vote to nullify a certain result. This has never happened. Whether the existing procedure to nullify the result of an election is the most appropriate compared, for example, to a court of law, is open to debate.

6. Campaigning:

There are many restrictions in the 2001 electoral law concerning the right to campaign. Of the four articles and 13 paragraphs and sub-paragraphs in the Electoral Law dealing with campaigning, only one article and one paragraph deals with what is permitted; the rest deals with restrictions and inadmissibility.⁽²⁴⁾ There is a need for a change in the balance between the right of campaigning and the legal restrictions, which characterizes the current law. There are those who comment that this gives the impression that the right to campaign is the exception rather than the rule.

Chapter Two: Women and political development

1. Introduction

Jordanian women voted for the first time in the parliamentary by-election of 1984, but there were no female candidates at that election. In the 1989 general election, 12 women stood as candidates for election, but none received sufficient votes to gain any of the 80 seats. In the 1993 election, three women stood as candidates in the election and one woman (Toujan Faisal) was elected. In 1997, seven women candidates stood for election but none was elected. In the 2001 by-election, a women candidate was chosen by members of the Lower House. In the 2003 parliamentary elections, the system changed with the introduction of a quota system which allocated six out of the 110 seats to female candidates. In this election, there were 54 female candidates, but none was elected outside the quota system.

Considering that the number of potential female voters is roughly equal to men this raises issues of concern. The reasons for this unsatisfactory outcome are examined elsewhere (Chapter 3). This chapter considers issues related to general indicators of parliamentary election, political parties and women's candidacy, capacities and campaigning and financial resources. The emphasis is on the 2003 parliamentary elections although reference is made to previous elections (i.e. 1989, 1993 and 1997).

2. Voter turnout: general characteristics

The level of public apathy or enthusiasm towards a given election is measured by the percentage of voter turnout. There are three different methods for calculating percentage of voter turnout. One is to compare the number of actual voters in relation to the number of residents of legal voting age. Another is to relate the number of actual voters to those registered on the voting list. The third is to compare the number of voters to those carrying voting cards.

<i>Indicators</i>	<i>1989</i>	<i>1993</i>	<i>1997</i>	<i>2003</i>
Percentage of voters in relation to the residents of legal voting age.	41.1%	45.7%	40.8%	48.1%
Percentage of voters registered on the voting list.	54.5	56.12	44.9	48.1
Percentage of voters in relation to those carrying voting cards.	63.3	68.2	55.7	58.9

Percentage of voter turnout⁽²⁾.

Adopting the indicator of the percentage of voters in relation to residents of legal voting age, then without exception, Jordanian voters have shown a noticeable degree of apathy towards parliamentary elections. A similar lack of enthusiasm is also evident using the indicator of percentage of voters in relation to those registered on the voting list. It is only when the indicator of the percentage of voters in relation to those carrying voting cards is applied that Jordanian voter turnout begins to look “normal”.

It is to be noted, however, that voter turnout varies sometimes significantly from one constituency to another, with urban centers particularly in Amman and Zarqa showing low voter turnout. In the 2003 elections, the lowest voter turnout was in Amman Fifth District with just 32.49%. The Karak Fourth District, in contrast, registered the highest voter turnout with 89.3%.⁽³⁾ It has been suggested that where tribal and family influences are stronger, then a higher voter turnout is to be expected. The issue of tribal and family influence on parliamentary elections is examined elsewhere (Chapter 3).

3. Female candidates:

Three main indicators are used to assess the performance of female candidates in an election. The first is female voter turnout. In the selected elections, female voter turnout was high and sometimes higher than male voter turnout. The two other indicators are the percentage of female candidates out of the total number of candidates, and the percentage of votes received by female candidates out of the total number of votes. The latter two indicators are important measures of the competitiveness of female candidates as well as the general public support for female candidacy. Against both these indicators, the score for female candidates was very low.

	No. of women candidates	Total no. of candidates	Percentage	No. of votes received by women	Percentage of total votes
1989	12	648	1.8%	20530	1.0%
1993	3	534	0.05%	3933	0.48%
1997	17	561	0.03%	13086	1.6%
2003	54	765	0.07%	36164	0.026%

* Women candidates: Number and votes received ⁽⁴⁾.



In the 2003 parliamentary election, female candidates received the lowest percentage of total votes cast since 1989. Even female voters seemed to have turned their backs on female candidates; female candidates received only 0.05% of total female votes. Between 1993 and 2003 the average of female candidates in relation to total number of candidates was also very low, less than 1% of the total. Those two indicators confirm that women in Jordan remain marginalized from parliamentary life.

4. Women candidates and the quota:

There are many justifications for a quota system for women. The quota is assumed to be one method of addressing the issue of prejudice against women and their historical exclusion from formal political processes. It is also assumed that introducing a quota may encourage women to become politically more active and involved. The quota also offers women an opportunity to learn from the experience of participating in public political affairs, from which they might otherwise be excluded. It is also assumed that the quota is a temporary measure, an instrument of affirmative action only to be adopted until it is no longer necessary. In this section, the existence and legitimacy of the quota system is taken as a given.

Jordan introduced the quota system for the first time in 2003 as an amendment to the Electoral Law of 2001 (Article 45, paragraph C). According to this amendment (No.42/2001), six out of 110 seats were allocated to women. According to the law, the female candidates with the highest percentage of votes within their respective constituencies were selected.⁽⁵⁾ Based on that calculation, the six women named below were elected to the 2003-2007 parliament.

Candidate	Constituency	Votes received by Candidate	Total Votes	Percentage of total	
H.	Massimi	Zarka-1	7133	66208	10.457%
F.	Jamani	Madaba-2	1048	13168	7.958%
N.	Rousan	Irbid-5	1684	27974	6.019%
I.	Khawldeh	Tafyleh-2	365	6903	5.287%
Z.	Shamyleh	Karak-1	1326	25922	5.153%
V.	Saud	Tafyleh-1	1132	22066	5.130%

2003 Election: women MPs through Quota Selection⁽⁶⁾.

One candidate, Hayat Al Massimi, with just over 10% of the total votes cast in her constituency, almost won a seat outright, missing out by a margin of just 54 votes (Zarqa Second District).⁽¹⁷⁾ The other five women who were allocated seats under the quota system only received a small percentage of the votes cast in their constituency.

The quota system is a temporary measure introduced in order to ensure that there are female members of parliament in Jordan so that the interests of women are represented. In the longer term, it is clearly preferable that women are elected in open competition. In the 1993 parliamentary elections, in Amman Third district, Toujan Faisal demonstrated that it is possible for a woman to be elected without the quota for women. Given the barriers to the participation of women in political life, her achievement should not be underestimated, but admittedly this has yet to be repeated. The challenge is to identify what can be done to ensure that in the future, female candidates have a real chance of winning seats without mechanisms of affirmative action. The following section examines the relationship between women and political parties.

5. Women, political parties and parliamentary elections

In this short report, it is almost impossible to describe the scene of political parties in Jordan. A key issue is that Jordan has many political parties: in June 2005, there were 33 registered political parties. It is difficult, however, to describe Jordanian politics as ‘party politics’. With perhaps a single exception, namely that of the Islamic Front, it is not easy to discern those characteristics commonly associated with party politics. In this respect, it is perhaps more appropriate to speak in terms of “political voices” rather than of parties.

The role of political parties in Jordan’s parliamentary elections can be assessed using standard indicators. These include the number of candidates with party affiliation compared to the total number of candidates; the number of seats won by party candidates; and the number of votes received by party candidates out of the total votes. This discussion can then be applied to assess the role of political parties in relation to the performance of female candidates in Jordan.

	No. of candidates with party affiliation	Percentage to total no. of candidates	No. of party candidates who won in election	Percent of total number of seats in parliament
1989	112	17.2%	34	42.5%
1993	50	9.0%	20	25%
1997	50	8.9%	20	25%
2003	64	8.3%	33	30%

* *Political Parties and Parliamentary Elections*⁽⁶⁾.



Based on the table above, a few observations are worth making. First, the number of party members who stood as candidates was not the same as the number of ‘party candidates’, because many candidates who were actually registered party members stood for election as ‘independent’. This was most notable in the case of the National Constitutional Party, where eight out of 13 candidates who belonged to the party stood for election as independents. Even those who declared their membership to the party did not necessarily campaign as party members.⁽⁹⁾

Candidates with party affiliation were only a small minority of the total number of candidates. In 1989, the percentage of party candidates out of total candidates was 17.2%, in 1993 it had fallen to 9%, then to 8.9% in 1997 and finally to 8.3% in 2003. Thus, with the exception of the Islamic Front candidates, it appears that very few candidates see any real advantage in competing for election through party candidacy .

With the exception of the Islamic Front, there appears to be no positive link between party affiliation and performance in parliamentary elections. In 1989 candidates with party affiliation won 42.5% of seats; they won 25% in both 1993 and 997 and then 30% of the 110 seats in 2003. The Islamic Front candidates won 91.1% of total seats with party affiliation in 1989, and 80% in 1993. In 2003, the Islamic Front’s share of total seats won by candidates with party affiliation fell to 51.5% (17 out of 33 seats). The votes received by the Islamic Front candidates in 2003 constituted 10.2% of total votes compared with less than 2% for other party candidates.⁽¹⁰⁾

	Total seats won by candidates with party affiliation	Seats won by Islamic Front	Percentage
1989	34	31	91%
1993	20	16	80%
1997	20	Boycotted election	
2003	33	17	51.5%

* *Islamic Front Parliamentary Seats.*

Aside from Islamic Front members, once elected, winning candidates do not necessarily maintain the party affiliation they stated during the election, but tend to behave independently from party affiliation. As a result, coalition building or the so-called “blocs” in parliament tend to be based on *ad hoc* arrangements or convenience, with only very loose reference to programs or policy preference.⁽¹¹⁾ The term “like-minded” may be more appropriate than party politics.

5.1 Female candidates, party politics and the 2003 parliamentary election.

There is no clear data concerning the number of women in Jordan who belong to or 'sympathize' with political parties. Based on the survey carried out for this study, 2% of respondents identified themselves as belonging to a political party.⁽¹²⁾ Another 12% of respondents expressed "sympathy" with a particular political party. This figure corresponds with the percentage of votes received by candidates affiliated to political parties in the 2003 parliamentary election.

Jordanian women have been founding members of all political parties in Jordan except one political party which had no women founding member.⁽¹³⁾ In relative terms, however, women remain a minority in Jordan political parties. For example, out of a total number of 3,785 people registered as founding members of political parties, only 304 (8%) were women.⁽¹⁴⁾

The absence of any correlation between female candidacy in any given parliamentary election and affiliation to party politics is almost self-evident. In the 1989 and 1993 parliamentary elections, women ran for election as independent candidates. In 1997, of the 17 female candidates only one woman stood as affiliated to a party. In the 2003 parliamentary elections, three out of the 54 female candidates stood for election as party candidates.⁽¹⁵⁾ All three of these candidates belonged to Islamic parties. Hayat Al-Massimi was the Islamic Front candidate and won a seat under the quota system. The other two candidates, Jalila Al-Smadi and Nawal Fauri, belonged to the Islamic Centrist Party, but were not allocated seats under the quota system.⁽¹⁶⁾

6. Campaigning

Under the classic models of democracy and elections, for a parliamentary campaign to have any real meaning, two conditions should be met. First, the campaign should be based on the politics of a party, rather than on an individual campaign. A party has a clear platform, a program and policy statements. Second, in spite of the separation of power (i.e. between the legislative branch and the executive branch) there must be features of a parliamentary campaign: candidates campaign on behalf of their individual constituency. But defending the interests of the constituency requires consensus building, which is where party politics plays a role. The equally important business of initiating or debating legislation, is ultimately about broad policy options and programs. Party politics is therefore an intrinsic part of the legislative process.

Electorates can also judge the performance of their representatives in terms of their success or failure in implementing their electoral program. For a campaign to be meaningful, it has to have an element of credibility, characterized by an ability or realistic willingness to carry out declared promises. Otherwise the campaign process is more of a public relations exercise or even, in extreme cases a circus, rather than a declaration of policy statement or program.

The absence of conventional party politics as a feature of Jordanian parliamentary elections limits the value of campaigning. The overwhelming number of candidates run for election as independent candidates. By definition, therefore, their campaign statements tend to be personal statements rather than policy statements. Nor do they present credible potential legislative proposals and as a result, their effectiveness cannot easily be verified or judged. The electorate is therefore required to take them on face value and usually, as this study demonstrates, the electorate are rather indifferent. Even the Islamic Front has repeatedly run its campaign under the banner "*Islam is the solution*" yet the question remains how to verify such a statement.⁽¹⁷⁾

Analysis of the 1997 campaign reveals that candidates took a stand on 23 political issues, 32 economic issues and 9 issues related to women.⁽¹⁸⁾ In the 2003 parliamentary elections, one candidate listed 28 various issues of concern.⁽¹⁹⁾ These figures may reveal public concern, but do not necessarily predict the future conduct of any candidate. Campaigns may be interpreted as mechanisms to publicize issues in the expectation that the repetition of a certain statement, may lead to it becoming part of the broader national agenda. For example, the Jordanian National Forum for Women and the Canada Fund ran a campaign on behalf of women candidates under the banner of "*whenever a woman wins, the nation wins*"⁽²⁰⁾

It has to be recognized, however, that the campaign process is not the sole determinant of whether a candidate wins or loses.

6.1 Campaign and Resources:

With or without a campaign, no one can run for election without resources. A typical Jordanian parliamentary campaign includes not only familiar tools such as advertisements, pamphlets, posters and a meeting place, but also the provision of meals and other benefits for supporters of candidates.⁽²¹⁾ In fact the latter may be the most commonly used tool in a campaign.

By one estimate, in 1997 the cost of a parliamentary campaign to the candidate was in the range of JD5,000 -50,000.⁽²²⁾ Even the minimum cost of JD5,000 was twice the average annual income in Jordan at that time. In 2003, the estimated minimum cost had risen to JD7,000, a sum that represented three times the average income. This is clearly a considerable sum to invest in a process where the outcome is so uncertain.

For women, there is the added risk connected with the gender obstacles that they will face. To meet such costs, female candidates used their own savings, and some received help from their family, while others had to go into debt.⁽²³⁾ It is surprising, then, that so many women stood as candidates for election.