

Contested Honour:

The Clash of International and Domestic Norms in Jordan's Honour Crime Debate

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Abstract

While a noteworthy amount of scholarship in the last decade has sought to explain the mechanisms through which international norms are diffused to domestic arenas, substantial gaps in our knowledge still remain. In particular, there has been a lack of hypothesis building regarding how international norms are diffused into contexts where there is strong societal support for existing norms which run counter to the promoted norm. Looking at the emergence, growth, and development of the anti-honour crime movement in Jordan (1980-present), this thesis seeks to explain how international human rights norms, particularly 'right to life,' gained increased salience within this context. In this thesis, it is argued that the success of norm promotion in situations 'cultural mis-match' lies in the strategic agency of highly motivated domestic actors. However, these efforts may be greatly impeded by the existence of institutions which underlie existing norms and the emergence of countermovements which seek to defend established norms and customs. The thesis also suggests that international pressure may have diverse and unanticipated effects when trying to promote new norms in contexts where strong support for existing norms is rooted at the societal level. In particular, in cases where those international bodies lack legitimacy within the local population, these efforts may backfire and cause reflexive re-entrenchment of the pre-existing local norms.

Résumé

Au cours de la dernière décennie, les mécanismes de diffusion des normes internationales aux contextes domestiques ont connu un regain d'intérêt. Il n'en demeure pas moins d'importantes lacunes dans la construction théorique de ces mécanismes. En effet, très peu d'attention a été accordée aux diffusions de ces normes dans des contextes qui n'y sont pas réceptifs, du fait de la valorisation par la société de normes contraires à celles prescrites.

En se basant sur l'émergence, croissance, et développement du mouvement anti-crime d'honneur en Jordanie (1980 jusqu'à présent), ce mémoire cherche à expliquer comment les normes internationales des droits des personnes, plus particulièrement « droit à la vie », sont devenues plus saillantes dans ce contexte. Dans ce mémoire, il est soutenu que le succès de la promotion de normes dans un contexte de décalage culturel repose sur la capacité stratégique d'acteurs domestiques fortement motivés. Ces efforts peuvent cependant être entravés par l'existence des institutions qui sont à la base des normes existantes et l'émergence des contre-mouvements qui cherchent à défendre les normes et coutumes déjà établies. Ce mémoire propose en outre que la pression internationale peut avoir des effets divers et imprévus dans la promotion des nouvelles normes dans les contextes où les normes déjà existantes sont enracinées dans la société. Plus spécifiquement, dans les cas où ces instances internationales manquent de légitimité au sein la population locale, ces efforts peuvent se retourner et finir par provoquer un retranchement et un rejet de la norme déviante.

Preface

First and foremost, many thanks are extended to the warm-hearted and hospitable people of Jordan. By welcoming me into your homes and sharing with me your tea and stories, you have taught my many things and challenged me to see the world in new ways. Special thanks are due to those who took time out of their busy schedule and agreed to share their time and thoughts with me. Many thanks are also extended to two honorary 'Jordanians,' Benoite Martin and Marjorie Davis, as they are the ones most responsible for making sure that my visit to the Kingdom was both productive and enjoyable. I am grateful for all the assistance and support you gave me over my three weeks in Jordan.

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To my friends and family, thank you for all the moral support and encouragement that I have received from you throughout this process. I doubt I would have gotten this far without you. A multitude of thanks are due, in particular, to Vincent Post for being willing to listen to my ideas and provide helpful comments throughout every stage of this process.

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This work is dedicated to the women and men who have courageously risked both reputation and safety in their tireless efforts to protect the lives and well-being of those most vulnerable from violence and discrimination. I feel honoured to have met many of you and remain continually inspired by your passion and example. May you be blessed in all your work.

List of Abbreviations, Acronyms and Arabic Terms

Abaya – a long-sleeved robe or cloak

AWO – Arab Women’s Organization

CEDAW– Convention on the Elimination of All Forms of Discrimination Against Women

CESHC – Jordanian National Committee to Eliminate So-Called Honour Crimes

FPD – Family Protection Department

Hadd – A class of punishments that are fixed for certain crimes that are considered to be offences against God.

Hadith -A traditional account of things said or done by the Prophet Muhammad or his companions. They are considered important source material within Islam about religious practice, law, and historical traditions.

HRW – Human Rights Watch

JCC – Jordanian Court of Cassation

JNCW - Jordanian National Commission for Women (Operates under the direction of Royal Highness Princess Basma Bint Talal)

JWU – Jordanian Women’s Union

MENA – Middle East and North Africa

MSD – Jordanian Ministry of Social Development

NGO – Non-Governmental Organization

Rajuleh – Masculinity or manhood

Shari’a – Islamic law

SIGI – Sisterhood is Global Institute

UN – The United Nations

UNIFEM – United Nations Development Fund For Women

UNICEF – United Nations Children’s Fund

USD – United States dollar

Zina – Adultery or any form of sexual intercourse outside of marriage or lawful concubinage based on ownership.

Part One: Introduction

In November of 1999, a resolution to eliminate Article 340 of the Penal Code was placed before the Jordanian Lower House of Parliament on the grounds that the law was discriminatory towards women. The move to increase the equality of the laws was a direct response to letter sent from the newly crowned King Abdullah in March 1999 to Prime Minister ‘Abd al-Ra’uf Rawabdeh urging the amendment of any law “that discriminates against women and inflicts injustice on them.”¹ Article 340 was labelled as discriminatory because it provided certain benefits to men without extending these same benefits to women. In particular, it provided either the exemption from, or mitigation of, criminal penalties to men who killed or injured their wives for female relatives upon finding them committing adultery (or being found in a situation that strongly suggested that adultery had been committed).²

In the year leading up to this vote, the Article 340 had also become a subject of much controversy as local and international civil society groups strongly criticized the law for condoning and perpetuating the practice of “honour crimes.”³ These crimes – the extrajudicial killing or abuse of women for suspected deviance from sexual norms – had long been a part of Jordanian society and the practice remained largely uncontested up until the early 1990s. However, the actions of a handful of Jordanian journalists and activists from 1994 onwards sparked a national debate over the practice that quickly grew to international proportions. These groups called for the elimination of honour crimes and the abolition of Article 340 on the basis of their belief that the practice was contrary to human rights, the Jordanian Constitution, and Islam.⁴

Despite the civil society campaign, international pressure, and the specific request of the King, the resolution was rapidly and resoundingly rejected by the Lower House of Parliament.⁵ The deputies accused the Jordanian Government of “succumbing to the West, legalising obscenity and harming society and women’s morals.”⁶ This response by the Lower House made it eminently apparent that the deputies did not see Article 340 or the issue of honour crimes in the same light as the anti-honour crime movement. While the movement had sought to promote of new

¹ *Jordan Times*, March 6, 1999

² Stefanie Eileen Nanes, “Fighting Honor Crimes: Evidence of Civil Society in Jordan,” *Middle East Journal* 57, no. 1 (2003); Amira El Azhary Sonbol, *Women of Jordan: Islam, Labor, and the Law* (Syracuse, NY: Syracuse University Press, 2003).

³ While I will use the term ‘honour crimes’ throughout this thesis, it should be noted that varying terms are used to refer to this practice, such as: honour killings, crimes in the name of honour, or so-called ‘honour’ crimes. These terms are used in attempt to disassociate the idea of ‘honour’ from this practice.

⁴ Rana Hussein, *Murder in the Name of Honour* (Oxford, UK: Oneworld Publications, 2009).

⁵ Nanes, “Fighting Honor Crimes: Evidence of Civil Society in Jordan.”

⁶ Fadia Faqir, “Intrafamily Femicide in Defence of Honour: The Case of Jordan,” *Third World Quarterly* 22, no. 1 (2001): 76.

understanding of the crimes based on the rights of the female victims, the deputies dismissed this interpretation and instead viewed this effort as an attempt to undermine societal values and introduce harmful new norms into Jordanian culture.

The purpose of this thesis is to contribute to current knowledge of how ideas and norms are transferred in world politics. While much attention has recently been paid to the importance of norms, the literature remains “underspecified with regard to causal mechanisms by which these ideas spread and ... rarely accounts for the variation in the impact of international norms.”⁷ Although there is now widespread agreement that norms do not “flow freely” between the international and domestic spheres,⁸ prominent scholars have noted that the mechanisms and processes by which international norms attain domestic legitimacy remain underexplored.⁹ Thus, my research will focus on answering the following questions: 1) what factors and mechanisms can explain the increased saliency of international norms in domestic societies where these norms were previously seen as antagonistic to local values?; and 2) what is the relationship between international bodies (states, organizations and media groups) and domestic groups in facilitating this process, particularly in contexts where the moral legitimacy of those international bodies are questioned by that domestic society?

Through studying the Jordanian debate on honour crimes, I will trace the attempts to spread international human rights norms, most prominently the ‘right to life’ (defined as the right to be free of extrajudicial execution and disappearance) as it pertains to ‘dishonoured’ women and girls, into this domestic context.^{10,11} The purpose of this exercise is not to test existing theories on diffusion (to do so with a single case study would be imprudent), but to instead use the case as a method of theory building. The particular dynamics of the Jordanian case make it well-suited for this form of hypothesis formation as it contains several features that make it distinctive from the overwhelming majority of cases that have been studied within norms scholarship. One of its most notable

⁷ Thomas Risse and Kathryn Sikkink, “The Socialization of Human Rights Norms,” in *The Power of Human Rights : International Norms and Domestic Change*, ed. Thomas Risse, Steve C. Ropp, and Kathryn Sikkink (New York: Cambridge University Press, 1999), 4.

⁸ Jeffrey W. Legro, “Which Norms Matter? Revisiting the “Failure” of Internationalism,” *International Organization* 51, no. 1 (1997); Thomas Risse-Kappen, “Ideas Do Not Float Freely: Transnational Coalitions, Domestic Structures, and the End of the Cold War,” *International Organization* 48, no. 2 (1994).

⁹ Andrew P. Cortell and James W. Davis, Jr., “Understanding the Domestic Impact of International Norms: A Research Agenda,” *International Studies Review* 2, no. 1 (2000).

¹⁰ The basic “rights of the person” including the right to life have been enshrined in the Universal Declaration of Human Rights have been the most accepted of universal rights and have been widely institutionalized in international treaties that countries around the world have ratified. See Risse and Sikkink, “The Socialization of Human Rights Norms.”

¹¹ While norms regarding gender equality were also encouraged through this movement, they were not a central rallying point due to domestic sensitivities regarding the role of women in society.

distinctions is the fact that the target of the promoted normative change is not a 'norm-violating' government, but the larger society.

Through an examination of this distinctive case, I will demonstrate the centrality and strategic agency of highly motivated *domestic* actors within the process of the norm promotion. In particular, I will highlight the effectiveness of a multi-faceted approach to norm promotion. This approach not only focusses on displacing and discrediting previous norms by endorsing new ones, but also disrupting the behaviours and practices which continue to reinforce those norms.

In response to my second question, I will demonstrate that the relationship between international bodies and domestic groups in the process of norm diffusion may be much more complex than previously recognized. In particular, I will examine how some forms of pressure from external groups may undercut the effectiveness of domestic actors' attempts to promote change.

After a review of relevant literature and methodology, this thesis will first explore the political and social environment in Jordan and explain how the practice of honour crimes has been institutionalized within that context. The following chapter will present my main research findings by tracing the development of the anti-honour crime movement, both locally and internationally, and the response of the broader society and the Jordanian government to these efforts. Throughout this analysis I will focus on the statements, strategies and actions of the relevant actors in order to tease out the mechanisms through which norms may be both promoted, and resisted, at the societal level. I will then provide an analysis of the broader findings from this case that may be applicable to other contexts and suggest areas for future research.

Part Two: Literature Review

Norms, as defined by Peter Katzenstein, describe "collective expectations for the proper behaviour of actors with a given identity."¹² They are "intersubjective in that they are beliefs rooted in, and reproduced through, social practice." In this way, "norms are both shared beliefs *and* social practice."¹³ Within the study of international relations, the focus on norms and other ideational factors grew out of the constructivist research program and the growing realization that material factors and rational self-interest alone could not account for the particular features of the international system or behaviour of state actors within that context. Thus, the work by such

¹² Peter J. Katzenstein, *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), 5.

¹³ Theo Farrell, "Transnational Norms and Military Development," *European Journal of International Relations* 7, no. 1 (2001): 71.

authors as Katzenstein (on national security as a social practice), Nadelmann (on how ideational factors are reflected in international regimes), Checkel (on the constraining and constitutive effects of norms at the local level) and Finnemore (on how the social fabric of the international structure helps states define their interests) have helped to establish a new research program that focusses on the importance of shared meaning and normative contexts for understanding political decision making.¹⁴

The movement within international relations to understand norms at the international level was closely paralleled by ongoing work in sociology which focusses on describing and explaining the links between international and domestic cultures. “World polity” theory in particular has helped to define what constitutes the ‘world culture’ and the norms that accompany this social network. John Meyer, John Boli, George Thomas, and their colleagues conceive of international society as the site of diffusion of a world culture through the vehicles of global intergovernmental and nongovernmental institutions. This world culture is defined as largely Western with an emphasis on Weberian rationality as the means to both justice, understood as equality, and progress, defined as wealth accumulation. Thus, these sociological institutionalist arguments offer convincing system-level arguments for why similar political and cultural characteristics are observed across throughout diverse contexts around the globe. However, because their arguments focus on the strength of institutions at the international level, their framework is not able to provide a convincing explanation for the instability, conflict or resistance that sometimes accompanies the progressive expansion of world culture.¹⁵

The “First Wave” - International Factors

Given this gap, subsequent work has sought to explain why the level of international norm diffusion to the domestic level has varied across the globe. Following the lead of Acharya and Cortell & Davis, I will group this scholarship into two broad “waves”.¹⁶ The first wave builds on the “world polity” theory by taking a “moral cosmopolitan” perspective. It thus identifies norms which are seen

¹⁴ Jeffrey T. Checkel, "Norms, Institutions, and National Identity in Contemporary Europe," *International Studies Quarterly* 43, no. 1 (1999); Martha Finnemore, *National Interests in International Society* (Ithaca, N.Y.: Cornell University Press, 1996); Ethan A. Nadelmann, "Global Prohibition Regimes: The Evolution of Norms in International Society," *International Organization* 44, no. 4 (1990); Katzenstein, *The Culture of National Security: Norms and Identity in World Politics*.

¹⁵ Martha Finnemore, "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism," *International Organization* 50, no. 02 (1996).

¹⁶ These authors talk about two “waves” of scholarship: Amitav Acharya, *Whose Ideas Matter?: Agency and Power in Asian Regionalism* (Ithaca: Cornell University Press, 2009); Cortell and Davis, "Understanding the Domestic Impact of International Norms: A Research Agenda."

to have universal moral applicability – such as the promotion of human rights, bans on certain forms of weapons, and the advancement of environmental regulations – and examines how those norms are spread by various forms of transnational agents.¹⁷ The tactics used by these transnational actors are variously defined as “socialization” or “moral proselytism” as they seek to induct “new members... into the ways of behaviour that are preferred in a society.”¹⁸ This socialization process may take the form of “shaming,” strategic bargaining, or persuasive discourse.¹⁹ Asymmetrical power relations may, in some cases, lead to coercive or incentive-based methods of norm enforcement in relatively weaker states.²⁰ However, this coercion does not always guarantee success, as the unequal power dynamics may inspire various forms of policy resistance.²¹

While this first wave of scholarship has been widely influential at bringing attention to the import of transnational actors in some forms of norm diffusion, it struggles in its ability to account for “domestic political processes and provide explanations for important cross-national variation in compliance with interpretation of international norms.”²² As a result, the agency and interests of local actors are frequently lost as attention is devoted to the power of “international prescriptions” and transnational actors. Frequently overlooked are “norms that are deeply rooted in other types of social entities – regional, national and subnational groups.”²³ Implicit in this approach is also the dichotomization of norms between those that are *good* (global/universal) and those that are *bad* (regional/local).²⁴ The hazard of adopting this stance is that it creates a selective vision of norm diffusion where: 1) norms are assumed to only travel in one direction, 2) domestic agency in resisting norm change (particularly at a societal level) is overlooked, and 3) transnational bodies are

¹⁷ See Ellen L. Lutz and Kathryn Sikkink, “International Human Rights Law and Practice in Latin America,” in *Legalization and World Politics*, ed. Judith Goldstein (Cambridge, Mass.: MIT Press, 2001); Edith Brown Weiss and Harold Karan Jacobson, *Engaging Countries: Strengthening Compliance with International Environmental Accords* (Cambridge, Mass.: MIT Press, 1998); Susan D. Burge, “Mobilizing Principles: The Role of Transnational Activists in Promoting Human Rights Principles,” *Human Rights Quarterly* 20, no. 4 (1998); *ibid*; Audie Klotz, *Norms in International Relations: The Struggle against Apartheid* (Ithaca: Cornell University Press, 1995); Gary Goertz and Paul F. Diehl, “Toward a Theory of International Norms: Some Conceptual and Measurement Issues,” *The Journal of Conflict Resolution* 36, no. 4 (1992).

¹⁸ Risse and Sikkink refer to socialization and Nadelmann uses the term “moral proselytism.” Nadelmann, “Global Prohibition Regimes: The Evolution of Norms in International Society.”; Risse and Sikkink, “The Socialization of Human Rights Norms.” The quote is taken from James Barnes, Marshall Carter, and Max Skidmore, *The World of Politics* (New York: St. Martin's Press, 1980), 35.

¹⁹ Risse and Sikkink, “The Socialization of Human Rights Norms.”

²⁰ Renee De Nevers, “Imposing International Norms: Great Powers and Norm Enforcement,” *International Studies Review* 9, no. 1 (2007); Klotz, *Norms in International Relations: The Struggle against Apartheid*; Judith Kelley, “International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions,” *International Organization* 58, no. 3 (2004).

²¹ Ian Bache and Andrew Taylor, “The Politics of Policy Resistance: Reconstructing Higher Education in Kosovo,” *Journal of Public Policy* 23, no. 3 (2003).

²² Cortell and Davis, “Understanding the Domestic Impact of International Norms: A Research Agenda,” 66.

²³ Legro, “Which Norms Matter? Revisiting the ‘Failure’ of Internationalism,” 32.

²⁴ Checkel, “Norms, Institutions, and National Identity in Contemporary Europe.”

erroneously assumed to only promote norms which align to universally agreed standard of 'good' or 'correct' norms.

The "Second Wave" - Domestic Factors

The "second wave" of scholarship on norms takes on a number of these issues by reorienting its focus towards the role of domestic political structures and agents in determining normative change.²⁵ Thus, instead of focussing on international discourse, this line of scholarship examines the numerous variables at the domestic level that may increase the likelihood of global norm adoption. One prominent feature of this literature emphasizes the institutional, historical or cultural contexts of the recipient country, hypothesizing that previously existing patterns of assumptions, ideas, and beliefs will act as "a heuristic filter for perceptions and calculation" and influence possible norm adoption.²⁶ Checkel puts forward the idea that norm diffusion is "more rapid when a *cultural match* exists between systemic norms and a target country, in other words, when it resonates with historically constructed domestic norms."²⁷ Cortell and Davis also place emphasis on the domestic structural context and the domestic salience of the international norm will affect the extent to which that norm affects domestic state behaviour.²⁸ Hooge emphasizes processes of national socialization which shape elite views on supranational norms as a result of prior historical and institutional experiences while Hurd focuses on the importance of legitimacy, in particular the legitimacy of the norm or of its source among potential adopters.²⁹ Risse and Ropp also assert that their findings on human rights norms support the idea that norms are most easily diffused to places where there is pre-existing "norm resonance" within the domestic institutions and political cultures.³⁰

While these aforementioned perspectives are helpful for understanding why some international norms may easily spread amongst countries with similar cultural or institutional traits, it overlooks the potential for norm adoption in situations of cultural or institutional 'mismatch.' By taking an approach reminiscent of historical institutionalism, these scholars view domestic actors as

²⁵ For an extensive review of the "second wave" literature, see Cortell and Davis, "Understanding the Domestic Impact of International Norms: A Research Agenda."

²⁶ Legro, "Which Norms Matter? Revisiting the "Failure" of Internationalism," 36.

²⁷ Checkel, "Norms, Institutions, and National Identity in Contemporary Europe," 6. Emphasis added.

²⁸ Andrew P. Cortell and James W. Davis, Jr., "How Do International Institutions Matter? The Domestic Impact of International Rules and Norms," *International Studies Quarterly* 40, no. 4 (1996).

²⁹ Liesbet Hooghe, "Several Roads Lead to International Norms, but Few Via International Socialization: A Case Study of the European Commission," *International Organization* 59, no. 04 (2005); Ian Hurd, "Legitimacy and Authority in International Politics," *International Organization* 53, no. 02 (1999).

³⁰ Risse and Ropp, "Conclusions."

inextricably bound to their institutional or cultural landscapes.³¹ Thus state practices are understood to be determined by prior sets of social rules that legitimate these practices. In response to this, Barnett claims that these views – if taken to the extreme – can “lead to an exaggeration of the integrity of the normative structure” and an “oversocialized view of actors, treating them as near bearers of structures and, at the extreme, as cultural dupes.”³² In contrast, he promotes the idea that “actors have agency, can be strategic, are aware of the cultural and social rules that presumably limit their practices, and as knowledgeable actors are capable of appropriating those cultural taproots for various ends.” Their motivations for doing so may stem from principled beliefs and/or instrumental gain.³³

Building on the idea of domestic actors as strategic agents, a number of “second wave” scholars have examined the tactics and approaches used by these actors to engineer social change within their domestic context.³⁴ The challenge facing these actors is how to build congruence between existing norms and the norm being promoted. One of the more commonly referenced tactics is that of “framing” or “frame alignment;” wherein norm advocates highlight and create issues “by using language that names, interprets and dramatizes them.”³⁵ Through framing, norm activists actively reinterpret and shape existing understandings and meanings in order to increase the local resonance of the imported norm.³⁶ For example, campaigns against female circumcision in the 1970s and 1980s drew attention to the issue by renaming the practice “female genital mutilation,” with the intention of reframing the issue as a form of violence against women.³⁷ Another commonly referenced technique is that of “grafting,” which is to attempt to incrementally

³¹ Historical institutionalism places emphasis on the process of path dependence, whereby “historical sequences in which contingent events set into motion institutional patterns or event chains that have deterministic properties.” James Mahoney, “Path Dependence in Historical Sociology,” *Theory and Society* 29, no. 4 (2000): 507.

³² Michael Barnett, “Culture, Strategy and Foreign Policy Change,” *European Journal of International Relations* 5, no. 1 (1999): 6.

³³ *Ibid.*, 6.

³⁴ Amy Gurowitz, “Mobilizing International Norms: Domestic Actors, Immigrants, and the Japanese State,” *World Politics* 51, no. 3 (1999); Dongxiao Liu, “When Do National Movements Adopt or Reject International Agendas? A Comparative Analysis of the Chinese and Indian Women’s Movements,” *American Sociological Review* 71, no. 6 (2006); Shareen Hertel, *Unexpected Power: Conflict and Change among Transnational Activists* (Ithaca, N.Y.: Cornell University Press, 2006).

³⁵ Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* 52, no. 04 (1998): 268.

³⁶ Mayer N. Zald, “Culture, Ideology, and Strategic Framing,” in *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*, ed. Doug McAdam, John D. McCarthy, and Mayer N. Zald (Cambridge [England]; New York: Cambridge University Press, 1996); Barnett, “Culture, Strategy and Foreign Policy Change.”; David A. Snow et al., “Frame Alignment Processes, Micromobilization, and Movement Participation,” *American Sociological Review* 51, no. 4 (1986); Rodger A. Payne, “Persuasion, Frames and Norm Construction,” *European Journal of International Relations* 7, no. 1 (2001); Klotz, *Norms in International Relations: The Struggle against Apartheid*.

³⁷ Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, N.Y.: Cornell University Press, 1998).

insert a new norm by associating it with an already existing one.³⁸ A more radical process may arise in situations of clashing norms, where advocates may seek to push the existing norm “out of the cultural nest” through a process of “norm transplantation.”³⁹

While these scholars highlight the agency of domestic actors in promoting normative change, they – like their colleagues before them – have tended to limit their scope of investigation to certain kinds of cases. One of these biases has been to focus on successful cases of norm diffusion and overlook those cases where norm diffusion has been hampered or blocked.⁴⁰ One notable exception to this trend is Keck and Sikkink’s examination of the failed anti-female circumcision campaign in Kenya from 1923-1931.⁴¹ This study has given rise to the conclusion that norm diffusion “succeeds when a foreign norm seeks to replace a local norm that embodies a moral claim or function that has already been challenged from within, but fails when it competes with a strong local norm.”⁴² Other scholars have similarly concluded that there may be immunity or resistance to norm diffusion if there is an “expression of strong organizational or national identity, which can develop into a defence of established values that are seen as threatened by external ideas.”⁴³

There has been a lack of scholarship into cases of attempted norm diffusion that follow this dynamic and see a clash between international norms and persuasive local identities and values. Acharya’s research on security practices in Asia is one of the few exceptions to this rule. His framework of “constitutive localization” represents one possible model of norm diffusion in situations where prior norms are embedded in strong local institutions. Here, international norms are reconstituted by elite domestic actors through an intentional process of “localization” where the norm is invested “with the characteristics of a particular place.”⁴⁴ This results in the norm developing significant congruence with local beliefs and practices. Acharya asserts that this process is likely to be used in contexts where an idea-recipient is motivated to adopt an existing idea for power, efficiency, or status but is adverse to signalling inferiority in regards to culture, knowledge or identity.

However, it is important to note that this work – like much of the other norms literature – provides a ‘state-centric’ approach to normative change. Acharya’s model focusses on actors at the regime level who wish to promote change at the state or regional level in order to further their

³⁸ Richard M. Price, *The Chemical Weapons Taboo* (Ithaca: Cornell University Press, 1997).

³⁹ Farrell, “Transnational Norms and Military Development,” 80.

⁴⁰ Checkel, “Norms, Institutions, and National Identity in Contemporary Europe,” 86.

⁴¹ Keck and Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*.

⁴² Acharya, *Whose Ideas Matter?: Agency and Power in Asian Regionalism*, 16.

⁴³ Bache and Taylor, “The Politics of Policy Resistance: Reconstructing Higher Education in Kosovo,” 282.

⁴⁴ Acharya, *Whose Ideas Matter?: Agency and Power in Asian Regionalism*, 15.

political agendas. Other scholarship on norms – particularly human rights norms – has also tended to adopt a state centered analysis due to an assumed a dichotomous relationship between society (seeking human rights) and the state (repressing human rights).⁴⁵ Given this perspective, political institutions are considered to be the vital locus for norm diffusion, not societies at large. While this perspective may be warranted in some cases, it does not apply to cases where the domestic society itself may be the main force of resistance to the diffusion of certain international norms.

One rare piece of scholarship that delves further into the societal dynamics of norm diffusion is the work of Cortell and Davis on Japan's relationship with the trade liberalisation norm embodied in the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO). Noting that the Japanese had long held collective beliefs regarding the importance of economic nationalism, they sought to explain changes in the country's policy agenda and domestic institutions since the 1980s. They found that although the norm initially had limited domestic salience, certain domestic elites were motivated to challenge these existing understandings on instrumental grounds despite strong public opposition. From this they conclude that achieving the internationalisation of international norms in cases where a competing domestic norm has longstanding public support appears to be contingent on two difficult tasks: "First, norm entrepreneurs must successfully cast what at first may be self-interested appeals to international norms in terms of a broader national interest. Second, they must unravel and transform existing domestic institutions."⁴⁶

Norm Contestation, Countermovements & Institutions

Finnemore and Sikkink's oft quoted dictum that - "new norms never enter a normative vacuum but instead emerge in a highly contested normative space where they must compete with other norms and perceptions of interest" - seems especially fitting in situations of norm promotion to the societal level.⁴⁷ The issue of norm contestation – particularly within domestic societies – has received surprisingly scant attention within the literature. However, given the prevalence of the "norm resonance" or "cultural match" hypothesis to explain successful cases of norm diffusion, it seems short-sighted not to consider the elements of resistance in cases of "cultural mismatch." In

⁴⁵ See, for example, the cases examined by Risse and Sikkink, "The Socialization of Human Rights Norms."; Keck and Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*; Gurowitz, "Mobilizing International Norms: Domestic Actors, Immigrants, and the Japanese State."; Lutz and Sikkink, "International Human Rights Law and Practice in Latin America."

⁴⁶ Andrew P. Cortell and James W. Davis, "When Norms Clash: International Norms, Domestic Practices, and Japan's Internalisation of the GATT/WTO," *Review of International Studies* 31, no. 01 (2005): 22.

⁴⁷ Finnemore and Sikkink, "International Norm Dynamics and Political Change," 897.

particular, what are the mechanisms within these societies that so effectively serve to dampen or block norm transference? In this thesis, I will suggest that in situations of norm contestation, it behooves us not only to examine the “cognitive priors” in which the accepted societal norms are rooted, but also the actors and institutions that promote and reinforce those local normative frameworks.⁴⁸

While the agency of domestic actors in the process of norm diffusion is becoming more widely recognized, the strategic agency of actors seeking to protect existing norms or promote “counter” norms has remained relatively unexamined. One area of research that norms literature could draw from in this respect is the scholarship on “countermovements,” first developed in the field of sociology.⁴⁹ Zald and Useem note that “movements of any visibility and impact create the conditions for the mobilization of countermovements. By advocating change, by attacking the established interests, by mobilizing symbols and raising costs to others, they create grievances and political opportunities for organizational entrepreneurs to define countermovement goals and issues.”⁵⁰ Thus, when people in a certain society present collective challenges to existing patterns “with common purposes and solidarity in sustained interaction with elites, opponents, and authorities”⁵¹ a countermovement – defined as any “movement that makes contrary claims simultaneously to those of the original movement” – is likely to arise.⁵² Given that the two movements are likely to grow and mature side-by-side, it soon becomes helpful to think of them as “opposing movements” which influence each other both directly and by altering the environment in which each movement operates.⁵³ Bob notes that counter-non-governmental organizations (NGOs) and counter-transnational advocacy networks (TANs) have recently formed at the level of domestic and global civil society to oppose the emergence of new norms and that these “countermobilizations promote different norms or different interpretations of the same norm. Thus

⁴⁸ The term “cognitive prior” is used by Archaya to describe an existing normative framework consisting of a set of ideas, belief systems, and norms which determine and condition an individual or social group’s receptivity to new norms. Cognitive priors may “reflect ethnicity, religion, group social belief systems, historical memory, and domestic political rhythms and peculiarities of societies.” Acharya, *Whose Ideas Matter?: Agency and Power in Asian Regionalism*, 22.

⁴⁹ See Clarence Y. H. Lo, “Countermovements and Conservative Movements in the Contemporary U.S,” *Annual Review of Sociology* 8(1982); Tah L. Mottl, “The Analysis of Countermovements,” *Social Problems* 27, no. 5 (1980); Mayer N. Zald and Bert Useem, “Movement and Countermovement Interaction: Mobilization, Tactics and State Involvement,” in *Social Movements in an Organizational Society*, ed. John D. McCarthy and Mayer N. Zald (New Brunswick, N.J.: Transaction, 1987).

⁵⁰ Zald and Useem, “Movement and Countermovement Interaction: Mobilization, Tactics and State Involvement,” 247-48.

⁵¹ This definition of a social movement is based on Sidney G. Tarrow, *Power in Movement : Social Movements, Collective Action, and Politics* (Cambridge [England]; New York: Cambridge University Press, 1994).

⁵² David S. Meyer and Suzanne Staggenborg, “Movements, Countermovements, and the Structure of Political Opportunity,” *American Journal of Sociology* 101, no. 6 (1996): 1631.

⁵³ Ibid.

there are multiple lines of persuasion, norm promotion, and identity forms aimed at states and other actors."⁵⁴

The following assumptions can be derived by applying the literature on countermovements to processes of norm diffusion: 1) publicized efforts (through media, campaigns, educational forums, etc.) to promote new norms are likely to promote countermovements which seek to "maintain structures of order, status, honor, or traditional social differences or values;"⁵⁵ 2) emerging countermovements will influence the strategies and tactics of the original movement and vice versa; 3) efforts to disrupt established patterns and norms may provide windows of opportunity for countermovements to effectively strengthen and retrench existing norms by mobilizing symbols and frames which affirm their importance to local society; and 4) the internationalization of domestic norm promotion efforts may have the unanticipated reaction of strengthening domestic countermovements against norm change, particularly in instances where the international actors involved may lack legitimacy in that domestic context.

Attempts at norm diffusion may also be inhibited by the existence of institutions which perpetuate and reinforce existing norms. Sociological institutionalism sees institutions as collections "of interrelated rules and routines that define appropriate actions in term of relations between roles and situations."⁵⁶ Thus beliefs about "appropriate" behaviour (or norms) are not free flowing, but are instead substantiated by certain formal and informal rules, practices and routines.⁵⁷ Analyzing norms within the framework of related institutions creates a heightened understanding of their "stickiness" or immutability. Viewing the relationship between norms and practices as mutually reinforcing and self-perpetuating creates insight into why norms are so difficult to change, particularly without corresponding efforts being directed towards the accompanying practices.⁵⁸ While the concept of institutions has been used widely within the literature on norms, its use has been limited to explaining such things as the establishment of "cognitive priors" or outlining

⁵⁴ Clifford Bob, "New Human Rights Issues, Understanding Their Contentious Rise," *Colombia International*, no. 69 (2009): 29.

⁵⁵ Lo, "Countermovements and Conservative Movements in the Contemporary U.S," 108.

⁵⁶ James G. March and Johan P. Olsen, *Rediscovering Institutions : The Organizational Basis of Politics* (New York: Free Press, 1989), 160.

⁵⁷ The "logic of appropriateness" is an important feature of the historical institutionalist school, and this assumed logic of action is in turn carried over to constructivist institutionalism with a few important caveats. See the following for a clear summary of the logic of action that defines historical institutionalism: James G. March and Johan P. Olsen, "The Institutional Dynamics of International Political Orders," *International Organization* 52, no. 04 (1998).

⁵⁸ Mahoney, "Path Dependence in Historical Sociology."

formalized organizational processes of policy adoption.⁵⁹ This thesis will both explore how institutions may hamper the process of norm diffusion and how actors may strategically interact with the established patterns of institutions in order to promote normative change.

Theory-driven Research Puzzle

In 1999, Checkel declared that thus far constructivist scholarship has neglected to explore “in a systematic manner the mechanisms through which international norms reach the domestic arena.” He also noted that scholars had failed “to specify diffusion mechanisms and thus cannot offer a causal argument, verified through process tracing, of how norms are transmitted to states and have constitutive effects.”⁶⁰ While a noteworthy amount of scholarship on this topic has occurred over the last 13 years, substantial gaps in the literature continue to hamper in our understanding of how norms are diffused in certain domestic contexts. In particular, there has been a lack of hypothesis building regarding how international norms are diffused into contexts where there is strong societal support for existing norms which run counter to the promoted norm. As a result, we continue to only poorly understand the processes and mechanisms through which agents attempt to promote normative change at the societal level and how the related processes of norm contestation may obstruct - or even overcome - these efforts. Thus, one of the main questions that I pose in this thesis is, “What factors and mechanisms can explain the increased saliency of international norms in domestic societies where these norms were previously seen as antagonistic to local values?” Following on the literature, I will seek to answer this question by examining the tactics by which domestic and international agents attempt to socialize certain norms and the possible factors which may determine their success. Related to this, I will also examine the how attempts at norm diffusion may encounter contestation in the form of countermovements and institutions.

The second large issue that this thesis explores is the relationship between international bodies and domestic groups in processes of normative change, particularly in contexts where the moral legitimacy of those international bodies are questioned by that domestic society. The clear bias in much of the norms literature is that international actors have an important role to play in the spreading of “good” norms. For example, Risse and Sikkink argue “that the diffusion of international

⁵⁹ The exception to this generalization is the previously mentioned work of Cortell and Davis which highlighted the importance of domestic institutions in process of normative change. Cortell and Davis, “When Norms Clash: International Norms, Domestic Practices, and Japan's Internalisation of the GATT/WTO.”

⁶⁰ Checkel, “Norms, Institutions, and National Identity in Contemporary Europe,” 85.

norms in the human rights area crucially depends on the establishment and the sustainability of networks among domestic and transnational actors who manage to link up with international regimes, to alert Western public opinion and Western governments.”⁶¹ However, much of this literature has been based on scenarios where a “repressive” government is the focus of normative change efforts, not a “repressive society.” Thus, an important question to consider is if this established pattern continues to hold in scenarios where the focus of norm diffusion is society. In particular, do techniques like “shaming” prove effective in motivating domestic change, or might this pressure have counter effect of strengthening local countermovements and institutions?

In order to answer these questions, my thesis will focus on the Jordanian honour crime debate and the attempts of domestic and international activists to establish the saliency of the international norms within that context. Starting in the mid-1990s, domestic activists became involved in trying to promote human rights norms, particularly the ‘right to life,’ as a way to counter the institutionalized practice of honour crimes. The case is well-suited to hypothesis building in response to the questions asked above because it deviates in many significant ways from most of the other cases previously examined in this field. First, it is not a case of overwhelmingly successful norm diffusion. Before the mid-1990s, the international norm regarding the right to life was not widely considered applicable to the practice of honour crimes. Instead, other considerations – such as social standing in the community and the disgrace associated with ‘unmoral’ behaviour – trumped the victim’s right to live. Although activist groups have struggled since that time to establish the salience of international human rights norms as it pertains to this practice, they have only had moderate success to date at convincing the broader society to share this perspective.

Related to this is the second feature which distinguishes this case: Jordan is atypical within the literature in that the focus of norm diffusion is not an “international norm-violating” government (indeed, many elites within the government seem to exhibit some degree of support for change), but a larger society which exhibits antagonism to the diffusion of certain international norms based on deeply rooted religious, cultural and/or political values. Thus Jordan represents a case of ‘cultural mismatch’, where the process of norm diffusion is anticipated to be hampered, or possibly obstructed by the presence of pre-existing norms. Studying this case should therefore be instructive as it will not only allow for the analysis of the mechanisms of norm diffusion within a society, but also for the examination of the factors which may counter the diffusion of norms.

⁶¹ Risse and Sikink, “The Socialization of Human Rights Norms,” 5.

The third unique aspect of this case has to do with the complex relationship that exists between Jordanian society and the broader international community. While Jordan has proven to be an active participant in various international forums and has worked hard to establish itself as a 'liberal' (or 'civilized') state, there is still significant suspicion within Jordanian society regarding the motivations, interests and values of this supposedly global community. In many cases, the legitimacy of international groups to promote "moral prescriptions" is undercut by their assumed association with "Western" interests. As Hurd points out, perceptions of legitimacy are an important factor in the ability of international to influence state behaviour.⁶² An examination of the Jordanian case can therefore provide broader insights into the process of norm change in societies where international norms lack widespread salience and foreign actors – particularly those seen to promote "Western" values and world views - are viewed with deep suspicion by large sections of the population.

Part Three: Methodological Framework

The aim of this thesis is to contribute to our understanding how international norms are diffused within certain social contexts and the role of actors, both domestic and international, within that process. The purpose is not to test existing theories on diffusion – to do so with a single case study would be imprudent given the limited possibilities for variance on the dependent variable.⁶³ Instead, the case of Jordan will be used as method of theory-building, because a case study "generally provides a better opportunity than large sample research to hunt around for ideas and hypotheses in a new area."⁶⁴ As our knowledge regarding the mechanisms of norm diffusion within domestic contexts remains quite limited, the goal of this work is limited to hypothesis formation through a flexible and process oriented analysis.

As was explained in the previous section, the honour crime debate in Jordan is different from the majority of cases examined within this literature. One of its distinguishing features is that it represents a negative case of norm diffusion. While most of the research cases previously examined appear to have been chosen because of success on the dependent variable, this case deviates from this trend as it presents a less than completely successful effort at norm promotion. Many scholars, including Collier and Mahoney, have warned against of selecting on the dependent variable, noting

⁶² Ian Hurd, "Legitimacy, Power, and the Symbolic Life of the UN Security Council," *Global Governance* 8, no. 1 (2002).

⁶³ Gary King, Robert O. Keohane, and Sidney Verba, *Designing Social Inquiry : Scientific Inference in Qualitative Research* (Princeton, N.J.: Princeton University Press, 1994).

⁶⁴ Lawrence B. Mohr, "The Reliability of the Case Study as a Source of Information," *Advances in Information Processing in Organizations* 2(1985): 66.

that a lack of variation in this value may lead important causal relations to be overlooked or ignored. An analysis with limited variance on the dependent variable (or none at all) runs the risk of overestimating the importance of certain independent variables.⁶⁵ Analyzing a negative case avoids this problem and can help identify factors that contribute to successful norm diffusion by finding that such factors expected to lead to success are absent in the negative case.

Although Jordan is a distinct in terms of existing norms literature, it is by no means an 'exceptional' case as there many other cases worldwide that are similar. Thus, by examining this case I aim to identify conditions that may produce (or hamper the effectiveness of) such processes in other similar cases. These cases would be other instances of attempted international norm diffusion into contexts of 1) strong competing local norms enforced and practiced at the societal level where there is also likely to be 2) widely held suspicion or antagonism regarding the legitimacy of international actors to issue normative or 'moral prescriptions'. Such cases may include efforts to eradicate practices such as female genital circumcision/mutilation, child marriage, domestic abuse, un-hygienic health practices, and other socially rooted practices.

Process tracing will be used to analyze the case in an attempt to trace and identify the causal mechanisms linking the interplay of domestic and international actors, and norm diffusion. Central to this analysis is the role of causal actors and how they are able to promote changes to the "affected entity's characteristics, capacities, or propensities in ways that persist until subsequent causal mechanisms act upon it."⁶⁶ Thus, the actions and subsequent impact of domestic and international agents (activists, media, organizations and political elites) will be analyzed within the context of pre-existing norms and institutions in Jordan.

The dependent variable in this case is the salience of international human rights norms, particularly the 'right to life', within the context of Jordanian society. The domestic salience of an international norm lies in its congruency or resonance with values, practices or beliefs developed in the domestic sphere. While scholars promoting the "cultural match" hypothesis have tended to place heavy emphasis on the importance of pre-existing resonance for successful cases of norm diffusion, I will argue that this presents an overly static view which does not acknowledge how strategic interactions may build a "fit" between international norms and domestic understandings.⁶⁷

⁶⁵ David Collier and James Mahoney, "Insights and Pitfalls: Selection Bias in Qualitative Research," *World Politics* 49, no. 01 (1996); Barbara Geddes, "How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics," *Political Analysis* 2, no. 1 (1990).

⁶⁶ Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, Mass.: MIT Press, 2005), 137.

⁶⁷ Risse and Ropp, "Conclusions," 272.

Defining and Measuring 'Norm Saliency'

As my thesis will examine the efforts of actors to establish such a “fit” it is important to specify a measurement for capturing the variations in the salience or legitimacy of a norm in the national arena. Cortell and Davis define a norm as salient when “its invocation by relevant actors legitimates a particular behaviour or action, creating a *prima facie* obligation, and thereby calling into question or delegitimizing alternative choices.”⁶⁸ They go on to note that, “in this sense, norms serve as *reasons* for action rather than *causes*, and any explanation that seeks to invoke norms must do more than point to the existence of norms on the one hand, and norm-consistent behaviour on the other.”⁶⁹

As domestic salience is a continuous variable, determining the specific degree of norm salience within a given context will always be a matter of some interpretation. Common indicators of norm diffusion within the literature have typically focussed on observable changes at the state level in the form of shifting policy agendas, changing institutional rules or amended laws.⁷⁰ While this focus is warranted if attempts at norm promotion have been directed towards state institutions, it is less effective as an indicator of norm salience within a domestic population. Although the increased salience of international norms at the domestic level may eventually affect governing structures, solely focussing on this level overlooks other indicators of salience. These other, ‘mid-range,’ indicators of norm salience may prove especially helpful in gauging the effectiveness of norm promotion strategies in situations where attempted norm diffusion achieves only limited success.

Given the lack of established indicators for measuring norm salience at a societal level, this thesis will build on the theoretical framework of norms socialization processes developed by Risse and Sikkink to trace the increasing influence of international norms at the domestic level.⁷¹ Within this framework, the authors identify three types of socialization: 1) adaptation and strategic bargaining; 2) moral consciousness-raising, “shaming,” argumentation, dialogue and persuasion; 3) institutionalization and habitualization. These processes may take place in subsequent stages or simultaneously, but each constitutes an ideal type which differs according to its mode of social action or interaction. While Risse and Sikkink have created this model to describe how the international community interacts with norm-violating governments in attempts to mold and shape

⁶⁸ Cortell and Davis, “When Norms Clash: International Norms, Domestic Practices, and Japan’s Internalisation of the GATT/WTO,” 8.

⁶⁹ Ibid.

⁷⁰ See, for a few examples among the many: *ibid*; Amitav Acharya, “How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism,” *International Organization* 58, no. 02 (2004); Farrell, “Transnational Norms and Military Development.”

⁷¹ Risse and Sikkink, “The Socialization of Human Rights Norms.”

their behaviour, the same processes can be adapted to interpret the various forms of social action used by norm promoters to try to increase the saliency of certain norms.

The first socialization process focusses on achieving *instrumental adaption* through the application of pressure or provision of instrumental or material incentives. This does not lead to deep-rooted normative change; instead norm promoters focus on achieving more superficial behavioural adjustments by making it in the interest of certain actors to signal compliance. The compliant bodies need not believe in the validity of these norms, but simply must make some show of tactical compliance or 'walking the walk'. While outside observers may never know for sure what internal motivations underlie external actions, instrumental adaption is most likely in cases where limited tactical concessions are made in direct response to pressure. Within this context, the lack of normative change is suggested by the fact that these concessions are not accompanied by broader, internally motivated efforts to address the issue. Thus, for our purposes, indicators of successful instrumental adaption would include statements in political speeches, the signing of certain international declarations, and/or promises to amend or reform certain institutions that are not backed up by any clear efforts to actually implement substantive reforms.

The second type of socialization digs deeper into changing beliefs and establishing new moral reasons for action. This process uses "*argumentative discourses*" to encourage actors to accept the validity and significance of norms in their discursive practices.⁷² Risse and Sikkink emphasize the "moral" nature of this process, emphasizing that the techniques of communication, argumentation, and persuasion are utilized not only to "challenge and seek justification of norms," but also "entail identity-related arguments."⁷³ Norm promoters may use various methods in an attempt to persuade others to accept these social obligations as legitimate, including: appeals to emotion, evoking symbols, the use and extension of logical arguments, moral denunciations, and shaming. Indicators of the success of this process are the acceptance of the validity of the promoted norms above and beyond compliance for purely instrumental reasons. Thus, the implementation of changes and reforms – such as the creation of policies to penalize those who engage in norm-violating behaviour -*irrespective* of pressure may suggest the increased validity of certain norms.

The third stage of norm socialization is when the promoted norms become so internalized within the population that people comply with them out of habit or because "it is the normal thing

⁷² Thomas Risse, "International Norms and Domestic Change: Arguing and Communicative Behavior in the Human Rights Area," *Politics & Society* 27, no. 4 (1999).

⁷³ Risse and Sikkink, "The Socialization of Human Rights Norms," 13.

to do.”⁷⁴ The *institutionalization* or *habitualization* of the norm indicates an overwhelmingly successful process of norm diffusion where the norm becomes “incorporated in the ‘standard operating procedures’ of domestic institutions.”⁷⁵ Indicators of this level of norm salience would be the absence of further contestation regarding the norm in political or social forums. Instead the norm would be perpetually reinforced as it becomes increasingly embedded in domestic institutions.

As these three processes are not mutually exclusive, it is likely that efforts of norm promotion may generate a mix of indicators reflecting the varied successes of various norm promotion techniques. While indicators of successful institutionalization or habitualization may be strongest indicators of successful norm diffusion, signs of increased verbal adherence to certain norms or efforts to amend institutions or policies to adhere to promoted norms should also be considered as indicators of low to moderate success.

Methods

In order to determine if and how international human rights norms gained increased saliency within the Jordanian context, I will use process tracing to analyze the efforts of various actors – both domestic and international – to delegitimize the practice of honour crimes through seeking to establish the validity of international human rights norm in relation to that practice. This analysis will mainly focus on events that occurred between 1993 and 2003 – the height of the honour crime debate in Jordan. However, related activities before and after these dates will also be briefly outlined in order to provide more context to the primary analysis and to establish a wider scope for determining the extent of normative change within Jordanian society.

The data used for this analysis has been gleaned from a number of sources. Primary data was collected through a series of fourteen first-hand semi-structured interviews that were conducted in Amman, Jordan by the author in July 2011. An initial list of potential interviewees was developed based on frequently referenced names within published articles and books regarding the honour crime debate in Jordan. The majority of the interview participants were selected through a snowball sampling technique. One additional respondent – Anonymous - was selected through personal connections on the basis of his demographic characteristics. Appendix A provides a

⁷⁴ Ibid., 17.

⁷⁵ Ibid., 17.

complete list of participants. Informed consent was obtained in written form from each participant but one who wished to remain anonymous. In this instance, consent was obtained verbally.

The interviews generally ran one and a half hours and focussed on the interviewees' perceptions of the honour crime issue in Jordan, their understanding of how the issue evolved, their role in the anti-honour crime movement and their motivations for participation (if applicable), how they perceived the effectiveness of the anti-honour crime movement, and their perception of the role of international pressure within the movement. Nine of the interviews (eight females and one male) were conducted with prominent civil-society activists who were involved in different aspects of the anti-honour crime movement and two were with civil society activists (both female) were not involved in the campaign but who are currently involved in work on women's rights. One interview was conducted with a less educated, low-income Jordanian male of Palestinian origin. In addition, two former Jordanian senators (one male and one female) were interviewed to give insight into political dynamics of the case. Follow-up email correspondence occurred with some of the study participants in order to clarify information provided in the interviews. Limited email correspondence also occurred between the author and various activists and organizations that could not be contacted in person.

These data will be complemented by a number of other sources. The relatively recent nature of this case means that many of the newspaper articles and reports published on this issue both internationally and within Jordan from 1993-2003 are available on-line. These materials document the development of the campaign and provide helpful insight into how these developments were viewed and understood at that point at time.⁷⁶ Reports issued by the United Nations, United States and organizations such as Human Rights Watch will also be used to determine when and how these various international bodies started to pay attention to the issue and how they addressed it. In addition to these primary sources, the work of some academics on this issue will also be helpful as they have already compiled much of the primary data and in many cases of have backed up their research with interviews. Finally, a recently published book by Rana Husseini, one of the primary actors in the Jordanian anti-honour crime movement, provides an

⁷⁶ While newspaper articles and reports will be referenced, this research project lacks the scope and resources to embark on a formalized process of 'discourse analysis.' While this process may prove helpful for understanding the changing tenor of discussion around the issue in Jordan, several obstacles – such as the extensive time period in question, the author's limited Arabic skills, and the limited availability of digitally archived Jordanian Arabic newspapers throughout the 90s – serve to make this an impractical exercise for the purposes of this thesis.

insightful first-hand overview of the work that was done by civil society activists from the mid-90s to 2009.⁷⁷

One of the limitations of my data gathering method is the lack of primary information available regarding the motivations and tactics of those segments of society that mobilized as a “countermovement” to work of the anti-honour crime activists. Ideally, interviews would have also been carried out with leaders of the countermovement, but the lack of time, connections and resources did not make this feasible. Given this deficiency, it is important to preface any discussion of the Jordanian debate by noting that descriptions of the “countermovement” are based on the perspectives of academics, activists, and journalists who are not sympathetic to their views. In order to try and correct for this bias, efforts will be made wherever possible to include statements made by members of the countermovement. Nevertheless, descriptions of these groups reflect how they are viewed by opposition groups and may not reflect how they view themselves. Despite this challenge, it is anticipated that this approach will still prove serviceable for the purpose of building preliminary hypotheses regarding the role of countermovements in processes of attempted norm diffusion.

Bringing together these sources, the following two parts will trace the process of attempted norm diffusion through an analysis of the evolution of the anti-honour crime debate in Jordan. To put this process of norm diffusion in context, the first part will provide background on the political and social environment in Jordan and the institution of honour crimes. With that backdrop in place, the next part will describe the three stages of the honour crime debate in Jordan and the role of norms, actors and institutions within that movement. The thesis will then move on to provide analysis of the findings and explore possible alternative explanations for the changes observed.

Part Four: The Context of the Honour Crime Debate in Jordan

Since the founding of the independent and sovereign Hashemite Kingdom of Jordan in 1946, the Hashemite Monarchy has been resolute in its effort to retain and consolidate its leadership of Jordan while charting a clear and stable course through troubled waters. One of the most significant challenges for the fledging Monarchy has been the maintenance of a strong domestic coalition of support balancing the disparate needs and expectations of its varied population. While the Monarchy was initially successful at gaining the support of the tribes and Transjordanian merchants through the extension of state largesse, this balance became tenuous with the 1948 Arab-Israeli war

⁷⁷ Hussein, *Murder in the Name of Honour*.

and the flood of refugees entering into Jordan.⁷⁸ By May 1949 the combined population of the West and East Banks was 1.43 million, within which only 476,000 were Transjordanians.⁷⁹ When the young King Hussein ascended to the throne in 1953, he strategically used this situation and Jordan's renewed geopolitical importance to extract more aid from the United States. This aid proved critical at allowing the regime to maintain its vital political base through the development of a highly protected state-led industrialization strategy and the simultaneous co-option and repression of the Palestinian population.⁸⁰

As Jordan has grown and evolved, the Hashemite monarchy has continued to depend on a core coalition of political supporters in order to maintain the legitimacy of its rule and the stability of the country. Comprised of Transjordanian tribes and the merchant-industrial elite (largely made up of Syrians and Palestinians who arrived in Jordan before 1967), this coalition has traditionally formed the backbone of the army and various state institutions.⁸¹ Retaining the support of these groups has occurred through two main mechanisms: First, the small size of Jordan, its limited territory, and notions of national identity constructed around the theme of tribe, family, and clan allowed King Hussein and his successor to develop a very personal style of leadership. Officials within the Royal Court were able to represent the monarch's policy directly back to their localized spheres of influence and King Hussein personally received all visitors to the Royal Court and made frequent visits to all parts of his realm.⁸² The second mechanism of eliciting coalition support was the extension of state benefits in the form of "massive class-based institutional side payments, such as public employment and other forms of state largesse for tribes, as well as tax breaks and market protectionism for merchant-industrialists."⁸³

The Hashemite policy of extending sizable state benefits to selected groups gave rise to another distinctive aspect of Jordan's social and political life. The maintenance of these internal ties required the regime to tap into external rents, particularly foreign aid. The monarchy's avowedly pro-Western, anti-communist 'Anglo-Arab' stance in a region of great geo-strategic importance has made the survival of the Hashemite Jordan an significant Western interest and facilitated the

⁷⁸ Anne Peters and Pete Moore, "Beyond Boom and Bust: External Rents, Durable Authoritarianism, and Institutional Adaptation in the Hashemite Kingdom of Jordan," *Studies in Comparative International Development (SCID)* 44, no. 3 (2009).

⁷⁹ Alan George, *Jordan : Living in the Crossfire* (London; New York; New York: Zed Books ; Distributed in the USA by Palgrave Macmillan, 2005).

⁸⁰ Peters and Moore, "Beyond Boom and Bust: External Rents, Durable Authoritarianism, and Institutional Adaptation in the Hashemite Kingdom of Jordan."

⁸¹ Ibid.

⁸² Beverley Milton-Edwards and Peter Hinchcliffe, *Jordan : A Hashemite Legacy* (London: Routledge, 2001).

⁸³ Peters and Moore, "Beyond Boom and Bust: External Rents, Durable Authoritarianism, and Institutional Adaptation in the Hashemite Kingdom of Jordan."

transfer of large amounts of aid.⁸⁴ However, this alignment has not been achieved without substantial political costs domestically, as certain decisions – most notably Jordan's 1994 peace treaty with Israel – have engendered virulent domestic opposition within certain segments of the population, particularly Jordanians of Palestinian descent.⁸⁵

The division between Transjordanians and their Palestinian guests has been called "the great fault line in Jordanian society."⁸⁶ Although the clarity of this line is increasingly blurred through inter-marriage and the fact that many of these Palestinians have been in Jordan for as long as the 'true' Jordanians, the distinction continues to be socially and politically relevant. The successive waves of Palestinian immigration in '48, '67, and '73 have not only ensured that 'West Bankers' have formed the clear majority of the Jordanian population for much of Jordan's history, but it has also meant that the Jordanian government must be constantly sensitive to possible reactions to regional policy by a majority population within its borders.⁸⁷

Political Features

Politically, Jordan is a mix of systems that eludes any simple categorization. Officially, the Kingdom is a constitutional monarchy where executive power is vested in a Council of Ministers appointed by the King. That council is then accountable to a bicameral National Assembly (or *Majlis al-'Umma*) consisting of an Upper House (or *Majlis al-Ayan*) and a Lower House (or *Majlis al-Nuwaab*). The 60 members of the Upper House are also appointed by the King while the 120 deputies of the Lower House are elected through a popular vote.⁸⁸ Within this system the king holds broad executive powers. He may appoint and dismiss the prime minister and cabinet and may dissolve the Lower House at his discretion. The Lower House may approve, reject or amend legislation put forward by the cabinet, but it is limited in its capacity to initiate legislation. The deputies may not enact laws without the assent of the Upper House.⁸⁹

The current political structure and electoral process grew out of a series of events starting in the late 1980s that grew into a political crisis. In early 1989, Jordan found itself struggling to meet its

⁸⁴ Milton-Edwards and Hinchcliffe, *Jordan : A Hashemite Legacy*.

⁸⁵ Laurie A. Brand, *Jordan's Inter-Arab Relations : The Political Economy of Alliance Making* (New York: Columbia University Press, 1994).

⁸⁶ Milton-Edwards and Hinchcliffe, *Jordan : A Hashemite Legacy*, xiv.

⁸⁷ Ibid.

⁸⁸ Government of Jordan, "About Jordan: Government," <http://www.jordan.gov.jo>. Note, the number of deputies in the Lower House were 110 until a 2010 election law added 10 new seats to the House. Four of these represent urban areas, where most Jordanians of Palestinian origin live. The six other seats were reserved for women, bringing the total number of seats for women up to 12. Source: Freedom House, "Freedom in the World: Jordan," (Washington, D.C.2011).

⁸⁹ Freedom House, "Freedom in the World: Jordan."

international obligations in the midst of a deep recession brought on by the collapse of world oil prices. Lacking other recourse, the state chose to borrow money from the International Monetary Fund (IMF) and enact austerity measures. The result was sharply rising prices for fuel and other basic commodities. Upset by increasing cost of food, a series of violent “bread riots” started in Ma’an and quickly spread to other southern towns and villages. These protests were fundamentally different from previous protests as they were not linked to Palestinians or urban nationalists, but instead signalled high levels of discontent in areas that had traditionally been the heartland of support for the Hashemite monarchy.⁹⁰

In response, the palace began a process of ‘defensive’ or ‘pre-emptive’ reforms in a controlled, top-down manner designed to forestall more substantial calls for democratization. King Hussein asked the current government to resign and called for free and fair parliamentary elections in November 1989. Although political parties had been banned in 1957 and were still illegal, the ideological tendencies of individual candidates were widely known among voters. Given the relatively short time for campaigning (25 days), and the fact that the Muslim Brotherhood was the only established political grouping in Jordan, the Islamist movement achieved strong success at the polls, winning 32 out of the 68 available ‘quota free’ seats.⁹¹

Although the Islamists conformed to the democratic rules throughout the 1989-93 parliamentary sessions, they frequently presented strong vocal opposition to key policies put forward by the palace on such issues as the segregation of the sexes at public schools, the prohibition of alcohol, and – most importantly – opposition to the peace talks with Israel. Thus, with the Arab-Israeli peace process moving forward in the fall of 1993, King Hussein sought to establish a more supportive parliament in the November 1993 elections.⁹²

The result was the formulation of a new election law which has been widely acknowledged by those in government to have been principally aimed at decreasing the amount of seats occupied by Islamists. While support for the Muslim Brotherhood is primarily found among Palestinians living in urban areas, the new election laws disproportionately allocated more seats to areas of regime supporters, including rural areas, southern districts, select cities and towns, and Bedouin tribes.⁹³ The law also implemented a one-person, one-vote system within generally multi-seat districts – a

⁹⁰ George, *Jordan : Living in the Crossfire*.

⁹¹ Glenn E. Robinson, "Can Islamists Be Democrats? The Case of Jordan," *Middle East Journal* 51, no. 3 (1997).

⁹² Ibid.

⁹³ Freedom House, "Freedom in the World: Jordan."; Robinson, "Can Islamists Be Democrats? The Case of Jordan."; Quintan Wiktorowicz, "The Limits of Democracy in the Middle East: The Case of Jordan," *Middle East Journal* 53, no. 4 (1999).

system that in essence compelled voters to choose between tribal and party loyalties. The gambit worked as planned and Islamist representation dropped from 32 to 22 seats, with 46 of the parliamentary seats being won by those with no party affiliation. The result has been the successive election of 'tribal' – and strongly pro-Hashemite – parliaments since 1993.⁹⁴ However, the establishment of the 'tribal parliament' has also had the unanticipated result of creating a deeply conservative Lower House which is supportive of the social and cultural leanings of its constituency.⁹⁵

Regardless of the changes in parliament, Islamists continue to be an important political force in Jordan and one with which the Hashemite Monarchy has had to maintain an uneasy alliance. Starting in 1945, the Muslim Brotherhood has had a special relationship with the palace and was able to enjoy a form of political monopoly over the public sphere for over three decades while all other political parties were banned. This relationship was largely based on the fact that the Muslim Brotherhood shared common enemies with the Jordanian state – namely the pan-Arab left and the radical Islamist right. However, this relationship has become increasingly strained over the years through a number of factors. After the elections in 1989, members of the Muslim Brotherhood showed themselves willing to push for reforms above and beyond what the palace was willing to grant. While the new election law decreased their representation in the Lower House, the newly formed Islamic Action Front (IAF)⁹⁶ continues to be a vocal political force in Jordan and one whose opinions the Monarchy must take into account to continue to ensure the stability of the country.⁹⁷

Social Features

The distinctive trajectory of Jordan's political and economic development has created a unique social fabric within Jordan. At the heart of this tapestry are the Jordanian tribes. While only small segments of the population continue to live a traditional *bedu* lifestyle, the tribal mentality and customs continue to represent for many the 'true' Jordanian identity. Many urbanites as well as a great majority of villagers take pride in their patrilineal descent and can recite long genealogies. For them, the term *tribal* "refers to a set of values emphasizing honour, generosity, and manliness inclusive of such attributes as wisdom, diplomacy, patience, and magnanimity."⁹⁸ Although tribal

⁹⁴ Robinson, "Can Islamists Be Democrats? The Case of Jordan."

⁹⁵ Janine A. Clark, "'Honor Crimes' and the International Spotlight on Jordan," *Middle East Report*, no. 229 (2003).

⁹⁶ The Islamic Action Front (IAF) is the political wing of the Muslim Brotherhood in Jordan. It was established in 1992 when the formation of political parties was legalized.

⁹⁷ Robinson, "Can Islamists Be Democrats? The Case of Jordan."

⁹⁸ Richard T. Antoun, "Civil Society, Tribal Process, and Change in Jordan: An Anthropological View," *International Journal of Middle East Studies* 32, no. 4 (2000).

courts have been eliminated over time, their jurisdiction and laws have been integrated into the wider legal system along with Islamic law (*shari'a*) and European codes.⁹⁹

Tribal culture has historically been strongly patriarchal, due in a large part to the necessity of having men act as protectors given the frequency of battles and raids. These patriarchal norms were embedded in the development of strict honour codes which were used to regulate social life in a context of high interdependency and close interaction. Stealing, discourtesy or even gossip could be considered a serious offense against the tribe and often required violent action to alleviate the dishonour.¹⁰⁰ Within this context of classic patriarchy, women were considered the property of men. This meant that the actions of women were not only controlled by men, but that the monitoring of 'improper' behaviour was important as it reflected back on those that held 'ownership' of them.¹⁰¹

The changing nature of tribal life in the modern period has necessitated certain changes in the way that the traditional codes of honour are practiced and understood. With transitions to more urban settings and integration into nation states, many aspects of social life now fall outside the realm of tribal or family control. Thus, the relative "honour" of a tribe or family – defined as moral purity, prestige and strength – has become more narrowly associated with the perceived propriety and moral uprightness of the family unit.¹⁰² Within this context, the actions or potential actions of a family or tribe's female members are accorded such weight that they bear the responsibility for maintaining the honour of the entire group. In particular, one of the most visible – and controllable – sources of honour and dishonour is the sexual conduct of women.¹⁰³ Thus, the honour of an entire family or tribe can be called into question if any female member of that family is seen to conduct herself in way which suggests openness towards sexual relations outside of marriage.¹⁰⁴ While women are seen as the custodians of honour for their families, bound to safeguard it with their lives, men are seen to carry the heavy burden of guarding their female relatives from their own unpredictable desires.¹⁰⁵

⁹⁹ Sonbol, *Women of Jordan: Islam, Labor, and the Law*.

¹⁰⁰ Ibid.

¹⁰¹ V. M. Moghadam, "Patriarchy in Transition: Women and the Changing Family in the Middle East," *Journal of Comparative Family Studies* 35(2004).

¹⁰² M. Charrad, *States and Women's Rights : The Making of Postcolonial Tunisia, Algeria, and Morocco* (Berkeley: University of California Press, 2001).

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Danielle Hoyek, Rafif Rida Sidawi, and Amira Abou Mrad, "Murders of Women in Lebanon: 'Crimes of Honour' between Reality and the Law " in *"Honour" : Crimes, Paradigms, and Violence against Women*, ed. Lynn Welchman and Sara Hossain (London; New York: Zed Books, 2005); Charrad, *States and Women's Rights : The Making of Postcolonial Tunisia, Algeria, and Morocco*.

While the Jordanian tribes represent a conservative force based in tradition, they are not the only group within Jordanian society promoting a conservative agenda. As noted above, the growth of Islamist movements – particularly the Muslim Brotherhood – has been an influential force in both Jordanian society and politics. Much like ‘global liberalism,’ political Islam can be seen as a global ideological structure through which actors promote normative agendas in world politics. In many regions, political Islam – with its own geopolitical and institutional underpinnings and its own global circuits – presents a strong alternative normative framework that can be utilized by norm entrepreneurs to achieve diverse ends.¹⁰⁶

The Islamic Resurgence of the 1970s, or *al-Sawha al-Islamiyya*, brought the growing Islamist movement new prominence as a political force.¹⁰⁷ While Islamist groups are very diverse in their aims and interpretation of Islam, Azza Karam clarifies that the “*sine qua non* of being an Islamist” is the commitment “to active engagement in the quest for a more Islamic and just society.”¹⁰⁸ One of the major forces in the Resurgence was the Muslim Brotherhood; a group that has become the “most powerfully organized movement in the world of Islam.”¹⁰⁹ Originating in Cairo in 1928, the movement’s founder, Hassan al-Banna, gained grassroots support among urban working young men by preaching a message of renewal and hope through a return to Islamic values. In order to achieve their goals of ending imperialism, establishing a nation based in Islam and the achievement of social justice; the first major aim of the group was the promotion of a system of education that would create a “strong moral immunity, firm and superior principles, and a strong and steadfast ideology.”¹¹⁰ Thus the group focussed on building mosques and schools and developing an expanding network of public health services.¹¹¹

The initial public appeal of the Muslim Brotherhood grew with the development of the Arab-Israeli conflict. While the Egyptian government was constrained through British influence in its ability to take a position on the issue, the Brotherhood raised funds in support of the Palestinians and took a firm pro-Palestinian stance. Their allegiance to the Palestinian cause can be seen as a

¹⁰⁶ Fiona B. Adamson, “Global Liberalism Versus Political Islam: Competing Ideological Frameworks in International Politics,” *International Studies Review* 7, no. 4 (2005).

¹⁰⁷ In the early 1990s, the term “Islamism” began to replace other terms as a shorthand to describe the spectrum of Islamic movements – among them “fundamentalism,” “radical” Islam, “political” Islam, and Salafism – which stem from the Islamic Resurgence and include everything from radically militant groups to (and by far the majority) moderate and non-militant groups. Source: Leila Ahmed, *A Quiet Revolution : The Veil's Resurgence, from the Middle East to America* (New Haven: Yale University Press, 2011).

¹⁰⁸ Azza M. Karam, *Transnational Political Islam : Religion, Ideology, and Power* (London; Sterling, Va.: Pluto Press, 2004), 5-7.

¹⁰⁹ Fawaz A. Gerges, *The Far Enemy : Why Jihad Went Global* (Cambridge; New York: Cambridge University Press, 2005).

¹¹⁰ Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale University Press, 1992), 155-56, 60-61.

¹¹¹ Ahmed, *A Quiet Revolution : The Veil's Resurgence, from the Middle East to America*.

reflection of two important ideas within the movement: first, the importance of freeing Egypt and other Islamic countries from imperialism and second, the rejection of geographic nationalism in favour of embracing the larger Islamic *umma* (or community) across political borders. These positions resonated with the broader population and further added to the movement's appeal amongst the broader population.¹¹²

At the social level, the goals of the movement were to cleanse society and to reaffirm Islamic values and laws. Thus they strongly advocated for the banning of prostitution, alcohol, nightclubs, gambling and the curtailment of Christian missionary activities. Along with these efforts came a focus on women's dress, particularly the veil or *hijab*. While use of the veil had steadily been declining throughout urban areas in the Middle East from the forties onwards, the Muslim Brotherhood focussed on this visible practice as sign of 'internal transformation' and signal that this community espoused very different mores, values and ideals from mainstream society.¹¹³

Until recently, Jordan was one of the few countries in the Arab world where Islamists occupied significant posts in the state bureaucracy and actively participated in the political process. The largest of these is the IAF, but other groups such as the Islamic Liberation Party, the Dar al-Qur'an, the Islamic Jihad-Bayt al Maqdis, and the Arab Islamic Renewal party have also been present. The democratic opening in 1989 provided new-found influence to these groups to clamp down on such things as coeducation in schools, community colleges, and universities; the integration of men and women in government offices; and the prevalence of 'immodest' women in Ministries. Changing press laws have also enabled the wider dissemination of this agenda, in which moral issues and the question of women's roles in society are constant themes.¹¹⁴

The rise of Islamism has dramatically influenced opinions on gender relations and the role of women in Middle Eastern society. It is important to note that the establishment of *shari'a* law in A.D. 610 was a significant force in the improvement of women's rights as it gave them legal status and partial rights of succession. However Islamic jurisprudence also tended to incorporate pre-Islamic customs by only ruling against them if it was deemed that they were at odds with express statements in the *Qur'an*. The result was a continuation of patriarchal and patrilineal social systems through the religious doctrines of Islam.¹¹⁵

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Lisa Taraki, "Islam Is the Solution: Jordanian Islamists and the Dilemma of the 'Modern Woman'," *The British Journal of Sociology* 46, no. 4 (1995).

¹¹⁵ Laura A. Weingartner, "Family Law & (and) Reform in Morocco - the Mudawana: Modernist Islam and Women's Rights in the Code of Personal Status," *University of Detroit Mercy Law Review* 82(2005); Eleanor Abdella Doumato and Marsha Pripstein Posusney, "Introduction," in *Women and Globalization in the Arab Middle East : Gender, Economy, and Society*,

As Middle Eastern society continues to change and adapt to the world around it, the position of women within this system has become the subject of increasing contestation. In particular, Muslims espousing Islamist perspectives are likely to assert the importance of maintaining 'traditional' general roles as a way of being true to the Islamic faith. Ahmed argues that the centrality of the 'women question' within Islamic societies is a reflection of the historical conflict between the Christian West and the Muslim East. It began when colonial powers crusaded against 'backward' practices such as the veiling of women and the position of women in Muslim societies as proof of the degeneracy of Islam and a justification for their efforts to subjugate Muslims. Thus, as a form of resistance, Islamists now turn the tables on this argument and stress the importance of veiling and the return to indigenous practices as a form of resistance.¹¹⁶ Taraki builds on this argument by looking at the changing nature of the Middle East and the fact that many of these societies have been unable to resist the Western economic, political and cultural onslaught. By focussing on issues central to the value system of Arab Muslims (the centrality of family, virtue and modesty in women), the Islamists are able to gain support in conservative Arab societies by restoring Muslims a measure of pride by assuring their superiority on the moral plane despite their economic and political subjugation. Muslim men - feeling increasing impotence within the changing nature of social relations and suffering from the direct impact of foreign economic, political and cultural hegemony - may choose to "compensate for this impotence by exercising their authority in one socially uncontested domain, over the one socially vulnerable element in their midst, 'their' women."^{117,118}

Thus, there is a strong convergence of social interests within Jordanian society between Islamists and Jordanian tribes. Both groups, in experiencing the upheavals and uncertainty wrought by social and economic upheaval, may respond to these changes by seeking to return to the "golden age" of religion or society where – not so incidentally – men enjoyed considerable and social power

ed. Eleanor Abdella Doumato and Marsha Pripstein Posusney (Boulder: L. Rienner Publishers, 2003); Moghadam, "Patriarchy in Transition: Women and the Changing Family in the Middle East."

¹¹⁶ Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate*.

¹¹⁷ Taraki, "Islam Is the Solution: Jordanian Islamists and the Dilemma of the 'Modern Woman'," 646.

¹¹⁸ Of course, it is not only men who participate in Islamist parties or in the perpetuation of patriarchal systems. However, studies have suggested that while women may be active in these parties, they may be differently motivated than their male peers. Tessler and Nachtwey found that while women were likely to support Islamist movements in the same numbers as men, there may be sharply divergent views on gender equality within that population. Additionally, while female support and adherence to patriarchal systems is well documented, but it is argued that this support is premised on the importance of maintaining their status in the dominant system in the absence of other options. See: Mark A. Tessler and Jodi Nachtwey, "Explaining Women's Support for Political Islam: Contributions from Feminist Theory," in *Area Studies and Social Science: Strategies for Understanding Middle East Politics*, ed. Anne Banda (Bloomington: Indiana University Press, 1999); David Ghanim, *Gender and Violence in the Middle East* (Westport, Conn.: Praeger, 2009).

over women.¹¹⁹ As a result, efforts to promote norms of “gender equality” or address discriminatory gender practices are likely to encounter firm resistance. These two powerful groups are strongly aware how subtle changes in practices, institutions, or legislation may erode the way of the life that they are striving to re-establish and protect. Within this context, international norms concerning gender equality and women’s rights not only lack salience, but also represent a threat to ‘Islamic’ or ‘Jordanian’ ways of life. Thus, the emergence of such norms is rallied against because they represent the harmful impacts of the continued Western imperialism of the Arab or Islamic world.

The influence of this alliance is suggested in recent survey data published by UNICEF regarding attitudes among women towards domestic violence. Out of a sample of 83 countries, Jordan, at 90%, had the highest percentage of women who expressed agreement with the idea that a husband/partner is justified in hitting or beating his wife/partner under certain circumstances. Other countries at the head of this list included Mali (87%), Guinea (86%), Timor-Leste (86%) and Ethiopia (81%). While not all countries with the Middle East and North Africa were involved in the survey, it is interesting to note that those that were included – Algeria (68%), Morocco (64%), Iraq (59%), and Egypt (39%) – exhibited much lower agreement rates than Jordan.¹²⁰

A closer look at the Jordanian data shows that opinions about domestic violence varies between certain segments of the population, but perhaps not as much as might be expected.¹²¹ Table 1 outlines opinions regarding wife abuse according to various background characteristics. While these numbers suggest that conservative forces hold considerable sway within Jordanian society, they also show that Jordan is a diverse society and that modernization is having the same effects in this country as it has had elsewhere. Factors such as increasing income, education, and female participation in the labour force are assumed to lead to a more equitable society as ‘traditional’ gender roles are disrupted.¹²² In many ways, Jordan presents itself as one of the most liberal and modern countries in the Arab world. Economically, it is one of the freest and most competitive countries in the Middle East. The Hashemite Monarchy has been outspoken on gender issues, women have official equality with men, and quota laws have been implemented to increase the number of women represented in the national parliament. Jordanian women have achieved

¹¹⁹ Taraki, "Islam Is the Solution: Jordanian Islamists and the Dilemma of the 'Modern Woman'."

¹²⁰ United Nations Children's Fund (UNICEF), "Percentage of Women Aged 15–49 Who Think That a Husband/Partner Is Justified in Hitting or Beating His Wife/Partner under Certain Circumstances," http://www.childinfo.org/attitudes_data.php.

¹²¹ Unlike other countries, Jordan does not seem to exhibit as much diversity of opinions between rich and poor, urban and rural, and so on. In Morocco, for example, the divisions are much more prominent, with 52% percent of urban respondents agreeing and 82% of rural. Ibid.

¹²² Valentine M. Moghadam, *Modernizing Women : Gender and Social Change in the Middle East* (Boulder, Colo.: L. Rienner, 2003).

equivalent literacy rates and even surpass their male counterparts in primary, secondary, and tertiary school enrolment.¹²³ Female labour force participation was at 23% (compared to 74% for men) as of 2009.¹²⁴ Since the beginning of the democratic opening in 1989, a number of non-governmental organizations (NGOs) focussed on women's rights and women's concerns have been active in Jordanian society. In 1980, the Jordanian became a signatory to the UN Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), which it ratified in 1992.¹²⁵

Table 1. Attitudes towards wife beating

Percentage of ever-married women age 15-49 who agree that a husband is justified in hitting or beating his wife for specific reasons, by background characteristics, Jordan 2007.

Background characteristic	Percentage who agree	Number
Working Status		
Working	83%	1,316
Not Working	91%	9,560
Residence		
Urban	89%	9,249
Rural	95%	1,627
Education		
No education	98%	416
Elementary	96%	813
Preparatory	93%	1,681
Secondary	92%	4,788
Higher	84%	3,179

Source: Jordan Population and Family Health Survey 2007¹²⁶

Note: Reasons included: Burns the food, argues with him, insults, disobeys, goes out without telling him, neglects the children, or has relations with another man. Percentages are rounded.

¹²³ Talajeh Livani, "Middle East & North Africa: Gender Overview," (Washington D.C.: The World Bank, 2007).

¹²⁴ UNdata, "Jordan: World Statistics Pocketbook," <http://data.un.org/CountryProfile.aspx?crName=JORDAN>.

¹²⁵ Jordan ratified CEDAW with some important reservations that were deemed to conflict with *shari'a* law: One was with the nationality laws in Article 9 (women may not pass on Jordanian nationality to their children) and the other was the wording in Article 16i that called for equality between men and women regarding contracting marriage, rights during marriage, and rights and responsibilities in divorce. As of July 1992, only six of the eighteen states in the Middle East North Africa region had ratified CEDAW. Sonbol, *Women of Jordan: Islam, Labor, and the Law*.

¹²⁶ Department of Statistics [Jordan] and Macro International Inc., "Jordan Population and Family Health Survey," (Calverton, Maryland, USA: Department of Statistics and Macro International Inc., 2008).

The Institution of Honour Crimes in Jordanian Society

The term 'honour crime' is used to describe a practice whereby a woman is subject to extrajudicial killing or abuse at the hands of her family for actual or perceived deviance from sexual norms.¹²⁷ The motivation for doing so is attributed to need to 'cleanse' or 'salvage' the honour of the family by permanently eliminating the source of 'shame.' This practice can be observed not only in Jordan, but extends across the Middle East and North Africa region and into other parts of the world. However, the exact scale of the violence across the Middle East is unknown because few studies have been conducted on this issue.¹²⁸ Attention to the issue in Jordan has led to more detailed reporting, and as a result we know that roughly 25 women are killed annually in the name of honour.¹²⁹ While these killings are most commonly perpetrated by male family members (often juveniles to ensure lighter sentencing), women have also been known to play an active role in perpetrating the killings. Mothers and sisters may help arrange murders and may even kill with their own hands.¹³⁰ Honour crimes constitute about a quarter of the annual homicides in Jordan. Official statistics indicate that the majority of victims are teenagers and autopsies of the murdered women show that the overwhelming majority are virgins at the time of their deaths.¹³¹ Many are buried in unmarked graves and are disgraced even in death.¹³²

The normative context which gives rise to honour crimes is complex. Both perpetrators and critics of honour killings have been known to assert that the basis for these crimes is somehow linked to the practice of Islam or adherence to *shari'a* law. However, support for this interpretation is slim in the *Qur'an*, and many strong counter arguments to this practice can be made based on the same text.¹³³ Within the *Qur'an*, the crime of *zina* (extramarital sexual relations) is categorized as a *hadd* offence (a crime against God), meaning that it is punishable by death by stoning (if the person is married) or liable to a hundred lashed (if unmarried). However, for the crime of *zina* to be established, there is an extremely high – some would say impossible – standard of evidence. In

¹²⁷ Men may also be the target of honour crimes, particularly in cases of homosexual behaviour. However, this phenomenon is significantly less common. M. Kressel Gideon et al., "Sororicide/Filiacide: Homicide for Family Honour [and Comments and Reply]," *Current Anthropology* 22, no. 2 (1981).

¹²⁸ Ghanim, *Gender and Violence in the Middle East*.

¹²⁹ It is, however, important to note that some perpetrators may use claims of disgraced 'honour' to obscure the real motivation for an act of violence – such as brother murdering a sister for her inheritance. On the other hand, some instances of honour crimes may go unreported because they are made to look like manslaughter, arson, or suicides. Lynn Welchman, "Honour and Violence against Women in a Modern Shar'i Discourse," *Hawwa: Journal of Women of the Middle East and the Islamic World* 5, no. ii-iii (2007).

¹³⁰ Ghanim, *Gender and Violence in the Middle East*.

¹³¹ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

¹³² Shafika Mattar, "Rana Hussein: Created a New Beat Honor Crimes in Jordan," *Mediterranean Women* (2003), http://www.mediterraneas.org/article.php3?id_article=469.

¹³³ Sonbol, *Women of Jordan: Islam, Labor, and the Law*.

order for someone to be charged with *zina*, the concurring oral testimonies of four male, adult witnesses of trustworthy character must establish that each individual clearly witnessed the carnal act. Short of this, the only other way to prove *zina* is the perpetrator's fourfold confession in court.¹³⁴ Given these stringent restrictions, Asifa Quraishi and other scholars have suggested that this penalty is meant to deter public indecency rather than to control private sexual conduct.¹³⁵

A number of factors distinguish this area of Islamic criminal law from honour crimes as they are commonly practiced. First, should the procedural requirements of four witnesses be met, the *hadd* penalty can only be imposed by a judge endowed with this authority by the ruling authority.¹³⁶ Thus, the extrajudicial nature of honour crimes (where the family serves as the judge and executioner) is outside any interpretation of *shari'a* law in this respect. Secondly, in the case of honour crimes, women are frequently killed on merely the suspicion of sexual deviance and many are shown to be virgins after their death. As such, the clear criterion for proving a crime of *zina* is overlooked. Thirdly, within the *Qur'an* both males and females may be found guilty of committing *zina*. However, the practice of honour crimes has evolved in such a way that the overwhelming majority of those killed are women, with almost no parallel reprisals being visited upon their suspected sexual partners. Together, these various distinctions in the case of honour crimes strongly imply that the practice is not based on Islamic law, but that its legitimacy is instead rooted in other social customs. Further evidence of this claim can be found in the fact that the practice of honour killings is not limited to simply Arab or Islamic communities, but has also been practiced by other groups such as Christian and Kurdish communities.¹³⁷

Despite these distinctions, it should be noted that some defenders of honour crimes legitimate the practice on the basis of Islam because they see it as consistent with the general principles of Islamic law. In particular, they claim that this less formal practice is necessary because *shari'a* law is *not* more widely implemented in Jordan. Therefore, it is argued the practice should persist as a way to ensure the moral integrity of the country in the absence of *shari'a* law.¹³⁸

The majority of the literature on honour crimes has sought to explain the prevalence of this practice by focussing on certain cultural features which are widespread in the societies where

¹³⁴ Welchman, "Honour and Violence against Women in a Modern Shar'i Discourse."

¹³⁵ Asifa Quraishi, "Her Honor: An Islamic Critique of the Rape Laws of Pakistan from a Woman-Sensitive Perspective," *Michigan Journal of International Law* 18, no. 2 (1997).

¹³⁶ Welchman, "Honour and Violence against Women in a Modern Shar'i Discourse."

¹³⁷ Catherine Warrick, "The Vanishing Victim: Criminal Law and Gender in Jordan," *Law & Society Review* 39, no. 2 (2005).

¹³⁸ Ibid. A survey by al-Sabeel in 2000 found that 81 percent of respondents agreed that honour killings occur because *shari'a* is not implemented in Jordan. Rana Hussein, "Al Sabeel Survey Weighs in against Amending Article 340," *The Jordan Times*, February 24 2000.

honour crimes occur. These explanations principally focus on certain normative understandings which may legitimate extreme violence against women. In particular, the patriarchal or 'neo-patriarchal' nature of Arab society in general and Jordanian society specifically is seen as responsible for the subordination of women vis-à-vis men and the relative lack of value placed on their lives.¹³⁹ As noted in the previous section, social understandings of honour and dishonour predate the arrival of Islam and have become intrinsically bound to the perceived sexual conduct of female family members.¹⁴⁰ Thus a man's *rujuleh* (masculinity) and honour are inextricably bound to the actions of his female relatives and he cannot remain honourable if he does not react to a perceived sexual transgression.¹⁴¹ Once a girl or a woman is suspected of some form of shameful behaviour, families often feel tremendous social pressure to eliminate the source of embarrassment and to, quite literally, bury the shame.¹⁴²

Accounts from perpetrators of these crimes indicate the strength of these 'honour codes' or norms within certain segments of Jordanian society. In a case from Salt, Jordan, seventeen year old Mohammad Rai was pressured by his family to kill his cousin in order to uphold his family's honour. The 'crime' that his cousin committed was to tell her conservative father that she was in love with a man from another family and that he wanted to ask for her hand in marriage. Rai served just six months in prison because the victim's father dropped the charges. A few years later, Rai told an interviewer that, "I would do it again if I had to. People here would have stigmatised my entire family if I had not killed her and shame would have followed us wherever we went. We are prisoners of our own social habits; there is nothing we can do about it."¹⁴³

Clearly within many communities in Jordan there is a strong social imperative to comply with these behavioural norms or endure extreme censure from the larger community. In this context the victim's "right to life" is considered to be trumped by extenuating circumstances. This dynamic has been witnessed many times by Jordanian activist and lawyer Eva Abu Halaweh. Working with cases of 'women at risk,' she has noted that often the parents or families of disgraced girls will try and seek out other solutions to the problem (such as abortion or marriage) before

¹³⁹ Purna Sen, "'Crimes of Honour', Value and Meaning," in *"Honour": Crimes, Paradigms, and Violence against Women*, ed. Lynn Welchman and Sara Hossain (London; New York: Zed Books, 2005); Faqir, "Intrafamily Femicide in Defence of Honour: The Case of Jordan."

¹⁴⁰ Hoyek, Sidawi, and Mrad, "Murders of Women in Lebanon: 'Crimes of Honour' between Reality and the Law".

¹⁴¹ Ghanim, *Gender and Violence in the Middle East*; Faqir, "Intrafamily Femicide in Defence of Honour: The Case of Jordan."

¹⁴² Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

¹⁴³ Sharon K. Araji and John Carlson, "Family Violence Including Crimes of Honor in Jordan: Correlates and Perceptions of Seriousness," *Violence Against Women* 7, no. 5 (2001); IRIN, "Jordan: Honour Killings Still Tolerated," (2007), <http://www.irinnews.org/Report.aspx?ReportId=70634>.

resorting to murder. However, in many cases the pressure from the community or extended family is so overwhelming that the girl is killed despite the hesitations of the family. Sometimes extended family members – such as sons, cousins or uncles – will choose to ‘deal’ with the matter despite the parent’s objections.¹⁴⁴

Rather than strictly emphasizing the role of patriarchal norms, this thesis will take a more comprehensive approach by describing honour crimes as an informal institution, thus embedding these norms in a set of rules, routines, and discursive frames. According to March and Olsen, institutions are “collections of interrelated rules and routines that define appropriate actions in terms of relations between roles and situations.”¹⁴⁵ Within this framework, honour crimes can be viewed as an institution because the ‘appropriate action’ for families of disgraced girls is not only defined or constrained by certain patriarchal norms, but also other interrelated rules and routines. Understanding honour crimes as an institution can thus help us to understand the “processes by which such patterns achieve normative and cognitive fixity, and become taken for granted.”¹⁴⁶ Understanding how norms are linked and reinforced by related rules, routines and frames also helps us to understand why certain norms can be so resistant to change in the absence of change in other areas.

One of the most visible pillars of an institution are regulative features: the formalized rules, policies and laws which regulate behaviour. Within the Jordanian context, a tremendous amount of attention has been targeted on certain elements of the Jordanian Penal code which allow the perpetrators of the crimes to benefit from reduced sentences. Before the 1990s, perpetrators of honour crimes in Jordan rarely spent more than a year in prison. In many cases, the perpetrators presented themselves to the authorities to announce their deed, confident of a light penalty. Usually by the time their case was heard in court, they had served their time and they were free to go.¹⁴⁷

The statutes of the Penal code which have featured most heavily in discussions regarding honour crimes are Articles 340 and 98. Article 340 is often seen as the most relevant to honour crimes because it specifically refers to acts of violence perpetrated after discovering a wife or female

¹⁴⁴ Eva Abu Halaweh, "Interview by Author," (Amman, Jordan July 19, 2011).

¹⁴⁵ March and Olsen, *Rediscovering Institutions : The Organizational Basis of Politics*, 160.

¹⁴⁶ W.W. Powell, "The New Institutionalism," in *The Sage Handbook of Organizational Institutionalism*, ed. Royston Greenwood (Los Angeles; London: SAGE, 2008), 1-2; John W. Meyer, John Boli, and George Thomas, "Ontology and Rationalization in the Western Cultural Account.," in *Institutional Structure : Constituting State, Society, and the Individual*, ed. George M. Thomas (Newbury Park, [Calif.]: Sage Publications, 1987).

¹⁴⁷ Reem Abu Hassan and Lynn Welchman, "Changing the Rules? Developments on 'Crimes of Honour' in Jordan," in *"Honour" : Crimes, Paradigms, and Violence against Women*, ed. Lynn Welchman and Sara Hossain (London; New York: Zed Books, 2005).

relative committing the crime of *zina*. For this reason, it has been most heavily targeted by anti-honour crime activists. Until December 2001, the law read:

1. He benefits from an exculpatory excuse who surprises his wife or one of his female unlawfuls (*muharim*)¹⁴⁸ in the act of adultery with another man and kills, wounds, or injures one or both of them.
2. The perpetrator of a killing, wounding, or injury benefits from a mitigating excuse if he surprises his wife or one of his female ascendants or siblings with another in an unlawful bed.¹⁴⁹

It should be noted that the law only provides penalty reductions for the male perpetrators of these crimes. Furthermore, although the concept of honour is central to the social understanding of the law's role, the term honour is not actually mentioned in the law. Instead, its interpretation is based on the widely held understanding that "the behaviour encompassed by the statute's description would discredit the honour of a woman's (male) relatives, and that the law is meant to account for the natural response to such a provocation."¹⁵⁰ Thus, the article is an attempt to reconcile the legal concept of a 'crime of passion' with the socially relevant concept of a 'crime of honour'. The article itself has no basis in Islamic law, but is instead derived from the Ottoman Penal Code of 1958 and the French Penal Code of 1810.¹⁵¹

Despite Article 340's apparent relevance to honour crimes, it has rarely been invoked in such cases as it does not reflect the predominant social practice and is largely irrelevant in terms of judicial practice. The conditions of the article are based on the premise of murder being committed immediately following the discovery of a couple engaged in extramarital relations. Because this is hardly ever the case and women and girls are usually killed well after whatever act they are believed to have committed; Article 98 is used in almost all of the cases involving crimes of honour.¹⁵² This article specifies that:

The committer of a crime who undertakes it in a furious passion produced by a bad (*ghair muhiq*, or unrightful) or dangerous act performed by his victim benefits from a mitigating excuse.¹⁵³

¹⁴⁸ A *muharim* is a person related to a close enough degree to permanently preclude marriage (e.g. daughter, sister, mother-in-law).

¹⁴⁹ Warrick, "The Vanishing Victim: Criminal Law and Gender in Jordan," 346. In December 2001, the first clause of this article was annulled and the second amended. Reason for these changes will be discussed in the section.

¹⁵⁰ *Ibid.*, 326.

¹⁵¹ Lama Abu Odeh, "Honor Killings and the Construction of Gender in Arab Societies," *The American journal of comparative law*. 58, no. 4 (2010).

¹⁵² Lama Abu Odeh, "Crimes of Honour and the Construction of Gender in Arab Societies," in *Feminism and Islam : Legal and Literary Perspectives*, ed. Mai Yamani and Andrew Allen (Berkshire, UK: Published for Centre of Islamic and Middle Eastern Law, School of Oriental and African Studies, University of London [by] Ithaca Press, 1996).

¹⁵³ Warrick, "The Vanishing Victim: Criminal Law and Gender in Jordan."

Because of the generality of its terms, Article 98 allows the defendant to use this defence in a wider number of circumstances than Article 340. If the court believes that this extenuating excuse applies, it may reduce to a half the penalty for a felony, or reduce any penalty for other crimes that have a minimum penalty of three year's imprisonment to sentence of a year.¹⁵⁴

While Article 98 looks similar to a 'temporary insanity' defence, Abu Odeh has highlighted two elements of this article that have been the particular focus of jurisprudence in the Jordanian courts. The first component is the perpetrator's claim to have been in a 'furious passion' or a 'fit of fury'. The Jordanian Court of Cassation (JCC)¹⁵⁵ has deemed that a fit of fury should have such a severe impact on the accused that s/he is deprived of any sense or self-restraint, and has therefore lost control of himself/herself (Court of Cassation Case No. 213/2004). Thus, the crime is not 'premeditated,' as premeditated murder requires calm thinking, deliberation, and a certain period of time for time. As a result, the debate in the courts largely focusses on the amount of time that has passed between the accused acquiring knowledge of the 'unrightful' act and the time of murder. In some cases the applicable time period has extended from one to two weeks, although more recent rulings (since 1999) have shortened the applicable time period for a 'fit of fury' defense.¹⁵⁶ This debate has the effect of diverting attention away from the actual murder, and instead focusses on the 'intent' of the perpetrator and if s/he was overwhelmed at the time because of the severity of the attack on his/her honour. As a result, the Court will tend not to focus on evidence of intentional homicide on the part of accused, but instead on the victim's behavior and its allegedly 'provocative' nature.¹⁵⁷ Warrick has termed this phenomenon the 'vanishing victim', as the alleged actions of the victim become the focus of the trial, while the murder – and the victim – vanish, "leaving in her place a wicked woman who had to be killed for the honor of her family and the morality of society."¹⁵⁸

¹⁵⁴ Abu Hassan and Welchman, "Changing the Rules? Developments on 'Crimes of Honour' in Jordan."

¹⁵⁵ The Court of Cassation is Jordan's highest court and it reviews all the decisions of the High Criminal Court (where all murder cases are tried). The president of the JCC is appointed by the king and serves as the Chief Justice. All death penalty cases are reviewed by the seven judges of this court. Human Rights Watch, "Honoring the Killers: Justice Denied for 'Honor' Crimes in Jordan," (New York, NY: Human Rights Watch, 2004).

¹⁵⁶ Abu Hassan and Welchman, "Changing the Rules? Developments on 'Crimes of Honour' in Jordan."

¹⁵⁷ Abu Odeh, "Crimes of Honour and the Construction of Gender in Arab Societies." It is important to note that this interpretation of law is not only limited to Jordan or the Islamic world. Ian Leader-Elliott has analyzed the development of the 'law of sexual provocation' in the Western world and found that sometime in the early 19th century, sexual provocation was recognized as a partial defence when husbands killed their wives. In the 20th century, the use of defence has spread to encompass other relationships outside of marriage. Much like in the Jordanian case, the practice implicitly places some blame on the victim, who is - in the overwhelming majority of cases – female. For a detailed overview, see: I. Leader-Elliott, "Passion and Insurrection in the Law of Sexual Provocation," in *Sexing the Subject of the Law*, ed. N. Naffisen and R.J. Owens (Sydney: Sweet & Maxwell, 1997).

¹⁵⁸ Warrick, "The Vanishing Victim: Criminal Law and Gender in Jordan," 328.

The other significant component of this article is the contested meaning of an 'unrightful and dangerous act' on the part of the victim. Abu Odeh notes that the definition of this term was hotly contested from 1953-1965 as the JCC resisted applying this article to killings of honour, instead choosing to deem it only applicable to case of self defense. In 1954, the JCC notably ruled that:

The shameless behavior of the victim is not considered an unrightful act for the purposes of Article 93 [the historical origin of Article 98 before the Penal Code of 1960 was passed], and cannot be seen as calling for a reduction of the penalty, unless the act of killing occurred while the defendant was in a state of surprise at seeing one of his female unlawfully in an unlawful bed.¹⁵⁹

However, in 1964 this position was dramatically overturned in a new ruling which conceded the applicability of Article 98 to honour crimes and thereby shaped the definitions of what constitutes a 'crime of honour' until present day. The ruling in this particular case argued that:

Article 340/2 of the Penal Code provides for a reduction of penalty in a specific case which is of the defendant catching one of his ascendants, descendants, or sisters in an unlawful bed. While Article 98 is more general, the defendant benefits from a reduction if he has committed the crime in a fit of fury caused by the victim's unrightful and somewhat dangerous act.¹⁶⁰

Subsequent rulings have clarified that an 'unrightful act and somewhat dangerous act' may include becoming pregnant outside of wedlock or having suspicions of *zina* confirmed as both these constitute "an unrightful aggression on the family's honour, and [are] of a dangerous nature according to our society's traditions."¹⁶¹

It is unclear why the JCC made this abrupt change in position, although Abu Odeh asserts that the Court's resistance to applying Article 98 started to break down due to "backlash."¹⁶² Thus, it is clear that the 'institution' of honour crimes represents a complex interaction of formal laws, established customs and widely shared social understandings. This can be further evidenced by an additional legal practice that allows the Court to grant reduced sentences to the perpetrators of honour crimes. In these cases, customs and traditions push the family or guardian of victim to waive their personal claim against the killer (often their son or brother) and drop all charges, thereby resulting in the sentence being reduced by half. While the laws can be seen to 'legitimate' the

¹⁵⁹ Abu Odeh, "Crimes of Honour and the Construction of Gender in Arab Societies," 158.

¹⁶⁰ *Ibid.*, 158.

¹⁶¹ Cassation Criminal 11/78, p.458, 1978. As reported by *ibid.*, 160.

¹⁶² *Ibid.*, 159; Abu Odeh, "Honor Killings and the Construction of Gender in Arab Societies."

practice of honour crimes in some sense, it is the context specific interpretation of the laws (established through jurisprudence) that determines the 'appropriate' boundaries of such violence.

In addition to formal laws and legal jurisprudence, judicial practice has also played a role in perpetuating the institution of honour crimes in Jordan. Lawyers concerned with women's rights have spoken about the systemic bias on the part of trial court judges. According to human rights lawyer Hani Dahleh, "Judges deal with these kinds of crimes in a facilitating way, understanding the man."¹⁶³ Murder cases are tried in the High Criminal Court, where the twelve judges of this court serve in panels of three. As of 2004, only one woman – Taghreed Hikmat – has served as a judge in this court from 2002-2003. Inam Asha, a counselor for women at risk has stated that the judges need "rehabilitation" as they are "sons of the culture." As such, their ability to try these cases in an unbiased manner is impaired.¹⁶⁴

Lawyer and advocate Reem Abu Hassan started reviewing all of the judgments related to honour crimes rendered by the judiciary in 1993. After reading through 30 or so cases it became clear to her that there were distinctive patterns in the way that the crimes were allegedly committed, defended and tried. These various patterns came together to create a routine response to honour crimes that almost invariably resulted in extremely reduced sentences for the perpetrators of the crime. First, the terminology used by the defendant and the defendant's family in court to describe the killing evidenced an eerie similarity from case to case, something which suggested to Abu Hassan that the defendant had been rigorously coached by someone on what to say to benefit from Article 98. The reputation of the victim was also routinely "trashed" as part of the defense strategy. The extreme similarities between the various defense strategies were no coincidence, as most of cases were defended by the same (female) lawyer. Secondly, the cases were often poorly investigated and weakly prosecuted, so the judge had to mainly rely on the evidence provided by defense. And thirdly, as suggested above, the judges tended to interpret the law – particularly what constituted a 'dangerous and unrightful act' - in a very 'conservative' sense, so that actions such as running away from home or talking in a friendly manner to a strange man could be seen as reasonable provocation for a 'fit of fury.'¹⁶⁵

Outside the judicial system and the Penal Code, a host of other practices and behaviours also played a role in perpetuating the institution of honour crimes within the Jordanian context. One

¹⁶³ Human Rights Watch, "Honoring the Killers: Justice Denied for "Honor" Crimes in Jordan," 30.

¹⁶⁴ Human Rights Watch interview with Inam Asha, counselor, Effat Al-Hinki Center for Counselling and Legal Services, Amman, July 12, 2003. Cited in *ibid*.

¹⁶⁵ Reem Abu Hassan, "Interview by Author," (Amman, Jordan July 13, 2011).

of the overarching issues is the absence of options available to women or girls who are 'disgraced' or pregnant outside of marriage. Certain medical practices, such as virginity tests (where a girl is taken by her family to a doctor to determine if her hymen is intact) or pregnancy tests (where it is customary for the doctor to inform the family and police if the girl is found to be pregnant) violate the privacy of women and can place their lives at risk.¹⁶⁶ In the case of illegitimate pregnancies, abortions are illegal within Jordan in most instances (including rape and incest) and this makes hiding the 'shame' more difficult.¹⁶⁷ While some families may balk at killing their daughter, the social censure for having an obviously pregnant daughter is perceived by many as too much to withstand.

Women or girls who perceived themselves to be in danger from their families also had limited options before the late 1990s. The first shelter for women at risk was established by the Jordanian Women's Unit in 1999.¹⁶⁸ Before that, women who feared violence had no alternatives but to go to the police, who usually send them to prison for "protective imprisonment." If incarcerated under these terms, women are only able to be released with the consent of the administrative governor. This consent, as a matter of custom and practice, is only given when he deems it safe for her to leave and when a male family member commits himself to be responsible for her.¹⁶⁹ As a means of ensuring her safety, financial bonds of 3,000 to 5,000 Jordanian Dinars (roughly 4,500 – 7,000 USD) are often put in place with the understanding that this amount should be paid if any harm comes to the woman. However, should the woman be killed, these bonds are hardly ever liquidated. When I interviewed her, Abu Hassan recounted the rationale provided by one administrative governor for this practice. He said, "You want me to liquidate this bond when that poor father had already lost his daughter and his son is being tried for the murder of his sister? Do you want to add to devastate this family?" In response, Abu Hassan then asked, "If it was a stranger that killed the daughter would you move to liquidate the bond?" He responded, "Of course I would."¹⁷⁰

It is important to note that the institution of honour crimes does not affect all segments of the Jordanian population equally. The practice is much more common in rural and Bedouin areas and among the economically disenfranchised.¹⁷¹ A study of those convicted of honour crimes found

¹⁶⁶ Abu Halaweh, "Interview by Author." Lima Nabeel, "Interview by Author," (Amman, Jordan July 21, 2011).

¹⁶⁷ United Nations Population Division, "Jordan," in *Abortion Policies: A Global Review*, ed. Department of Economic and Social Affairs (New York 2002).

¹⁶⁸ Nadia Shamroukh, "Interview by Author," (Amman, Jordan July 14, 2011).

¹⁶⁹ Human Rights Watch, "Honoring the Killers: Justice Denied for "Honor" Crimes in Jordan."

¹⁷⁰ Abu Hassan, "Interview by Author."

¹⁷¹ Yusuf Mansur, Musa Shteivi, and Nermeen Murad, "The Economic Underpinnings of Honor Crimes in Jordan," ed. Mathlouna (Amman: Informational and Research Center, King Hussein Foundation, 2009).

that most were very young, ranging in age from nineteen to thirty. Over 32 percent were illiterate, 29.7 percent were enrolled in secondary schools, 23 percent in high schools, and 3.7 percent in university. A clear link was also observed between social class and honour crimes as most of the perpetrators of these crimes are employed in seasonal or temporary jobs with little security and 12.9 percent were unemployed. The majority lived in rural areas, with 46.3 percent living in dense urban areas.¹⁷² For families living in tightly knit communities with little anonymity, the perceived honour of the family can become an important economic consideration. In the absence of other resources or achievements, honour can be seen as both a source of self-worth and a vital currency to gain leverage vis-à-vis the other members of the community. A dishonoured family would be inhibited in their ability to function normally in society. Other siblings might not be able to marry and the head of the household might find it hard to find work as a 'dishonoured' man.¹⁷³ Poverty may also contribute to honour crimes as it constrains the options for families of disgraced women. More wealthy Jordanian families may possess enough resources to make options such as abortion, marriage or travel conceivable. They may also be better equipped to weather societal criticism as their perceived social 'worth' is based on more than their 'honour.'¹⁷⁴

Looking at these various practices and the social customs underwriting them continues to expand our understanding of how honour crimes are institutionalized and habitualized within the Jordanian context. The laws, practices and customs that regulate how society deals with 'disgraced' women and their families serve to perpetuate strong beliefs regarding 'guilt', 'blame' and 'responsibility' in these situations. Thus, the shamed woman bears the guilt and blame for her death or imprisonment and while the family carries the responsibility for dealing with the crisis appropriately. Within this context, international human rights norms - particularly the "right to life" or freedom from extrajudicial execution or disappearance - are not seen as congruent or applicable to national understandings regarding appropriate behaviour. By allegedly participating in 'dishonourable' behaviour, the woman or girl is understood to have waived her right to be a member of this society. This fundamental disconnect accords with established ideas about why certain norms are rejected in domestic contexts. Cortell and Davis explain, "When an international

¹⁷² Sonbol, *Women of Jordan: Islam, Labor, and the Law*.

¹⁷³ Mansur, Shteivi, and Murad, "The Economic Underpinnings of Honor Crimes in Jordan."

¹⁷⁴ Abu Halaweh, "Interview by Author."; Nabeel, "Interview by Author."; Maram Maghalseh, "Interview by Author," (Amman, Jordan July 14, 2011).

norm's domestic salience is limited, its invocation in support of a given policy is unlikely to have much domestic effect. In such cases, the national discourse provides a 'theory of rejection'.¹⁷⁵

Part Five: Contested Norms and Shifting Meanings – Tracing the Honour Crime Debate in Jordan

This section will present the emergence, development, and evolution of the Jordanian Honour Crime debate in three separate 'stages.' The first stage examines two isolated examples of emerging dissent within Jordanian society that took place between the mid- to late 1980s. The next stage (the early 1990s to 2000) focusses on the growth of the anti-honour crime movement and the subsequent responses which emerged from the international community, Jordanian society, and the Jordanian government. The third, and final, stage traces the subsequent development and evolution of the anti-honour crime campaign from 2001 to present.

Stage I: Emerging dissent (mid to late 1980s)

In 1987, Lima Nabeel was tasked by her editor at *Sayiadaty* (a leading Arabic woman's magazine published in London and distributed throughout the Arab world) to interview women in the Jweideh Women's Correctional Centre as part of a series on female prisoners in different Arab countries. She was asked to find out about their crimes and interview them. Upon arriving at the jail, she was asked who she wanted to see. It was then, to her great surprise, that she discovered that girls as young as 12 and 13 were staying at the prison. As she recounted this story in an interview with me, she said that she was confused by what she saw and wondered, "Why are these girls staying in prison?"¹⁷⁶

When she interviewed them she discovered that these young girls were very frightened and had no hope for their future. Their predicament shocked Nabeel as she saw them as the victims, yet they were in prison while the people that had threatened them lived free. Until this time she had no idea of the extent of the practice of honour crimes in Jordan, and was very surprised to learn that such a thing still existed in the country. She was so disconcerted that she called her editor at *Al Rai* (the leading Jordanian Arabic daily) and recounted what she saw in prison. She then asked for some time before writing anything, as she said that she needed some time to digest what she had seen.

¹⁷⁵ Cortell and Davis, "When Norms Clash: International Norms, Domestic Practices, and Japan's Internalisation of the GATT/WTO," 6.

¹⁷⁶ Nabeel, "Interview by Author."

For the next month she made regular visits to the prison and talked to the girls to find out their stories.

Based on these interviews, she decided to write a series of three articles for *Al Rai* telling the stories of women in protective custody in Jordan. Her motivation for doing so was to make people aware of the plight of these women and to find a better solution to the problem. The articles highlighted their innocence despite their imprisonment, and told of how many of the girls were in fact victims of rape and incest.

The publication of the first article caused a sizable stir. When she went to the newspaper office on the evening that the article had been published, she was informed by the telephone operator that the phone lines were busy all day with people calling to ask who she was. A day later the second article appeared despite strong internal pressure within the newspaper office not to publish the piece. The third article was never published because the newspaper refused to run the story after the overwhelming critical response from the public. For the majority of Jordanian society, talking about this publically was something new, and something very uncomfortable. Nabeel started to receive threatening letters and was criticized by name from the pulpit in mosques during Friday prayers. Her critics claimed that Jordan was not like this, and that she was exaggerating and sensationalizing the issue.

Nabeel received some supportive letters and phone calls – mostly from younger people – but she was, in reality, alone in this fight until the 1990s. She continued to write articles for different local and regional news sources and kept up her visits with the girls in prison. During one of these visits in 1989, she met a 14 year old girl who was pregnant after being raped. She ran away from home when she discovered she was pregnant and found shelter in a juvenile facility. While she was visiting, the girl's father and brother came to claim her and take her home, saying that all was well and they had found a man to marry her. Nabeel started to walk away to give space for the joyful reunion when she suddenly heard shots. The father had snuck a gun into the facility under his *abaya* and had killed his daughter instead of taking her home.

Witnessing this event galvanized Nabeel and made her ever more determined to work on this issue. She strove to spread awareness of the issue through various articles in hopes of changing Jordanian 'mentalities' about the issue.¹⁷⁷ In the early 1990s she started to receive occasional phone calls from UN agencies and human rights groups about the issue, but she resisted working with them believing that this sort of change needed to come from inside. She put them off by telling them, "I

¹⁷⁷ When Jordanians talk about worldviews and perspectives in English they typically use the term 'mentalities' as an all-encompassing term to refer to attitudes, beliefs, and norms.

believe it is better to cleanse your house from the inside before going outside.” Nabeel believed strongly that the practice would only stop if there was widespread shift in the mentalities in the majority of the Jordanian population, and that this change could not be achieved through external pressure. At that point she believed that foreign actors would not be effective at this task because the Jordanian population tended to be very skeptical of the interests of outside actors. However, looking back, Nabeel voices disappointment regarding what was actually achieved domestically during this period. She says, “I decided to work on changing the society. But, frankly speaking – to tell you that we achieved something with this? – I will tell you ‘no.’”¹⁷⁸

As Nabeel worked in the public sphere, attention towards this issue was slowly increasing in other parts of the Jordanian community. Asma Khader – then serving as the coordinator of the Sisterhood is Global Institute (SIGI) in Jordan – became aware of the issue in the early 1980s through her work as a lawyer. She related to me that her involvement in the issue honour crimes started one day when she was in court on business related to another case. There she met a woman who had just heard that her husband had received six months imprisonment because he killed their daughter. The woman – looking very pale and weak - approached Khader and asked if she was a lawyer. Khader gave the woman her business card and the woman came to see her directly after the session.

Khader initially congratulated the woman on her good fortune, as her husband would shortly be free because he had already served six months in prison awaiting trial. But the woman explained that this was, in fact, her problem. Her husband had killed the daughter because she was pregnant and not married. Khader (a young lawyer at the time and seeking to calm the woman down) said, “You know, it is not accepted in our society and she should not have involved in such crimes of relation outside of marriage.” In response the woman explained that the father was the one who had raped the daughter and when she became pregnant he decided to kill her. She said that she was terrified to report since her husband might kill her as well and no one would believe her. While the woman wanted to leave her husband, she had a daughter and a son remaining that she did not want to leave with her husband. She was especially fearful that the father would rape the other daughter. While she could return to her family, they lacked the resources to provide for her and her children. Khader said that she would confer with the Jordanian Ministry of Social Development to see what could be done and that the woman should come back to see her on Tuesday. Khader never saw the woman again.

¹⁷⁸ Nabeel, "Interview by Author."

This encounter motivated Khader to monitor these sorts of cases more closely when they came up for trial. After watching these procedures for two or so years, she was invited in 1985 to give a lecture on the status of women in Jordanian law. She talk about a wide variety of laws – including labour law, family law, and criminal law – before focussing more narrowly on the issues of honour crimes (and the light sentences given to the perpetrators of these crimes) and the gender discrimination present in adultery laws (as it is relatively easy to send a woman to court to be tried, but very difficult to send a man to trial for adultery). After the presentation, one of the female leaders of major Jordanian NGOs approached the table where Khader was sitting and threw the workshop folder on the table and said, “We are not here to defend prostitution!” before storming out of the hall angrily. Khader says that she felt shamed after the exchange, and was beginning to ask herself if she had made the wrong decision to speak on the issue when a man stood up and strongly defended Khader’s position. From that time on, Khader focussed more on this issue as a legal advocate, but the results of her efforts were not to be seen until the mid-1990s. When asked about her motivation for continuing to work on the issue, Khader stated that the “right to live is a basic human right” and that she was driven by the many stories she had documented where women and girls were suffering despite the fact that they were completely innocent of the charges made against them.¹⁷⁹

These two accounts are instructive as they provide a picture of the Jordanian context at a time before the institution of honour crimes became subject of public debate. While a few lone voices were expressing concerns about the practice, their perspectives and arguments did not have widespread resonance. Quite to the contrary, these early actions seemed most likely to elicit angry reactions or ‘dissonance.’ Those who supported them did so quietly and verbally, but no practical action was forthcoming from Jordanian civil society.

The deficit of support from civil society groups in Jordan may be attributed to a number of factors. One of the most important of these was that at this point awareness regarding the practice was extremely low among those who were most likely to condemn it. Nabeel and Khader’s stories indicate that there was so little public discussion of the issue that many were completely unaware that the practice existed. Nabeel noted the practice was something that she read about in novels from the 1950s and 1960s, but not something that she thought happened in modern-day Jordan.¹⁸⁰ These stories are supported by the accounts of other activists and journalists who also indicated

¹⁷⁹ Asma Khader, "Interview by Author," (Amman, Jordan July 18, 2011).

¹⁸⁰ Nabeel, "Interview by Author."

little knowledge of this issue until it was brought to their attention in the 1990s.¹⁸¹ Some had heard of this issue growing up, but assumed that it was 'dying out' or rarely practiced.¹⁸²

In addition to providing a partial explanation for the lack of debate surrounding this institution in the 1980s, these accounts also highlight the tremendous distance that exists between certain segments of Jordanian society. The sharp contrast between the wealthier, and more educated citizens of Amman - who are almost completely unaware of the practice - and the poorer, less educated rural populations - who experience the constraining effects of this institution - is startling. At the same time, it is clear that shared understandings exist between the groups regarding what kind of behaviour is acceptable in Jordanian society. Khader's initial response when she hears of the father killing his pregnant daughter betrays a certain level of understanding about this response, as the girl has done something that is "not accepted in our society."

Another contributing factor to the lack of debate around the issue was that, at this point, strong social norms constrained open discussion regarding the practice of honour crimes. Nadia Shamroukh, now general manager of the Jordanian Women's Union (JWU), grew up in a Palestinian refugee camp. While she heard about the practice growing up, it was only through the 'whispering' of women. Her mother or her neighbours would talk about the shameful behaviour of a certain girl or woman and the heroic actions of the brother or uncle who cleansed the honour of the family. According to these stories, the perpetrator would turn himself into to the police and the police would salute him for his heroic deed. The extent of the practice was never clear as the stories amounted to gossip, and were never discussed openly.¹⁸³ Instead, it was considered shameful or improper to discuss the victim or the crime because the family had gone to such lengths to 'close the file' and cover the 'blight' or 'stain' of the victim's actions.¹⁸⁴

The lack of public information regarding the extent of the practice and who was being killed meant that even those who might have disagreed with honour crimes on principle were not powerfully motivated to do anything about it. First, it was assumed that honour crimes rarely occurred, and that it was a 'backward' practice that would inevitably disappear as the country continued to modernize. Secondly, it was assumed that the women killed were all prostitutes or adulterers and thus, in a sense, brought this upon themselves. While many may have still disagreed with the extrajudicial killing of prostitutes or adulterers on principle, it was certainly not seen as a

¹⁸¹ Abu Halaweh, "Interview by Author."; Abu Hassan, "Interview by Author."; Basel Burgan, "Interview by Author," (Amman, Jordan July 10, 2011); Rana Hussein, "Interview by Author," (Amman, Jordan July 4, 2011); Su'ad Abu Dayyeh, "Interview by Author," (Amman, Jordan July 21, 2011).

¹⁸² Leila Hamarneh, "Interview by Author," (Amman, Jordan July 16, 2011).

¹⁸³ Shamroukh, "Interview by Author."

¹⁸⁴ Anonymous, "Interview by Author," (Amman, Jordan July 14, 2011).

pressing issue for activism given all other issues facing ‘good people’ in Jordan. In addition, people were reluctant to speak out about the issue for fear of having their own moral integrity being called into question.¹⁸⁵ As we will see in the next section, people who chose to speak out about the issue were frequently branded as supporters of prostitution and adultery or may even be perceived as having ‘loose’ sexual mores themselves. For NGOs and activists, broaching the topic was risky as it could quickly jeopardize their work in other areas. If their intentions or moral legitimacy became suspect they could quickly lose the trust that they had painstakingly developed with local communities.¹⁸⁶

It seems reasonable to conclude from the above analysis that international human rights norms, particularly the “right to life,” were seen to have limited salience in relation to the practice of honour crimes in Jordan before and during the 1980s. Where knowledge of the practice existed, there was little concern for the ‘personhood’ of the disgraced woman or girl; instead the immoral actions of the disgraced party were seen as an act of ‘aggression’ or ‘provocation’ against her family through which she relinquished her rights as a member of the community. While others may not have completely shared this understanding of the practice, it is clear that there is still a large degree of unwillingness to loudly denounce the practice as a ‘human rights violation.’ This hesitancy may stem from ingrained prejudice regarding the ‘dishonourable’ nature of the victim or a fear of social censure. In either case, it indicates that human rights norms were not salient enough to spark strong moral outrage regarding the practice.

Stage 2: The Evolution of a Movement (1994-2000)

In 1993, Rana Hussein became the weekly crime reporter at *The Jordan Times* (the English daily newspaper in Jordan). She had just recently completed both a Bachelors and Master’s degree at Oklahoma City University, and was now returning to her native country as a journalist. Nine months into her job she came across the case of 16 year old girl who was stabbed to death by her older brother in one of the most impoverished areas of Amman. While the Arab newspapers had reported this case as they usually did, “Thirty-two-year-old man kills sixteen-year-old sister in Hashemi Shamali. Surrenders to police. Investigations underway;” Hussein was driven to investigate the story in more detail.¹⁸⁷ In June of 1994, she visited family members of the killed girl, Kifaya, and found that she had been murdered because she had been raped by her brother. When she asked

¹⁸⁵ Shamroukh, "Interview by Author."

¹⁸⁶ Hamarneh, "Interview by Author."

¹⁸⁷ Hussein, *Murder in the Name of Honour*, 2.

why Kifaya should be killed because of the actions of her brother, she was told that Kifaya was a 'bad girl' and had seduced her brother.¹⁸⁸

Upon returning to the office, Husseinini gained the permission of her editor, Jennifer Harmarneh, to write an article that ran the next day under the headline: "Victim of incestuous rape killed by second brother." The day after the story ran, the editor-in-chief of *The Jordan Times* received a call from a woman who described herself as an intellectual who worked in an official position. She railed against the editor saying, "You should stop Rana Husseinini from reporting these crimes because they do not exist in Jordan! This does not happen in our society!"¹⁸⁹ Despite this strong negative reaction and postbags full of threats, Husseinini's editors supported her to keep on writing about the issue. Although it is impossible to say with certainty why Husseinini's editors reacted so differently than Nabeel's, part of the explanation may lie in the different audiences that each of these papers served. While *Al Rai*'s readership is mainly middle-class Jordanians, *The Jordan Times* catered to the affluent English-speaking minority, including many foreigners in the diplomatic and NGO communities. Thus, while there was a lot of negative feedback, the paper also received letters of support expressing anger and outrage about the killing of innocent women and the light sentences that the killers received. Husseinini asserts that many of the *Times* readers were previously aware of the issue of violence against women, but they remained "apathetic" about the issue until the cases were reported in-depth.¹⁹⁰

Husseinini's motivation for reporting on these cases was to put a human face on the victims of honour crimes and give them a voice. As she has stated "People needed to know that they had lived, loved and died in the cruellest manner possible. They needed to know who had murdered them and why their killers had gone unpunished."¹⁹¹ In this way, Husseinini's work started to challenge certain strongly held beliefs and assumptions about the institution of honour crimes. The humanization of the killed women, and their portrayal as 'innocents' and 'victims' countered commonly held views about the practice. By showing that these women were not prostitutes or adulterers, they began to regain their 'personhood' and their claim to certain rights. This shift in thinking was accompanied by a greater focus on the perpetrators of the crimes, as the short sentences seemed particularly egregious given the 'innocent' nature of their victim.

The rather 'international' nature of *The Jordan Times* readership meant that Husseinini's influence spread beyond the borders of Jordan. In July 1994, Husseinini wrote a story entitled 'Murder

¹⁸⁸ Ibid.

¹⁸⁹ Ibid., 7.

¹⁹⁰ Ibid.

¹⁹¹ Ibid., 9.

in the Name of Honour' which caught the eye of the Med-Media Programme in the European Union. As a result she won the MEDNEWS prize award for best article in 1995. In 1996 she was asked by the then Crown Prince Hassan to address a conference on violence against children. Hussein's work is indirectly credited for bringing the issue to the attention of King Hussein, who condemned it in his 1997 speech to parliament.¹⁹² The following year she won the 1998 Reebok Human Rights Award for reporting on violence against women in Jordan.¹⁹³

Nanes suggests that it was this award that eventually caught the attention of the CNN network, resulting in a fifteen minute segment about this issue being aired on January 11, 1999. The impact of this segment was quite far reaching for a number of reasons. First, it predictably garnered a lot of negative attention for Jordan in the international media. Secondly, it set in motion an official government response, led by King 'Abdullah, largely as a way of dealing with international pressure.¹⁹⁴ Thirdly, it prompted Basel Burgan, an Amman business man, to contact Hussein and suggest that they start working together to stop honour crimes.¹⁹⁵ The result of this action was the establishment of the Jordanian National Committee to Eliminate So-Called Honour Crimes and the launch of a petition campaign. The government response and the campaign moved ahead simultaneously, but separately, throughout 1999 before converging again at the end of the year with the parliamentary vote on Article 340. The next section will detail the civil society movement before moving on to examine the international and governmental responses in turn.

Civil Society Activism in Jordan

Basel Burgan, a successful Ammani business man, was shocked when he watched the CNN broadcast on honour crimes in early 1999. While he had been previously aware that the practice existed in Jordan, he had no concept of the widespread nature of the crimes and the fact that killers typically were released from prison after a few months. His sense of outrage that the practice was still tolerated in Jordan prompted him to call *The Jordan Times* to talk to Hussein. He told her, "I just saw you on CNN and I saw that you were working on this issue and I want to start a campaign to have the government address this issue."¹⁹⁶ According to Burgan, Hussein was initially skeptical that

¹⁹² Clark, "'Honor Crimes' and the International Spotlight on Jordan."

¹⁹³ Reem Abu Hassan and Lynn Welchman, "Changing the Rules? Developments on 'Crimes of Honour' in Jordan," in *"Honour": Crimes, Paradigms, and Violence against Women*, ed. Lynn Welchman and Sara Hossain (London; New York: Zed Books, 2005).

¹⁹⁴ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

¹⁹⁵ Clark, "'Honor Crimes' and the International Spotlight on Jordan."

¹⁹⁶ Burgan, "Interview by Author."

such an effort would be effective, but he talked her into it, saying, "When I start a project it works, so please give this a shot."¹⁹⁷

Husseini contacted thirty of her friends by email and asked them to join her at Burgan's house to discuss the possibility of starting a campaign. About 20 people showed up, and out of this group they found 11 people who were committed to seeing this effort get off the ground. There were seven women and four men, five of whom were Western educated and the rest had or were attending the University of Jordan.¹⁹⁸ They were all young (between 20-40 years old), middle class, university educated professionals who lived in West Amman.¹⁹⁹ They all had an excellent grasp of the English language and all daily email correspondence was conducted in this language.²⁰⁰ Asma Khader was legal advisor to the group, and the other members consisted of various professionals (some quite prominent within Jordan) and university students.²⁰¹ This core group was eventually supported by a larger network of as many as 300 friends and family.²⁰²

The group called themselves the Jordanian National Committee to Eliminate So-Called Honour Crimes (CESHC) and met regularly to strategize how best to raise awareness about the issue among Jordanians and lobby the government to change the laws that discriminated against women.²⁰³ After months of meetings and discussion, the group decided that their primary focus would be a signature campaign addressed to Parliament and King 'Abdullah requesting a repeal of Article 340. The petition was deemed to be the best course of action because, unlike lectures or conferences, it would engage more than the elite by focussing on Jordanian society more broadly. They also believed that this method would be more effective for allowing people to express their opinions and providing an opportunity for discussion. According to committee members, this signature campaign was the first of its kind in Jordan.²⁰⁴

Deciding which law to focus on was a difficult decision for the campaign, and many of those who were involved in the effort now feel the wrong law was targeted.²⁰⁵ As discussed earlier, Article 340 is the law that appears the most relevant to the institution of honour crimes as it specifically details crimes committed in response to discovering that someone has committed adultery. Khader

¹⁹⁷ Ibid.

¹⁹⁸ Husseini, *Murder in the Name of Honour*; Husseini, "Interview by Author."; Burgan, "Interview by Author."

¹⁹⁹ This area is known for being considerably more liberal, well-to-do, and 'Westernized' than East Amman.

²⁰⁰ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

²⁰¹ Husseini, *Murder in the Name of Honour*.

²⁰² Clark, "'Honor Crimes' and the International Spotlight on Jordan."

²⁰³ Husseini, *Murder in the Name of Honour*.

²⁰⁴ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

²⁰⁵ Husseini, "Interview by Author."; Khader, "Interview by Author."; Nabeel, "Interview by Author."; Shamroukh, "Interview by Author."; Leila Sharaf, "Interview by Author," (Amman, Jordan July 21, 2011).

argued that focussing on this law should be the priority because it was so specific, whereas the terms described in Article 98 were so general that it could be applied in many instances not related to honour crimes. For this reason, Article 98 might prove the more difficult to change. In Khader's opinion, amending Article 340 could be an important first step to amending all the laws in Jordan that discriminated against women, including Article 98.²⁰⁶ However, the fact still remained that the use Article 340 had never been recorded in an honour crime trial, whereas Article 98 was used frequently. Nabeel suggested that this fact provoked much amusement among parliamentarians as the proposed elimination of Article 340 was voted on later in the year.²⁰⁷

On August 23, 1999, the signature campaign was formally launched with a press conference in Amman. While the group's first request to hold a press conference in Amman was rejected by the mayor, a senior official at the Royal Palace convinced him to change his mind and the press conference moved forward.²⁰⁸ The text of petition (see Appendix Two) was also published in *The Jordan Times*, appealing to all Jordanian citizens to join in and sign the petition.²⁰⁹ The petition called for the "immediate cancellation of Article 340 in its entirety" on the grounds the law should be implemented "so as not to waste any chance to punish killers and to show society that these crimes will not be tolerated."²¹⁰ It called on citizens to sign and express their opinions "so that the authorities will take the necessary steps to protect the safety of innocent women who are victims of traditions and social norms that have no basis in Islam, the Jordanian Constitution or basic human rights."²¹¹ The text and rationale of the petition was strongly based in rights language, stating that they presented this petition as unified citizens, exercising their rights "to a good and safe life, free from violence in a society that protects the rights of all, which abides by the Constitution that assures equality to all in front of the law in rights and duties" and asserting that it is "the right of each Jordanian to live in peace and harmony base on respect for human dignity, individual rights, justice, security, fair trial and defence.. ." ²¹²

The 300 or so volunteers with the campaign took to the streets in East and West Amman, Madaba, Kerak, Jerash, Irbid and Wadi Musa armed with leaflets and petitions. Their slogan was, "A right to life and a right to fair trial."²¹³ 50,000 pamphlets were printed for distribution that included

²⁰⁶ Hussein, *Murder in the Name of Honour*.

²⁰⁷ Nabeel, "Interview by Author."

²⁰⁸ Hussein, *Murder in the Name of Honour*.

²⁰⁹ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

²¹⁰ Hussein, *Murder in the Name of Honour*, 35-36.

²¹¹ Ibid., 36.

²¹² Ibid., 34-35.

²¹³ Ibid., 38.

the names of over eighty women that had recently been victims of honour crimes in Jordan along with statistics and information on Article 340 and other laws in the Penal Code that discriminated against women.²¹⁴ Signatures were collected from friends, family members, and co-workers. Requests to sign the petition travelled by word of mouth, and individuals and workplaces took the initiative of collecting and sending in lists of signatures. By November 1999, the Campaign had collected over 15,000 signatures.²¹⁵

The Campaign only allowed Jordanian citizens to sign the petition, and signatures had to be accompanied by either a national identity number or a passport number. Members of the Campaign reported that this raised concerns for some of the potential signees due to the history of political repression in Jordan. Nevertheless, many people were convinced that it was safe to sign because of the substantial number of signatures already collected, some from the Royal Family.²¹⁶ Campaign members also found that many they had talked to were initially opposed to signing the petition because they held different views about honour crimes. If that was the case then the members of the campaign talked with them – sometimes for up to half an hour – reasoning with them that not every woman that was killed was guilty and that there is no support for this in *shari'a* law. They also stressed the Jordan was a modern society where order was maintained through the ‘rule of law’ and that if a women is guilty she should be brought to trial, not killed by her family. Burgan indicated that he was successful in getting about 90% of the people he talked with to sign; others were successful about 40-60% of the time. According to Burgan, those whose opinions did not change held “patriarchal” viewpoints, such as “that women should be in the house, that man is everything... It is entrenched in our society. People would say [honour crimes are] Jordanian, Islamic and this is our roots.”²¹⁷

The organizers of the Campaign made an early choice to keep their distance from the Jordanian government throughout their campaign. This decision sets the group apart from most political organizations in Jordan, as they did not obtain the necessary approval from the Ministry of the Interior in order to operate legally. Instead, they believed permission to operate should be unnecessary that the Ministry should not be able to control citizen activity. Although this choice exposed them to being shut down by the government, they continued their work unobstructed. The fact that they were able to do reflects the degree of unofficial support royal support that the

²¹⁴ Burgan, "Interview by Author."; Hussein, *Murder in the Name of Honour*.

²¹⁵ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

²¹⁶ Ibid.

²¹⁷ Burgan, "Interview by Author."

Campaign enjoyed.²¹⁸ While the committee had planned to work for one full year to collect at least 50,000 signatures from all the regions of the Kingdom, the Campaign was brought to an unexpected standstill just three months into their activities. The Lower House of Parliament abruptly decided to call the issue up for a vote in November, 1999, a move which effectively made the Campaign irrelevant.

Husseini's writings and the growth of debate around the issue of honour crimes opened the door for other individuals and civil society groups to start addressing the issue. Groups such as the Arab Women's Organization of Jordan (AWO) gave their support to campaign and were active in collecting signatures because they viewed it as inseparable from their mandate to promote women's rights.²¹⁹ The widespread nature of the practice was made evident in 1995 when a Jordanian official, Major Bashir Bilbeisi, analyzed 503 murders that took place between 1990 and 1995 and concluded that 150 of them were honour crimes.²²⁰ Others, such as Reem Abu Hassan, also started to review all the judgements rendered in such cases in order to under to gain a clearer understanding of how these crimes were tried in Jordanian courts.²²¹

In 1997, Dr. Mu'men Hadidi, director of the National Institute of Forensic Medicine, appeared on Jordanian television to criticize the problematic role that 'virginity tests' frequently played in the institution of honour crimes. He noted that half of the young women who end up in the mortuary had previously been sent to the Institute (while still alive) to have their hymens examined. Thus tests frequently served as a kind of 'death warrant' for these women by confirming the suspicions of the family. These tests sometimes submitted in court as 'proof' that the victim was not innocent and was therefore partially to blame for her death. While the Institute had been reporting deaths due to honour crimes as far back as the 1980s, Dr. Hadidi reported having confused opinions about honour crimes until a single incident motivated him to firmly oppose the practice.²²²

In 1995, the Jordanian Women's Union (JWU) started quietly talking about the issue of honour crimes within a workshop for NGOs and the government regarding discriminatory laws in

²¹⁸ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

²¹⁹ Hamarneh, "Interview by Author."

²²⁰ Anahid Devartanian Kulwicki, "The Practice of Honor Crimes: A Glimpse of Domestic Violence in the Arab World," *Issues in Mental Health Nursing* 23, no. 1 (2002).

²²¹ Abu Hassan, "Interview by Author."

²²² In 1996 the bodies of two sisters who had been burned to death in an 'accidental' kitchen fire were brought to the mortuary. Dr. Hadidi had performed virginity tests on the two girls (aged 18 and 19) the month before when they had been brought back to Jordan after having eloped to Egypt with their husbands in hopes of forcing their families to accept their marriages. The doctor certified that both the girls were virgins, but they still seemed terrified as he bade them farewell and he had the feeling that they "were like sheep waiting to be slaughtered." No one was ever charged in the incident. Husseini, *Murder in the Name of Honour*, 83. Julian Borger, "In Cold Blood," *Manchester Guardian Weekly* November 16, 1997.

Jordan. Despite the discussion, all recommendations regarding honour crimes were “put in drawers” after the workshop. When asked why this was the case, Nadia Shamroukh (now General Secretary of the JWU) explained ‘loud talk’ about this issue at that time was hazardous as it gave the impression of supporting adultery and that this is “the most shameful thing” in Jordanian society.²²³ However, by 1997 the organization’s perspective on the issue had shifted dramatically. The JWU organized an entire workshop on the issue of honour crimes and invited various NGOs and the police. Notably, media were not invited.²²⁴

The two issues that the conference focussed on were how to protect women and how to shelter them. Shamroukh attributes JWU’s increasing willingness to address the issue at that time to the fact that the organization had set up a hotline (the first of its kind in Jordan) to provide confidential support to vulnerable and abused women throughout the Kingdom in 1996. Based on this experience, they knew that many women lived under the threat of violence and that they lacked options in terms of shelter and protection. Thus the priority for the JWU at that time was not changing the law, but protecting women. They considered honour crimes to be cultural issue and not a legal one, and thus they felt skeptical that a change in the law would do much by way of ensuring women’s safety. They also believed that changing the law could take a long time, and that merely focussing on this overlooked the many women who were currently at risk and needed immediate assistance.²²⁵

At this conference the JWU also brought up the issue of abortion and suggested that women should be able to have abortions performed in the first three months of pregnancy in the case of rape or incest in order to protect them from honour crimes. This recommendation was leaked to the press and there was a strong reaction, with people claiming that the JWU was advocating for extra-marital sex.²²⁶ Because of this the organization issued a statement indicating that they were specifically addressing cases of rape and incest, but this still generated a strong reaction from conservatives who claimed that no such cases existed in Jordan.²²⁷

In 1999, the JWU discretely opened up the first women’s shelter in Jordan. The Union provides women with a place to stay, counseling, and vocational training until more long-term solutions can be found.²²⁸ Up until the present, no official shelters exist in Jordan for women at risk of honour crimes. A shelter for victims of domestic abuse was established in 2007 by the Ministry of

²²³ Shamroukh, "Interview by Author."

²²⁴ Ibid.

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ Ibid.

Social Development, but victims of honour crimes were explicitly excluded from its mandate on the basis that this issue would draw much needed attention away from the issue of domestic violence – something that very much needed to be addressed as its own issue.²²⁹

About four weeks after the Campaign by CESHG got underway; the JWU organized another seminar on the topic of honour crimes in September of 1999. Entitled, 'Honour Crimes... Any Improvements?', the seminar focussed on determining where the fight against honour crimes stood, and on identifying future actions. In the end, the JWU threw their weight behind the Campaign and issued a statement calling for Parliament to cancel Article 340 and to place restrictions on the application of Article 98. The statement also demanded that those who incited false rumours about women should be punished, as they were placing women's lives in danger. Finally, the recommendation called for an increase of the severity of the punishment for adultery, something that Husseinini suggests was done to add balance to their call for reforming Article 340. The JWU was already feeling some pushback on the issue at this time as they had received anonymous pamphlets that accused the JWU of encouraging adultery.²³⁰

Another group that became active on the issue of honour crimes was The Mizan Law Group. This non-profit organization was founded by Asma Khader to promote the legal protection of human rights. From the time that it was established in 1998, it took on cases of women who were at risk of violence by their family. Some of them had been in protective custody for a number of years and needed protection and rehabilitation to restart life outside of prison. Others were seeking protection from their family. By getting involved in such cases, the lawyers at Mizan frequently placed themselves in personal danger. Eva Abu Halaweh received death threats for extending support to a 16 year-old girl who had survived being shot eight times by her brothers. Although her brothers were now in prison, the cousins of the girl still wanted to see her dead and were upset at the support she was receiving from Mizan.²³¹

Under the leadership of Princess Basma, the Jordanian National Commission on Women was also working on efforts to change Jordan's Penal Code and, in 1998, was the first group to suggest cancelling Article 340. While this group was deeply opposed to the practice of honour crimes, they expressed reservations about the tactics used by CESHG as they felt that its impacts would be short-lived and sensationalistic in Jordan and, more importantly, abroad. Activists felt the sensitivity of the

²²⁹ Abu Hassan, "Interview by Author."

²³⁰ Husseinini, *Murder in the Name of Honour*.

²³¹ Abu Halaweh, "Interview by Author."

issue required a more subtle approach that would not place some elements of society on the defensive.²³²

The Domestic Countermovement

As the anti-honour crime movement began to gain recognition and support both inside and outside the Kingdom, other segments of the population grew concerned at the impact that such a force might have on Jordanian society. Conservative groups within the country, such as the Bedouin tribes and the Islamists, saw this trend as further evidence of the encroachment of foreign values into domestic life. In this sense, the movement was perceived as threatening, as it challenged many widely-held domestic norms.

One of the first norms that the movement disrupted was the generally held understanding that discussing honour crimes was 'taboo' or 'shameful.' For families that had committed honour crimes, further discussion of the issue only re-opened the scandal that they had gone to extraordinary lengths to bury. Even for those not directly involved, talking about the crimes committed by the 'dishonoured' women was considered disgraceful behaviour as it brought attention to shameful elements of society that should not be dwelt on.

Within Islam, there is a widely cited *hadith* that, "whoever covers up the fault of a Muslim, Allah will cover up his fault on the Day of Resurrection."²³³ This *hadith* is frequently interpreted to mean that it is not right to talk about your own sin or the sins of others, but instead such things should be 'covered' from public scrutiny. Given this understanding, many resented the role of the activists in bringing these shameful acts to light. This resentment was heightened by the fact that this 'dirty laundry' was not only being aired domestically, but also internationally.²³⁴

The bevy of international criticism and scrutiny that emerged as a result of this campaign only helped to fan the flames of local discontent with the growing anti-honour crime movement. Many Jordanians questioned the right of the international community (largely understood within Jordan to represent 'Western' interests) to criticize their human rights record in light of their apparent unconcern with ongoing human rights violations within the Occupied Palestinian Territories and other parts of the world. The secretary-general of the Islamic action Front party,

²³² Clark, "'Honor Crimes' and the International Spotlight on Jordan."

²³³ From the Hadith book of Bukhari - 'Oppressions' 43:6222

²³⁴ Anonymous, "Interview by Author."

Abdul Latif Arabiyit, said, "people kill women in the street every night in the United States more than in one year in Jordan."²³⁵

Before the growth of the anti-honour crime movement in the mid-1990s, the Arabic-language press gave little attention to the issue of honour crimes. If reported at all, the coverage would have typically been limited to a few sentences which reported the fact of the murder, the initials of the victim and perpetrators, and perhaps the relationship between them.²³⁶ However, with the start of the CESHG campaign this suddenly changed. Husseinini recalls that "newspaper postbags bulged and columnists only wrote about one thing: Article 340."²³⁷ The extent to which the issue became a matter of public debate is indicated by an editorial comic, which was published both in both *Al-Rai* (in Arabic) and *The Jordan Times* (in English) in August 1999. The comic was drawn by Emad Hajjaj, the leading editorial cartoonist in Jordan and made quite an impact due to its black humour approach to honour crimes. At the time that the comic was published, the Arab Games were underway in Jordan and there were many exuberant expressions of national pride. The comic portrays a young girl saying to her father, "I wish you would let me play sports!! I promise I won't wear shorts. Maybe I will become a famous athlete and make my country proud..." Without looking up, her father responds, "My dear, you remind me of your cousin Najma! She was a fast runner. I remember she ran 20 miles before we managed to shoot her!"²³⁸ Through the cartoon, Hajjaj highlighted the irony of national pride in a country that allows the killing of its own women.²³⁹

Of course, other opinion pieces were much less supportive of the campaign. Abdul Latif Zuhd wrote in an column for the Arabic daily *Arab Al-Yawm* in August 1999 conceding that while religion did not allow people to take the role of executioner into their own hands, women were responsible for 'tainting their family's honour and reputation.' He blamed women for defying society's norms and family values by allowing men to sleep with them. Given this 'reality,' "How would a father take care of his daughter after she has tarnished his reputation and tainted his face with mud and brought him disgrace, distress and hardship?"²⁴⁰

While the anti-honour crime movement sought to reframe the issue by concentrating on the 'personhood' of the victims of honour crimes, the countermovement sought to suppress this attempt at normative change by asserting that the cancellation of Article 340 was a direct attack on

²³⁵ Human Rights Watch, "Honoring the Killers: Justice Denied for "Honor" Crimes in Jordan."

²³⁶ Warrick, "The Vanishing Victim: Criminal Law and Gender in Jordan."

²³⁷ Husseinini, *Murder in the Name of Honour*, 41.

²³⁸ An "Abu Mahjoub" cartoon by Emad Hajjaj, published in *The Jordan Times*, August 20, 1999.

²³⁹ Warrick, "The Vanishing Victim: Criminal Law and Gender in Jordan."

²⁴⁰ Husseinini, *Murder in the Name of Honour*, 42.

the family, the fundamental unit in society. As the movement addressed an issue that was at the core of societal insecurities, they encountered strong resistance from other civil society actors, from Islamists to professional organizations.²⁴¹ As noted previously, the 'women question' and the importance of 'traditional' family values has long been an effective rallying point for Islamist and other conservative groups throughout the Middle East. The fact that the anti-honour crime movement was advocating for the cancellation of an article that 'prevented adultery' and that they had the support of 'Western' organizations provided ample opportunities for the countermovement to mobilize and engage their constituencies to reject any proposed changes. The following statement by Abdul Latif Arabiyat, secretary general of the IAF, provides a characteristic example of how the issue was framed within the countermovement:

We feel that whoever is leading all these campaigns to change is aimed at demoralizing our society, and the women's issue has been used by the West against the Arabs and the Muslims to push Arab women to abandon their honor and values and start acting like animals.²⁴²

The *Al-Tahrir* Party (an Islamist party which is technically banned) issued a statement to the Jordanian Parliament openly accusing the United States of backing a global campaign to spread fornication in Jordan. The statement read:

Do not be fooled by the few thousands of signatures that were collected by the committee. If you really want to know Jordanians' opinion is, just organize an opposing campaign and you will collect thousands of signatures in a few days... People in Jordan do not waste or sell their honour for the sake of a misleading campaign that is run by a few people who are fascinated by Western civilization and values.²⁴³

In February 2000, *Al-Sabeel* – an Arabic pro-Islamist daily – conducted a survey among its readership and found that 78% of female respondents and 77% of males were supportive of keeping Article 340 in its existing form. A majority of the respondents expressed agreement with the idea that the campaign against honour crimes was a result of international pressure. A further 81% also agreed that honour killings occur because *shari'a* is not implemented in Jordan.²⁴⁴ While this survey cannot be seen as reliable indicator of Jordanian public opinion, it nonetheless provides insight into the views held within the more conservative segments of Jordanian society.

Looking back on the development of the anti-honour crime movement, a number of activists indicated that they underestimated how strong the resistance would be to their efforts. In

²⁴¹ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

²⁴² *Ibid.*, 125.

²⁴³ Al-Tahrir Party, "An Open Letter to Parliament Members," *Arab Al-Yawm* November 18, 1999.

²⁴⁴ Hussein, "Al Sabeel Survey Weighs in against Amending Article 340."

particular, they had not anticipated the informal alliance that would develop between the Islamists and the tribal leaders on this issue. They also failed to recognize the powerful influence that these two groups had within the Government and with the Royal Family. While the women's movement had previously recognized that these groups were antagonistic to their goals, the opposition that they faced was not in the open. However, the events leading up to the vote in 1999 powerfully changed this dynamic as those working to promote women's rights no longer face any doubt as to who their opposition is in the war to define social norms.²⁴⁵

Governmental Response

The CNN news segment that aired in the beginning of 1999 was not only important for precipitating the establishment of the Campaign to Stop So-called 'Crimes of Honour', but it also set in motion an official government response, led by King 'Abdullah. As one of his first acts on the throne after the death of his father, the new King wrote a letter to the Prime Minister, 'Abd al-Ra'uf Rawabdeh, in March 1999 urging the amendment of any law that "discriminates against women and inflicts injustice on them."²⁴⁶ The urgency with which King 'Abdullah addressed this issue can be seen both as an attempt to meet the conditions that Jordan had agreed to under CEDAW and also a strategic move to dampen any negative international press coverage that could be 'bad for business.'²⁴⁷ Queen Noor, wife of the late King Hussein, had called - just a few months before - for the establishment of clearer definitions on what constitutes an honour crime and for the identification of the obstacles that barred the judiciary from meting out tough sentences. However, this was the first time that parliament had been specifically tasked with removing discrimination against women from the legislation.²⁴⁸

The result of this letter was the establishment of a special committee at the legislative office of the Prime Minister which was charged with reviewing the Jordanian Penal Code and identifying proposed amendments. The result was that the Ministry of Justice formally announcing its recommendation to abolish Article 340 in July of 1999. In its place, it put forward another law to ensure the punishment of adultery and referred its recommendation to the Parliament for voting. The committee listed four justifications for amending this article:

²⁴⁵ These statements are based on three interviews with sources that will remain anonymous because of political sensitivities.

²⁴⁶ Rana Hussein, "Activists Optimistic Rawabdeh Administration Will Further Women's Rights," *The Jordan Times* March 6, 1999.

²⁴⁷ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

²⁴⁸ Hussein, "Activists Optimistic Rawabdeh Administration Will Further Women's Rights."

1. The existence of the article violated the constitution since it allowed individuals to take the law into their own hands.
2. It discriminated against women since the leniency in the punishment was only granted to men.
3. It violated the Islamic religion since four witnesses of good reputation are needed to testify to an act of adultery and the state or the ruler are the only one entitled to inflict punishment on the 'guilty.'
4. The law needed to be changed in response to western human rights organizations' constant criticism of the existence of Article 340.²⁴⁹

While the first three rationales put forward for changing the law were widely applauded by the anti-honour crime activists, the fourth rationale was deeply problematic as it provided strong ammunition to members of the countermovement to attack the proposed amendment on the grounds that it was yet another case of 'the West meddling in the affairs of Arab countries.'²⁵⁰

Despite this challenge, the proposed amendment was approved by the Parliamentary legal committee in September 1999 and moved ahead to be voted on in November 1999.²⁵¹ When the amendment reached the Lower House of Parliament, it was hastily voted on – and rejected – by show of hand. The deputies did not even bother to send the draft to their legal sub-committee before roundly rejecting it.²⁵² In the discussion before the vote it was clear that the overwhelming opinion among the deputies was that this was a Western sponsored campaign of misinformation aimed at undercutting the moral integrity of Jordanian society.²⁵³ The deputies accused the government of "succumbing to the West, legalising obscenity and harming society and women's morals."²⁵⁴ They argued that abolishing the law would be an "invitation to obscenity" and encourage promiscuity and prostitution.²⁵⁵ The bill was then sent to the Upper House, where it was rapidly approved and then sent back to the Lower House for another round of voting. The Lower House voted once more on the bill on January 26, 2000. After a quiet three minute debate, the bill was again rejected by a show of hands that was deemed a majority. Following the parliamentary rules, the bill was sent again to the Upper House, where it was again approved.²⁵⁶ Because there was not agreement between the two houses, the bill remained in parliamentary limbo until 2001 when the King suspended Parliament.²⁵⁷

²⁴⁹ Hussein, *Murder in the Name of Honour*, 37.

²⁵⁰ Ibid.

²⁵¹ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

²⁵² Ibid.

²⁵³ Hussein, *Murder in the Name of Honour*.

²⁵⁴ Faqir, "Intrafamily Femicide in Defence of Honour: The Case of Jordan," 76.

²⁵⁵ Clark, "'Honor Crimes' and the International Spotlight on Jordan," 38.

²⁵⁶ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan."

²⁵⁷ Abu Hassan and Welchman, "Changing the Rules? Developments on 'Crimes of Honour' in Jordan."

The conservatism of the Lower House on this issue is largely attributed to the fact that the deputies disproportionately represent rural, tribal interests. Adnan Abu Odeh, former political advisor to late King Hussein, has described the deputies of the Lower House as traditionalists who represent that culture and that constituency. For them, amending Article 340 is not an option because their position and their votes depend on them keeping the status quo. If they do not do this, they will be replaced by someone who will.²⁵⁸

After the proposed amendments were voted down by the Lower House, a large march to Parliament was initiated by Prince Ali via a posting made on a digital list serve. In the statement he said:

My father the late King Hussein was resolute in his stance against these crimes and my brother King Abdullah and I remain just as determined to end honour killings in Jordan, We support the struggle to change the law... Therefore, we have decided to march to Parliament to protest against honour killings. Please join us, each and every one of you, so that we may make democracy in our country a reality and voice our opinion towards a better Jordan.²⁵⁹

The various individuals and groups that had been involved in Campaign joined in this effort and rallied a large number of students and supporters to come out and join the march. While some activists still speak glowingly about the large numbers of people that showed up to protest, others viewed the event more critically, noting that large busloads of people had been driven in from tribal communities and they seemed not to know what they were doing at this event. For many it appeared that the participants had merely showed up to demonstrate their loyalty to the Hashemite Monarchy.²⁶⁰ Chants of "Long live King Hussein" were heard along with many remarks similar to, "if I found my wife/sister/female relative in such a situation, I would kill her too."²⁶¹

The involvement of the Royal Family and the apparently less than authentic participation of many of the protestors in the march marked the beginning of the end for the CESH Campaign. The legitimacy of the movement as an expression of civil society had been significantly undermined and the Royal Family succeeded in their efforts to effectively co-opt this political manifestation of civil

²⁵⁸ Adnan Abu Odeh, "Interview by Author," (Amman, Jordan July 20, 2011); Hussein, *Murder in the Name of Honour*.

²⁵⁹ Hussein, *Murder in the Name of Honour*, 60.

²⁶⁰ Burgan, "Interview by Author."; Hamarneh, "Interview by Author."; Hussein, "Interview by Author."; Shamroukh, "Interview by Author."

²⁶¹ Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan," 127.

society.²⁶² Members of the Campaign drifted to different tasks as the momentum faded in absence of any clear target or goal to serve as a rallying point.

International Attention

There is scant evidence of any significant international attention devoted to this issue before the mid-1990s. This fact alone strongly suggests that the international community followed the lead of domestic activists when it came to the issue of honour crimes. Hussein's investigations into the issue seemed to be the primary spark which set off debate surrounding the issue both locally and internationally. While she was clearly not the only person raising this issue within Jordan, her work was visible to a wide audience both inside and outside the country because it was published in English. CNN's subsequent coverage of the issue in January 1999 further fanned the flames of support for the movement and brought the issue to the attention of an international audience.

In 1996, Lama Abu Odeh – a Professor of Law at Georgetown University of Jordanian descent – was among the first to publish a piece about the practice of honour crimes in Jordan to a non-Jordanian audience.²⁶³ However, as Abu Odeh's article was buried in an academic text concerning legal and literary perspectives on feminism and Islam, it is unlikely to have reached a very large audience. A search for news articles covering the subject of honour crimes in Jordan using Factiva²⁶⁴ shows that very little was published on this issue before 1999.²⁶⁵ Searching the database from the beginning of 1980 to the end of 1998 shows nine newspaper articles were published on this topic in the international press from 1994 onward. Of these, only five are written by non-Jordanian journalists. In 1999, the number of results for that same search jumps to 34, and from the beginning of 2000 to the end of 2002 the number continues to grow to 102. From 2003 to 2004 the number of results balloon to 378, a number that can be largely attributed to the fact that a sensationalistic (and entirely fabricated) book about an honour killing in Jordan became international bestseller in 2003 (this episode will be discussed more fully below).²⁶⁶

²⁶² Laurie A. Brand, "Jordan: Women & the Struggle for Political Opening," in *Women and Globalization in the Arab Middle East: Gender, Economy, and Society*, ed. Eleanor Abdella Doumato and Marsha Pripstein Posusney (Boulder: L. Rienner Publishers, 2003).

²⁶³ Abu Odeh, "Crimes of Honour and the Construction of Gender in Arab Societies."

²⁶⁴ Factiva aggregates more than 28,500 sources (as newspapers, journals, magazines, television and radio transcripts) from 200 countries in 25 languages, including more than 600 newswires. See www.global.factiva.com.

²⁶⁵ All searches looked for text that included the word 'Jordan' and the term 'honor killing', 'honour killing', 'honor crime', or 'honour crime.'

²⁶⁶ Norma Khouri, *Forbidden Love* (London; New York: Doubleday, 2003).

As has been mentioned previously, the Jordanian regime has evolved in such a way that it is continually dependent on external revenue for its survival. Due to its geostrategic location as a pro-Western buffer between the Arab States and Israel, the United States have played an important role throughout the years at helping Jordan maintain its stability and prosperity by providing large amounts of economic assistance.²⁶⁷ Under the Foreign Assistance Act of 1961, the U.S. Secretary of State is mandated provide “a full and complete report regarding the status of internationally recognized human rights... in countries that receive assistance” on a yearly basis.²⁶⁸ Within these reports, the first mention of honour crimes appeared in 1995, roughly a year after Hussein started writing about the issue in *The Jordan Times*.

The statement in the Human Rights Report regarding the issue of honour crimes was brief and merely noted that offenders rarely spend more than six months to two years in prison while the penalty for murder is 15 years. It also noted that women may not invoke this defense.²⁶⁹ The two next years of reports added a few more clarifying details and noted the number of reported cases in each year.²⁷⁰ The 1998 report doubled the amount of space devoted to the issue by providing a more comprehensive overview of the institution. Issues such as ‘protective imprisonment’, the lack of investigation of such cases, and the crime of ‘passion’ defence were all noted as problematic.²⁷¹ By the 2000 report, the section dealing with honour crimes had reached almost 1,000 words. Graphic details, such as the fact that the victims were “were shot, strangled, stabbed, bludgeoned, and run over with vehicles” were included along with the specific details of two cases. The text also mentioned the efforts of the CESHG campaign and the rejection of the proposed amendment to the Penal Code.²⁷² Subsequent reports (2001-2007) continued to report on the issue with about the same level of detail.

While there were a number of international NGOs working in Jordan during this time, their involvement in the anti-honour crime movement appears quite limited until 1999. Although it is impossible to say for sure what motivated these groups to become active on this issue at that time, the timing strongly suggests that the start of the CESHG campaign may have played a role. Human

²⁶⁷ Brand, *Jordan's Inter-Arab Relations : The Political Economy of Alliance Making*.

²⁶⁸ U.S. Department of State, "Human Rights Reports," <http://www.state.gov/j/drl/rls/hrrpt/>.

²⁶⁹ U.S. Department of State, "Jordan Country Report on Human Rights Practices for 1994," ed. Human Rights Bureau of Democracy, and Labor (Washington, D.C.1995).

²⁷⁰ U.S. Department of State, "Jordan Country Report on Human Rights Practices for 1996," ed. Human Rights Bureau of Democracy, and Labor (Washington, D.C.1997); U.S. Department of State, "Jordan Country Report on Human Rights Practices for 1995," ed. Human Rights Bureau of Democracy, and Labor (Washington, D.C.1996).

²⁷¹ U.S. Department of State, "Jordan Country Report on Human Rights Practices for 1998," ed. Human Rights Bureau of Democracy, and Labor (Washington, D.C.1999).

²⁷² U.S. Department of State, "Jordan Country Report on Human Rights Practices for 1999," ed. Human Rights Bureau of Democracy, and Labor (Washington, D.C.2000).

Rights Watch (HRW), an international NGO dedicated to defending and protecting human rights, has been active in Jordan since 1997. However, their first report and statement on the practice was not released until August 1999. At that point, the organization issued a news release and sent a letter to the Jordanian Prime Minister Abd Al-Ra'uf Al-Rawabdeh condemning honour crimes and calling on him to “to work with the legislature and relevant government ministries to end its tolerance of honor killings by eliminating the articles of the Jordanian Penal Code which exempt or reduce the punishment of those convicted of honor crimes, as well as requiring police officers to conduct serious investigations pertaining to such crimes.”²⁷³ Amnesty International, had also reported on human rights issue in Jordan since 1991, but did not mention honour crimes until their 2001, which noted that there were “at least 21 family or ‘honour’ killings during the year” and mentioned that a vote to repeal Article 340 was rejected by the lower house.²⁷⁴ UNICEF made its first passing reference to the issue in a 2002 report, although it has been active in Jordan since 1952.²⁷⁵ While these various organizations became much more vocal participants in the anti-honour crime movement over the next decade, their limited involvement throughout the 1990s suggests that they had little impact on the development of the anti-honour crime movement within Jordan.

As noted earlier, Jordan became a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in on December 3, 1980 and it was ratified (with reservations) on July 1, 1992. As part of their obligations under this Convention, the state is required to submit reports on the legislative, judicial, administrative and other measures which they have taken to give effect to the provisions of the Convention. The initial report submitted by Jordan to CEDAW in 1997 made no mention of honour crimes or the discriminatory nature of Article 340.²⁷⁶ However, CEDAW’s response to this initial report in 1999 noted that the Legal Committee of the Jordanian National Committee for Women (under the leadership of Princess Basma) proposed amending a number of laws, including Article 340, as they constituted discrimination against women. The report also mentioned the issue of women in administrative detention who are at risk of being killed ‘to avenge the family honour’, but focused on the ‘problematic’ factors which give

²⁷³ Human Rights Watch, "Jordanian Law Excuses Murder: Jordanian Government Must End Impunity and Improve Protection for Women," <http://www.hrw.org/news/1999/08/10/jordanian-law-excuses-murder>.

²⁷⁴ Amnesty International, "Amnesty International Report 2001 - Jordan," (2001), 3.

²⁷⁵ United Nations Children's Fund (UNICEF), "Adolescents and Youth: Promoting Opportunities for Adolescents in Jordan with a Focus on Girls," http://www.unicef.org/adolescence/index_15242.html.

²⁷⁶ UN Committee on the Elimination of Discrimination Against Women (CEDAW), "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Initial Reports of State Parties: Jordan," (November 10, 1997).

rise to women's "deviant behavior" and not the larger problems inherent with the institution.²⁷⁷ Subsequent meetings and reports from 2000 onwards evidence a more nuanced approach to the issue, with the CEDAW committee the continually raising the issue and urging:

... the Government to provide all possible support for the speedy repeal of article 340 and to undertake awareness-raising activities that make "honour killings" socially and morally unacceptable. It also urges the Government to take steps that ensure the replacement of protective custody with other types of protection for women.²⁷⁸

A similar trend can be observed within the UN Commission on Human Rights. In 1992 the mandate for the UN Resolution Condemning Arbitrary Executions was renewed and expanded to include "summary or arbitrary" executions. However, the yearly reports by the Special Rapporteur on extrajudicial, summary or arbitrary executions made no mention of honour crimes until 1999. In the 2000 report, Jordan was mentioned by name (along with Egypt, Bangladesh and Pakistan) as a place where honour crimes continue to be practiced. Noting that "The right to life is the most fundamental of all rights and must be guaranteed to every individual without discrimination", the report went on to applaud "the public statements made by His Majesty King Abdullah, her Majesty Queen Noor, and the Minister of Justice of Jordan in support of amending the penal laws discriminating against women."²⁷⁹ While honour crimes continued to be mentioned in subsequent reports, Jordan was never again specifically mentioned as the attention of the Special Rapporteur was devoted to "monitoring incidents of 'honour killings' where the State either approves of and supports these acts, or extends a form of impunity to the perpetrators by inaction."²⁸⁰

The most targeted response to the issue of honour crimes to emanate from the UN system was the adoption of the UN General Assembly Resolution 55/66. Entitled 'Working towards the elimination of crimes against women committed in the name of honour' this resolution was adopted on December 4, 2000 by a vote of 146 for, 1 against, and 26 abstentions of which Jordan was one.²⁸¹

²⁷⁷ UN Committee on the Elimination of Discrimination Against Women (CEDAW), "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Second Periodic Reports of States Parties: Jordan," (October 26, 1999), 8.

²⁷⁸ UN Committee on the Elimination of Discrimination Against Women (CEDAW), "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Initial and Second Periodic Reports: Jordan," (January 26, 2000), 4.

²⁷⁹ UN Commission on Human Rights, "Civil and Political Rights, Including Questions Of: Disappearances and Summary Executions: Extrajudicial, Summary or Arbitrary Executions: Report of the Special Rapporteur, Ms. Asma Jahangir, Submitted Pursuant to Commission on Human Rights Resolution 1999/35," (January 25, 2000), 28.

²⁸⁰ UN Commission on Human Rights, "Civil and Political Rights, Including the Question of Disappearances and Summary Executions: Extrajudicial, Summary or Arbitrary Executions: Report of the Special Rapporteur, Asma Jahangir," (December 22, 2003), 28.

²⁸¹ Other countries to abstain were Algeria, Bahrain, Brunei Darussalam, Cameroon, China, Comoros, Djibouti, Egypt, Iran (Islamic Republic of), Kenya, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Myanmar,

Jordan explained its abstention by noting that the Jordanian delegation had stated from an early point in the discussions that it was crucial to include the term “premeditated” before the word “crimes” in the resolution when making such statements as, “crimes against women committed in the name of honour are a human rights issue” as this terminology could be seen to include “crimes committed in sudden bursts of rage in reaction to particular circumstances” and thus it could “include implicitly not only those crimes that fall within the broad understanding of this resolution, but also those that overlap with crimes of passion.” According to the delegation, this was problematic because the resolution states that States have an obligation to exercise due diligence to prevent, investigate and punish the perpetrators of such crimes, but “[h]ow could States possibly exercise due diligence to prevent such crimes if the crime in question was committed in a sudden state of rage?”²⁸²

In the 2002 report of the Secretary-General on resolution 55/66, Jordan continued to stress that there was a difference between crimes “committed in the name of honour” and crimes committed “in the heat of anger” and that extenuating grounds or exonerating circumstances could only exist where the crime was committed “in the heat of anger” – a concept that is recognized in many legal systems in addition to Jordan. Furthermore, they suggested that the refusal of the body to confine the resolution to premeditated cases discriminates “against certain States and their legal systems.”²⁸³ Jordan also asserted that the resolution was “selective rather than comprehensive in its treatment of violence against women since it... failed to refer to other crimes of discrimination committed against women in various countries” and perhaps the “importance accorded to that crime might be at the expense of dealing with other, more widespread crimes and/or acts against women, which might be more harmful and would further accentuate the imbalance in the allocation of the Organization’s limited resources... .” Thus its approach was “at odds with the Assembly’s approach of seeking greater impartiality and non-selectivity in dealing with human rights issues.”²⁸⁴

Despite these criticisms, Jordan reported that it had put in place a number measures to eliminate honour crimes in Jordan. It noted that national popular information campaigns had been conducted with the intention of “anchoring the concept of human rights in the public mind” in order to prevent violence of all kinds and guarantee “the inviolability of women’s rights and the upholding

Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, Sudan, Syrian Arab Republic, and the United Arab Emirates. UN General Assembly, “General Assembly: Fifty-Fifth Session: 81st Plenary Meeting,” (New York December 4, 2000).

²⁸² Ibid., 7.

²⁸³ UN General Assembly, “Working Towards the Elimination of Crimes against Women Committed in the Name of Honour: Report of the Secretary-General,” (New York July 2, 2002), 7-8.

²⁸⁴ Ibid., 7.

of public dignity.”²⁸⁵ Jordan also noted that coordination that was taking place between the Government and civil society actors to raise awareness, and that it placed great emphasis on the importance of certain formal measures to eliminate honour crimes by making:

substantive amendments to the national laws, in particular the repeal of article 340 of the Penal Code, which exonerated perpetrators, and its replacement with a provision providing for the punishment of perpetrators of such crimes commensurate with the crime. The new provision also introduced equal penalties for men and women.²⁸⁶

Jordan’s recorded response to resolution 55/66 provides a number of insights into how the regime initially viewed and responded to international pressure on the issue of honour crimes. Their criticisms regarding the “discriminatory” nature of the resolution – both in focussing on ‘crimes of honour’ (over other forms violence against women) and in failing to make the distinction between premeditated crimes and ‘crimes of passion’ (which are subject to extenuating grounds in a number of legal systems) – indicate that Jordan felt unfairly castigated by the General Assembly resolution. While they were willing to admit that ‘premeditated’ honour crimes were an important human rights issue, their response suggests that they resented the fact that they had received so much negative attention about this practice “given that crimes committed in the name of honour were limited compared with other crimes.”²⁸⁷

The delegation’s focus on distinguishing between premeditated crimes and crimes committed ‘in the heat of anger’ is also interesting in a number of respects. The preoccupation with this distinction is clearly linked to how honour crimes are tried within the Jordanian judicial system. As previously explained, Articles 340 and 98 are only applicable in situations of ‘surprise’ or when the perpetrator is in a ‘fit of anger.’ Thus, neither of these laws grants extenuating excuses to the perpetrators of ‘premeditated’ honour crimes. If Jordan had been able to convince the GA to agree to its proposed inclusion of ‘premeditated’ to the regulation, it would have taken all pressure off of Jordan to amend its laws. Since this tactic was unsuccessful, Jordan focussed its attention on amending Article 340. This was a strategic move as the Article was under fire both domestically (from civil society groups) and internationally (through CEDAW) because of its discriminatory nature. Thus, in 2001, the law was amended so that both men and women would be able to equally benefit from a mitigation (but no longer exoneration) in penalties should they cause harm after finding their spouse or relative in bed with another person. The amendment also specified that persons who

²⁸⁵ Ibid., 5.

²⁸⁶ Ibid., 3.

²⁸⁷ Ibid., 7.

benefit from this Article may not benefit from claims of 'self-defence' or 'aggravated circumstances'.²⁸⁸ While the amendment of this article was a symbolic success, it was largely a red herring in terms of judicial practice. As previously noted, Article 340 is basically irrelevant within the institution of honour crimes as it has only been applied once in court over the last 40 years.²⁸⁹ On the other hand, Article 98 continued to be widely used in trials to grant reduced sentences to perpetrators of honour crimes, but Jordan explicitly indicated its commitment to maintaining this jurisprudence as it was based on the concept of "'in the heat of anger,' which many other legal systems recognized."²⁹⁰

The actions and statements of the Jordanian delegation in this instance and within other forums such as CEDAW appear to indicate a high level of *instrumental adaption* to promoted human rights norms. The statements within the reports show that Jordan is willing to 'walk the walk' and decry honour crimes as a violation of human rights and women's rights. Political speeches by members of the Royal Family both within and outside Jordan also regularly condemned the practice.²⁹¹ Compliance and adaption was further signalled by the signing and ratification of conventions such as CEDAW and by promising to reform certain institutions and practices. Despite these signals, the level of norm adoption appears to only be superficial as the State shows limited evidence of actually addressing the various rules and practices that perpetuate the institution of honour crimes. By excluding Article 98 and crimes committed in a 'fit of anger' from scrutiny, the State continued to evidence a certain degree of allegiance to domestic norms that 'blamed' the victim of the honour crime as carrying much of the responsibility in her death, and thus being outside of the realm of 'human rights.'

Stage 3: The Diffusion of a Movement (2001 - Present)

While the formal activities of the Jordanian National Committee to Eliminate So-called Crimes of Honour ended with the second unsuccessful bid to have Parliament amend the Penal Code in 2000, the momentous events of the 1990s continued to be felt in Jordanian society over the next decade. Among the more obvious of these legacies was the notoriety that Jordan had gained within the international community because of the continuing issue of honour crimes. Various

²⁸⁸ Abu Hassan and Welchman, "Changing the Rules? Developments on 'Crimes of Honour' in Jordan."

²⁸⁹ Rana Hussein, "One Year in, Amendment to Article 340 Appear to Have Made Little Difference," *The Jordan Times* December 22, 2002.

²⁹⁰ UN General Assembly, "Working Towards the Elimination of Crimes against Women Committed in the Name of Honour: Report of the Secretary-General," 6.

²⁹¹ Hussein, *Murder in the Name of Honour*.

continued to focus on the sensational nature of the crimes and the apparent lack of will within the country to do anything about it.

The media attention proved to be both a blessing and curse for the anti-honour crime movement. Individuals and groups that had worked on trying to raise awareness about the issue of honour crimes were strongly condemned for their role in 'tarnishing' Jordan's reputation. For these activists, the irony of the situation was strong: Jordan was the target of criticism *because* Jordanians were active in trying to deal with the issue. While the practice was prevalent in many other neighbouring countries, they were not similarly targeted because no one within the country was trying to address the issue of honour crimes.²⁹² The push-back on the issue was so strong that other groups working on women's rights would tell the anti-honour crime activists to "shut up" because their movement was making it harder for them to do their work.²⁹³

The negative international media also worked at cross purposes with the anti-honour crime movement because it gave strength to the claims that the attack on honor crimes was part of a 'Western agenda' and attempt to undermine 'Jordanian values.' This rhetoric served to further entrench the institution of honour crimes as the norms which perpetuated the practice (such as the need to maintain traditional gender roles and preserve morality within society) were now increasingly associated with the expression of nationalism, self-determinism and tribal identity.

The interests of the countermovement were further aided in this regard by the publication of the 'non-fiction' memoir "Forbidden Love" by the Jordanian-Australian author Norma Khouri in 2003.²⁹⁴ The book purported to tell the true story of how Khouri's best-friend was killed for being in love with a Christian man and how Khouri fled for amnesty to Australia. After its release, the book was translated into 15 languages and went sold 250,000 copies worldwide. The popularity of the book also caught the attention of the media, resulting in the publication of a flurry of articles and reports from all corners of the globe with such titles as: 'Killing of ALL honour,' 'A Friendship Sundered by Muslim Code of Honor,' 'Your death before my dishonour,' and 'Crusade to stop callous 'honour' murder of daughters.' Many of these articles restated as fact Khouri's generalizations and largely untrue assertions about how women are treated in the region.²⁹⁵

²⁹² Abu Hassan, "Interview by Author."; Hamarneh, "Interview by Author."; Hussein, "Interview by Author."; Shamroukh, "Interview by Author."

²⁹³ Hamarneh, "Interview by Author."

²⁹⁴ Khouri, *Forbidden Love*.

²⁹⁵ Seth Mydans, "A Friendship Sundered by Muslim Code of Honor," *The New York Times* 2003; Louise North, "Killing of All Honour," *Sunday Tasmanian* 2003; Mary-Lou Zietoun, "Your Death before My Dishour," *The Globe and Mail* 2003; Nalita Ferraz, "Crusade to Stop Callous 'Honour' Murders of Daughters," *Gold Coast Bulletin* 2003.

The 'memoir' came to the attention of women's rights activists in Jordan when they started to receive vehement emails from Australians and New Zealanders containing scathing criticism of Jordan society and asserting such things as "All the [Jordanian] men are chauvinist, sexist, self-centered ANIMALS with no feeling whatsoever."²⁹⁶ Upon reviewing the book, it became clear to activists such as Hussein, Nabeel and Abu Hassan that the text not only contained a completely jaundiced and largely untrue portrait of Jordanian society, but that it was also full of factual errors and that there was no record of such a crime. Hussein and Abu Hassan contacted the publishing house with a list of errors and their doubts about the story, but the publisher indicated that they did not plan to look into the issue further as they believed Khouri's story.

While the book was later widely revealed as a hoax (Khouri had not lived in Jordan since she was a small child), the damage to the anti-honour crime movement had already been wrought. The book gave credence to the claims of the countermovement that the West only saw Arabs and Muslims as barbaric people and their accusations regarding honour crimes were completely exaggerated and not based on reality (notably, the book claimed that *thousands* of women were killed per year in Jordan).²⁹⁷ However, Abu Hassan states that the publication of the book had a silver lining for the domestic anti-honour crime movement as it brought a new sense of unity and urgency to a movement that had been floundering since the vote in early 2000.²⁹⁸

Although most of the activists interviewed exhibited some degree of resentment or frustration regarding how the international media approached the issue of honour crimes in Jordan, there was - nevertheless - a strong sense of agreement about the benefits of the international attention. While the pressure was not constructive in terms of its influence on conservative segments of the Jordanian population, activists now acknowledge that it had a positive impact on one particularly vital segment of society – the bureaucrats and government officials. Nabeel asserts that the issue of honour crimes was continually raised in official bi-lateral meetings between Jordan and Western nations and that this placed increased pressure on government officials.²⁹⁹ Abu Hassan recalls that the big breakthrough seemed come after HRW published a report in 2004 called 'Honouring the Killers: Justice Denied for "Honour" Crimes in Jordan.'³⁰⁰ The report was based on close consultation with domestic activists and legal advisors and it highlighted in clear detail the many practices and systems within Jordan that perpetuated the institution of honour crimes. After

²⁹⁶ Hussein, *Murder in the Name of Honour*, 91.

²⁹⁷ Abu Hassan, "Interview by Author."; Hussein, *Murder in the Name of Honour*; Hussein, "Interview by Author."; Nabeel, "Interview by Author."

²⁹⁸ Abu Hassan, "Interview by Author."

²⁹⁹ Nabeel, "Interview by Author."

³⁰⁰ Human Rights Watch, "Honoring the Killers: Justice Denied for "Honor" Crimes in Jordan."

its publication, Abu Hassan began to be contacted by the Head of the Judicial Council, the Minister of Foreign Affairs, and others within the Ministry of the Interior asking for her advice and perspective on the extent of the practice and what could be done to remedy the situation. One of them reportedly told her that the Jordanian Ambassador to the United States was putting pressure on the Jordanian Government to deal with the issue because it was constantly being brought up in Washington and it was causing a lot of embarrassment because every time the King travelled to the United States he was hounded with questions about it.³⁰¹ While the reaction of some of these officials may be seen as a sign of *instrumental adaptation*, activists such as Hussein, Abu Hassan and Abu Halaweh all note coming into contact with officials whose concern about the issue seemed quite genuine.³⁰²

The increased openness to working on the issue among this key individuals and government officials provided the space and opportunity for the 'second generation' of the anti-honour crime movement to emerge and have an impact. The second iteration varied greatly from the first in terms of its focus and methods. Instead of large media campaigns, various organizations and individuals started to slowly chip away the embedded practices and procedures which institutionalized the practice with Jordan. One of the first efforts in this respect was SIGI's development of a program for having third parties observe honour crime trials. After having a conversation with a lawyer who was incensed by her presence at a trial (since the judge asked much more difficult and targeted questions of the defence than normal), Khader realized that having extra eyes in the court could encourage judges to prosecute such cases with more care.³⁰³ The JWU continued to expand their program to provide assistance and shelter to women at risk and building awareness among women across the country regarding their rights.³⁰⁴

Through Mizan, Abu Halaweh continued to provide legal and social support to women who needed protection and rehabilitation after years in protective custody. In collaboration with other women's rights organizations and governmental departments the Jordanian Coalition to Support Women in Protective Custody and Women at Risk was founded to provide coordination and networking to address the issue. The Coalition met with the Minister of the Interior and pointed out the many international reports that were criticizing Jordan on this issue and suggested that even if the Government did not care about providing justice for these women they should at least care about Jordan's reputation. They also suggested that if they transferred the responsibility for these

³⁰¹ Abu Hassan, "Interview by Author."

³⁰² Abu Halaweh, "Interview by Author."; Abu Hassan, "Interview by Author."; Hussein, *Murder in the Name of Honour*.

³⁰³ Khader, "Interview by Author."

³⁰⁴ Shamroukh, "Interview by Author."

women from the government to civil society than the government could not be criticized on how they are handling the issue. The Minister agreed to both of these points and gave the Coalition the “green light” to work on their issue and facilitated their access to the prison. Mizan also received funding from the European Union to develop a program called ‘New Start’ to provide long-term services to women in administrative detention and women at risk. Although the group tried to keep their work from the media spotlight because of the risky nature of the project, information gradually started to spread about the organization’s work in this area. As a result, Abu Halaweh started to be approached by families whose daughters were pregnant or ‘dishonored’ in some way. They did not want to kill their daughters, but they lacked access to or awareness of other alternatives. Mizan was, in all of these cases, able to find workable solutions which protected the lives of these women.³⁰⁵

Perhaps the most prominent and noteworthy example of the work carried out in the ‘second generation’ of the movement was that of Abu Hassan. As she was serving as an advisor to the Minister of Justice in the mid-2000s, she was considered a ‘safe’ and discrete person to consult with on the issue. The Head of the Judiciary was concerned with finding a way to ensure that the honour crime cases were properly scrutinized so that reductions would not be routinely granted to the perpetrators of honour crimes. Thus, in 2006 Abu Hassan was given the mandate by the Minister of Justice to establish a directorate for the Ministry of Justice called the Directorate for Human Rights and Family Protection. Within that department, Abu Hassan was tasked with finding ways to ensure that honour crimes were not tried in the same way that they had been in the past.³⁰⁶

One of the first strategies that the group developed was to appoint one specific panel within the grand felonies court to hear all of the honour crime cases. This change allowed specific training and resources to be extended to these judges and also ensured that they would become ‘sensitized’ to the strategies used by the defense in such cases, thereby allowing them to ask better questions and more thoroughly scrutinize these cases. The second change that was suggested and implemented was to have all honour crimes investigated by the public prosecutor instead of the police. Previous research had shown that the police were often biased towards those that had perpetrated the crime and this frequently led to poor investigations. The final change that was put in place was to specify two public prosecutors that would investigate all crimes committed in the name of honour and provide them with mobile phones, cars and the ability to spend multiple days in the areas where the crimes had been committed. They were charged with investigating if there was 1) an unrightful act, 2) a dangerous act by the victim and 3) any prior knowledge of the

³⁰⁵ Abu Halaweh, "Interview by Author."

³⁰⁶ Abu Hassan, "Interview by Author."

'unrightful' or 'dangerous act' before the crime was committed. These changes were put in place in 2006 and 2007, and since then a number of perpetrators have been sentenced to 10 years of imprisonment and one was sentenced to death.³⁰⁷

In 2010 the group proposed an amendment to the Penal Code that would not allow families to waive their personal rights if the deceased was a woman or a child. The motivation for the proposed amendment was the fact that many killers had their sentences reduced by half because the parents of the victim would waive their personal rights. However, this proposed amendment was rejected on the grounds that not every case with woman or child is actually an honour crime. Despite the disappointment of not passing the amendment, Abu Hassan noted that there was a marked distinction between the proposed amendment process in 1999 and the one in 2010. From her perspective, there is much greater realization now in Jordan that honour killings are not tolerated by the state and that there is much more freedom to talk about the issue and how they are against Islam and human rights "without being considered a wacko."³⁰⁸

The Arab Women Organization of Jordan (AWO) also continued to be active on the issue of honour crimes throughout this period. In addition to continual efforts to foster women's economic and legal empowerment, the group also became involved in efforts to train lawyers and judges and sensitize them on these issues. In 2009, the group also conducted research – led by Su'ad Abu Dayyeh - on how honour crimes were being sentenced by the Jordanian courts in 2009. Of the 17 court cases analyzed, it was found that no one received a sentence of less than 7.5 years when tried before the special panel appointed for that task. The Head of the Criminal Court explained this change by saying, "I don't believe in honour. These cases should be considered as cases of murdered women and should be dealt with like any other crime."³⁰⁹ The AWO took the information that was found in this study and have since worked to spread the message through their various networks that honour crimes are now being treated as a crime in Jordan. They believe that disseminating such information is of crucial importance because it will encourage the social practice to die out. If families believe that their sons may be incarcerated for 10 to 15 years for committing an honour crime, they will be more likely to consider other options.³¹⁰

In addition to the efforts described above, other civil society and governmental initiatives continue to spring up to address the practice. In 2009, the '*Mathlouma*' forum grew out of the substantive research project carried out by the n entitled "The Economic Underpinnings of Honour

³⁰⁷ Ibid.

³⁰⁸ Ibid.

³⁰⁹ Abu Dayyeh, "Interview by Author."

³¹⁰ Hamarneh, "Interview by Author."

Crimes in Jordan.” *Mathlouma’s* (meaning a female victim of injustice) stated aims are to “change the Jordanian mindset” and “remove ‘honour’ from ‘crimes of honour’” by replacing the concept of ‘honour’ with ‘poverty’, “thus making the crime simply a crime of economics and eliminating the false moral underpinnings of the label.”³¹¹ Another group, called *La Sharaf fil Jareemah* (meaning No Honour in Crime) was formed in 2009 by a group of young people that defined themselves as a ‘movement’ focussed on redefining and reclaiming the term ‘honour’ within the Jordanian context. The group has created a strong following on-line through their webpage and Facebook and has started a number of media projects aimed at engaging and challenging the public on how the concept of ‘honour’ should be understood.³¹²

Analysis

The emergence, development and evolution of the honour crime debate in Jordan presents a number of interesting facets for analysis. This section will provide an overview of the factors and mechanisms through which the international human rights norms were promoted in Jordan and the counter pressures which hampered these efforts.

One of the clear conclusions that can be drawn from this case study is that, within the context of honour crimes, international human rights norms do not ‘flow freely’ between the international and domestic spheres. Instead, the increased saliency of human rights norms within Jordan was the result of strategic action on the part of domestic actors to reframe the institution of honour crimes in such a way as to make human rights an applicable concept to this practice. Given this process, an important initial question to explore is how to account for and explain the growth of a ‘counter-cultural’ movement among people that had been socialized in the same norms that they were now contesting.³¹³

It is apparent from the accounts put forward by members of the anti-honour crime movement and from the discourse used in the early days of the movement that ideas about human rights were not a completely foreign concept in Jordan. Thus, through previous processes that we are unable to examine here, human rights norms had already begun to diffuse to some extent

³¹¹ Mansur, Shteiji, and Murad, "The Economic Underpinnings of Honor Crimes in Jordan."; Mathlouma, "Mathlouma: Home," <http://mathlouma.com/en/home>.

³¹² Based on personal correspondence with the movement by email (January 31, 2012) and information available online at: *La Sharaf fil Jareemah*, "La Sharaf Fil Jareemah," (2012), <http://lasharaffiljareemah.ning.com/>.

³¹³ This issue has been largely unexplored as it relates to honour crimes, most likely because those writing in the issue are themselves opposed to honour crimes. Thus, honour crimes represent something ‘wrong’ about society, while those who oppose the practice have simply arrived at the ‘right’ or ‘true’ conclusion. While support for honour crimes is assumed to be based on the prevalence of certain beliefs and values, opposition to honour crimes is assumed to be natural and value free, and therefore needs no further explanation.

throughout Jordan. For those educated overseas, like Hussein, and those in active in the legal field, such as Abu Hassan and Khader, these concepts were probably more integral to their world-view than among the rest of the population.

However, despite these perspectives and understandings, none of these actors (or others in society who held similar views) seemed particularly motivated to address or mobilize against the issue in any concrete way. When asked about what led them to become involved on the issue, almost all of those interviewed mentioned similar reasons and motivations. In most of these accounts, it seems that the vital impetus for prompting action was based on a personal 'brush' with honour crimes in a way that 'humanized' the victims of these crimes in way that they had not been before. Whatever form the encounter took, seeing the victims of honour crimes as 'individuals' caught in an oppressive system motivated these activists to understand, and oppose, the institution of honour crimes in new ways. In particular, seeing the 'humanity' of the victims provided the lens for the anti-honour crime movement to see the institution in a new light: as a violation of human rights.

This transition is noteworthy because it suggests the processes and mechanisms through which powerfully embedded and institutionalized local norms may begin to be challenged by local actors. The puzzle here is how to explain how local actors – as products of their culture and participants in creating and perpetuating local norms and institutions – may, in some form, 'step out' of those defined roles in order to embrace and promote new norms. While the traditional 'institutionalist' approach does not provide much leeway in this respect, new approaches to institutionalism – such as 'constructivist institutionalism' – may allow us to understand how actors may be both socialized and strategic within a given context. This framework suggests that while actors may be orientated normatively towards their environment, "their desires, preferences and motivation are not a contextually given fact" but are instead determined by a complex interweaving of moral, ethical, and political factors. Institutional change, therefore, may be the result of internal processes through which actors – motivated by a slightly different mix of moral, ethical and political concerns than their peers – strategically interact with their normative environment in an attempt to provoke change. However, their perceptions about "what is feasible, legitimate, possible, and desirable" are shaped by cognitive filters based on the institutional context and also existing policy paradigms and world-views.³¹⁴

³¹⁴ Colin Hay, "Constructivist Institutionalism," in *The Oxford Handbook of Political Institutions*, ed. Bert A. Rockman, Sarah A. Binder, and R. A. W. Rhodes (Oxford: Oxford University Press, 2008), 63, 65.

Within the Jordanian context, this dynamic appears to be borne out by the various strategies used by the anti-honour crime movement. A notable example of this is the way that many within the movement chose to talk about the victims of honour crimes. Much emphasis was placed on how honour crimes killed many who were 'innocents' (women who had not committed any form of sexual misconduct) while omitting any mention of those who had actually willingly been involved in some type of behaviour which violated sexual norms. Although these 'non-innocent' women were likely a small minority of the cases, it is notable that the movement did not choose to push the envelope in terms of loudly defending the 'right to life' of these women (although some suggested in response to questions that the court should handle these cases, not their family) or argue that it was not the role of society to police the private sexuality of individuals. While some of the individuals involved may have privately held these views, it was clearly considered not feasible, strategic, or even (in the opinion of many of the activists) desirable to try and address these larger issues given the environment in which they were working and the values which they themselves held.

Looking now at the larger 'honour crime debate' in Jordanian society from 1980 till present, it is clear that momentous shifts did occur in how the institution of honour crimes is viewed and understood within this context. In particular, there has been an ever increasing tendency within the society to see this practice as a violation of human rights; a shift which has led to efforts to eliminate it on these grounds. While persistence of honour crimes in Jordan points to the fact that human rights norms have not become fully *habitualized* with regards to this practice among some segments of the population,³¹⁵ other indicators point to the noticeable success of forms of socialization aimed at increasing the salience of international norms.

The accounts of early efforts by Nabeel and Khader to address the issue demonstrate the very limited salience of human rights norms in relation to this practice before the mid-1990s. Not only was it considered 'taboo' to discuss the issue, but any attempt to talk in a sympathetic manner about the victims of the crime was likely to call into question the moral character of those discussing it. The 'personhood' of the victim (and thus their claim to the 'right to life') was considered as forfeit due to the nature of their transgressions. These powerful and widely held understandings were suddenly challenged in the mid-1990s with Hussein's articles in *The Jordan Times*. These writings not only revealed the wide-spread extent of the practice, but they also focussed attention on the victims of the crimes. By highlighting their likes and dislikes, their day to day activities, and – in most

³¹⁵ Jordanian journalists continue to report that around 20 homicides occur annually for reasons of honour in Jordan. Rana Hussein, "Local Activists Launch Anti-Honour Crime Campaign," *The Jordan Times* December 21, 2011.

cases – their complete lack of culpability in the crimes they were accused of having committed; Hussein was successful in upsetting prevalent notions about honour crimes by bringing attention to the humanity of the women and girls who were killed by the practice.

Hussein's writings were an important first step in the development of the movement because they established an important 'beachhead' within Jordanian society by creating the necessary frame to allow this issue to be more widely discussed. Those that had previously been unaware of extent and persistence of the practice were now increasingly cognisant of the fact that 1) it was not just a few isolated incidents and 2) that the practice would not 'die out' on its own. Others who may have been previously hesitant to discuss the issue for fear of being seen as 'pro-adultery' could now engage with the issue because of the growing awareness of the fact that those killed were not all 'adulterers' and 'prostitutes.' Being able to highlight the extent, persistence, and injustice (in the case of the 'innocent' victims) of the practice provided growing legitimacy to those who chose to speak out about the issue publicly.

The growth of voices speaking out against honour crimes, the establishment of the Jordanian National Committee to Eliminate So-Called Honour Crimes, and the actions and strategies of the Campaign can all be seen as domestically initiated and led socialization processes aimed at encouraging society to accept the validity and significance of new norms in regard to the institution of honour crimes. The petition put forward by the Campaign highlights the use of *argumentative discourse* in its attempts to convince and mobilize the public to stand against honour crimes by appealing to human rights, nationalism, the domestic rule of law, emotion, Islam, and international law. The fact that the issue so quickly became the subject of heated national discussion highlights the effectiveness of this approach and the increasing salience of human rights norms in this context.

Although the CESH campaign failed to achieve its stated goal of overturning Article 340, the efforts of this powerfully motivated group nevertheless made important contributions to the process of normative change by laying the groundwork for other subsequent efforts to address the issue. By placing the issue of honour crimes on the national agenda, exposing the extent of the crimes, and challenging widely held understandings about practice; these early movers bequeathed an invaluable degree of moral and social legitimacy to the 'second generation' of the movement. This meant that these actors and groups could focus on *institutionalizing* the rights of women and girls by developing policies, challenging judicial practice, extending trainings, and creating programs instead being bogged down in the moral debates and fight for recognition that marked the emergence and development of the anti-honour crime movement.

The 'first generation' actors also paved the way for the 'internationalization' of the anti-honour crime movement. It is clear from an analysis of the timing and content of the reports, conventions and articles published from the mid-1990s onwards that international actors and groups were following the lead of domestic actors in their response to the issue. The initial stories put forward by the international press were all strongly based on Hussein's reporting and included interviews from figures such as Khader, Hussein and Shamroukh. While the legacy of the international campaign is complex, it is clear that it was effective to some extent in encouraging the *instrumental adaption* of human rights norms among officials and prominent figures within Jordanian society. While this *instrumental adaption* did not necessarily reflect changing values among these actors, the statements put forward through official channels, including those made by members of the Royal Family, nonetheless provided a strategic toehold for domestic activists to continue their efforts in Jordan with increased legitimacy.

The less positive impacts of the international focus on Jordan regarding honour crimes also continue to be felt until this day. Most of the activists that were approached for interviews demonstrated a degree of wariness and hesitancy to talk to a Canadian about the issue until it was explained that the focus of the research was on the work of Jordanians to eliminate the practice. During the interviews, it was repeatedly stressed that Jordan was *not* the only place where honour crimes occurred and frustration was expressed over the fact that this practice was one of the few things that Jordan was 'known for' within the international community. Their strong feelings about this issue reflect the backlash and criticism that the movement has received from those within Jordanian society who feel that the anti-honour crime activists have unfairly tarnished the reputation of Jordanians, Arabs and/or Muslims by bringing this issue to the attention of the international community.

International attention on this issue was a particularly touchy issue within some segments of Jordanian society because it struck the wrong chord in a number of ways. First, it was seen as yet another attempt by Western bodies to try and assert their moral and cultural superiority on the 'women question,' a stance that many in the Arab and Muslim world saw as imperialist and insulting. Secondly, the stance of the international community on the issue was seen by many as deeply hypocritical given the ongoing human rights abuses in the Occupied Palestinian Territories and, later, Iraq and Afghanistan. Third, much of the international media coverage was seen to lack nuance by sensationalizing the killings and portraying Jordanians/Arabs/Muslims as barbaric and heartless people.

These elements all made the work of anti-honour crime activists much more difficult as the countermovement was able to instrumentalize these sentiments and viewpoints to effectively distract attention away from the moral arguments and alternative 'frames' put forward by the anti-honour crime movement. The countermovement disregarded the rhetoric of the activists altogether and instead focussed on mobilizing opposition to this movement by choosing to frame the anti-honour crime movement as one more expression of the West's constant efforts to undermine the moral integrity Arab/Muslim societies by imposing and promoting harmful values. Using this narrative, the countermovement was able to effectively defend and re-entrench the institution of honour crimes by infusing it with a national, religious, and cultural significance that it had not previously enjoyed.

While the countermovement strongly influenced the events in 1999-2000, the anti-honour crime movement nonetheless managed to gain considerable ground in the fight to challenge the institutional and normative underpinnings of honour crimes and establish the salience of human rights within this context. Given the institutional progress that has been made in recent years, and the newfound willingness of public figures and prominent members of society to discuss the issue and label it as a 'problem,' it seems very likely that the tolerance with which these crimes are viewed will continue to decrease in Jordanian society.

One dynamic that has not been touched on much within the previous analysis, is the role of the Hashemite Monarchy vis-à-vis the Jordanian government and parliament within these events. While it perhaps seems odd that the most powerful actor in Jordanian society should be largely excluded from this discussion, it reflects the relative distance that the two Kings (Hussein and Abdullah) kept between themselves and this issue. Many sources have noted that members of the Royal Family have been outspoken on this issue both within Jordan and in international forums. Prince Hassan was the first one to specifically mention the issue in 1996 at a conference on violence in schools. In 1997, King Hussein made a passionate plea to Parliament to end violence against women as it "constitutes an inhuman violation of their rights."³¹⁶ People with connections to the Royal Family assert that the issue honour crimes has been one of grave concern to both of Jordan's most recent Monarchs and their Queens.³¹⁷ Many of those interviewed saw this royal stamp of approval as helpful for their cause as it emboldened others to speak out about the issue.³¹⁸

³¹⁶ Hussein, *Murder in the Name of Honour*, 40.

³¹⁷ Abu Odeh, "Interview by Author."; Sharaf, "Interview by Author."

³¹⁸ Hussein, *Murder in the Name of Honour*; Nabeel, "Interview by Author."

However, it was also noted that the statements made by the Royal Family often did not specifically mention honour crimes and that they were not backed by any concrete action or policy. The letter from King Abdullah to Parliament in 1999, urging the amendment of any laws that discriminated on the basis of gender, was the sole action in this regard. When the parliamentary vote failed to pass the proposed amendment for the second time, it was clear to many observers that King Abdullah did not consider it politically expedient to press for change in this area – perhaps because of the other economic and political issues that Jordan was facing at this time.³¹⁹ This experience led some observers to conclude that the Royal Family could not be trusted when it came to women's rights because other political interests, such as staying in power, would always come first.³²⁰

Thus, despite the apparent interest and support for the anti-honour crime movement that emanated from the highest levels of power in Jordan, it is clear that in the early days of the movement the battle to establish the salience of international human rights norms was one that had to be waged with society and not the Government. While certain powerful members of the Jordanian Government may have sympathized with the aims of the anti-honour crime movement, there was no political will among these actors to address the issue while it remained a volatile issue amongst certain powerful segments of society. In the later parts of the movement, state actors began to show more willingness to work on the issue, but only *after* the NGOs and other civil society actors had blazed a trail and created the necessary social space to allow for work on this issue to go forward without criticism.

Part Six: Discussion and Conclusion

In order to gain further insight into the mechanisms through which international norms diffuse to the domestic arena, this thesis has traced the emergence, development and evolution of the honour crime debate in Jordan. This case was chosen for hypothesis building on the basis that it is distinct from many of the cases previously explored within norms literature for the following reasons: 1) the focus of norm promotion is society, not the government; 2) it represents a case of 'cultural mis-match' as the promoted norms lack pre-existing "norm resonance" the pre-existing domestic institutions and political cultures; and 3) it is, at present, a less than entirely successful case of norm diffusion. This final distinction is particularly important as it provides a "contrast

³¹⁹ Sonbol, *Women of Jordan: Islam, Labor, and the Law*.

³²⁰ Based on interviews. Names withheld.

space” within which to consider cases of norm diffusion.³²¹ By studying this case alongside other, more successful cases of norm diffusion, we can see that many of the factors previously identified as important in process of normative change (such as international pressure, a domestic movement, and a moderately receptive government) were also present in the Jordanian case. However these were not sufficient causes on their own for the complete diffusion of international norms. On the contrary, some of these factors (such as international pressure) were found to have much more ambivalent (and potentially negative) effects on the process of norm diffusion than previously acknowledged. Thus, the Jordanian case highlights the key importance of societal acceptance for the full diffusion of norms to occur.

To be sure, this case it is by no means ‘exceptional’ as many other cases throughout the globe exhibit similar characteristics. These cases are likely to be situations where international norms are seen to be in direct competition with strongly embedded local norms and customs which are practiced and perpetuated at the societal level. In such cases there may also be widely held suspicion or antagonism regarding the legitimacy of international actors to issue normative or moral ‘prescriptions.’ Thus, the conclusions of this thesis may be generalizable to efforts to eradicate practices such as female genital circumcision/mutilation, child marriage, domestic abuse, dowry payments, un-hygienic health practices, and other socially rooted practices.

The two central questions guiding this thesis are: 1) what factors and mechanisms can explain the increased saliency of international norms in domestic societies where these norms were previously seen as antagonistic to local values?; and 2) what is the relationship between international bodies (states, organizations and media groups) and domestic groups in facilitating this process, particularly in contexts where the moral legitimacy of those international bodies are questioned by that domestic society?

In response to the first question, we can see that in many ways this case supports the hypothesis developed by Checkel and others that it is difficult for international norms to take root in contexts where there is no strong ‘cultural match’ between systemic norms and the target country.³²² While human rights norms were not a foreign concept in Jordan, the local norms surrounding the institution of honour crimes were strong enough to make these other norms ‘irrelevant’ or ‘non-salient’ in this context. This situation only changed through the direct involvement of actors using tactics well-documented by norms scholars such as ‘framing’ and ‘norm

³²¹ Alan Garfinkel, *Forms of Explanation: Rethinking the Questions in Social Theory* (New Haven: Yale University Press, 1981).

³²² Checkel, "Norms, Institutions, and National Identity in Contemporary Europe."; Cortell and Davis, "How Do International Institutions Matter? The Domestic Impact of International Rules and Norms."

transplantation.³²³ The activists or 'norm entrepreneurs' - impassioned and mobilized by very personal interactions with damaging results these crimes - proved willing to challenge strong societal norms and began to strategically interact with their environment in such a way as to promote new narratives and 'frames' with which to understand the crimes.³²⁴ Their attempts to reframe the issue (as one of human rights and human dignity) and their use of moral claims (arguing that the practice was anti-Islamic and against the Jordanian Constitution) proved successful at disrupting strongly embedded social norms and their related behaviours and practices. Despite experiencing strong resistance to these efforts, the movement proved successful at creating the discursive space to allow subsequent international and domestic 'socialization processes' to move forward, ensuring both the instrumental adaption and gradual institutionalization of these new norms.

This observed process is consistent with the focus on domestic factors that is found in the 'second wave' of norm scholarship. While international influence cannot be ruled out as an important factor, it is clear that both the domestic environment and the role of actors within this environment play a pivotal role in the process of norm diffusion. Barnett's claim that, "actors have agency, can be strategic, are aware of the cultural and social rules that presumably limit their practices, and as knowledgeable actors are capable of appropriating those cultural taproots for various ends" is clearly validated in this case.³²⁵ Where this case differs from much of the work that has been examined within this area of norm scholarship is that the primary focus for norm promotion is society, and not the state. While many of tactics – such as framing and argumentative discourse – may stay the same, the difference lies in the nature of the resistance to promoted normative change and the role of international pressure within that process.

The analysis above highlighted two factors that proved to be a significant challenge to attempts of norm promotion within Jordanian society: the institutionalized nature of the practice and the strength of the countermovement. Keck and Sikkink's examination of similar campaigns, such as the campaign against footbinding in China (1902-1911) and examination of the anti-female

³²³ Zald, "Culture, Ideology, and Strategic Framing."; Barnett, "Culture, Strategy and Foreign Policy Change."; *ibid*; Snow et al., "Frame Alignment Processes, Micromobilization, and Movement Participation."; Payne, "Persuasion, Frames and Norm Construction."; Klotz, *Norms in International Relations: The Struggle against Apartheid*; Farrell, "Transnational Norms and Military Development."; *ibid.*, 80; Keck and Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*.

³²⁴ Many features of the 'early days' of the anti-honour crime movement in the show remarkable similarity to the 'norm emergence' stage in the 'norm life cycle' put forward by Finnemore and Sikkink. This stage is characterized by the emergence of norm entrepreneurs who use reinterpretation or renaming in order to promote new norms. They are typically motivated by such things as altruism, empathy, and ideational commitment. Interestingly, one interviewee described the 'first generation' of the movement as having power because it 'came from the heart.' Abu Hassan, "Interview by Author."; Finnemore and Sikkink, "International Norm Dynamics and Political Change."

³²⁵ Barnett, "Culture, Strategy and Foreign Policy Change," 6.

circumcision campaign in Kenya (1923-1931), show that these factors are likely to play a role in any scenario where promoted norms are perceived as antagonistic to local values.³²⁶ Regarding institutions, these cases highlight the fact that targeted norms are often underwritten and perpetuated by an interwoven structure of the formal and informal rules, behaviours, and customs. To only work at changing the norms without addressing the underlying institution could, in many cases, prove to be a feat of Sisyphean proportions. In the case of footbinding in China, attempts to do away with the practice were met with strong resistance as many feared that their daughters would not be marriageable since having bound feet was considered an essential quality for an upper-class wife. In order to circumvent this strong social custom, many anti-footbinding societies created alternative 'institutions' by having members pledge not to bind the feet of their daughters and not to marry their sons to women with bound feet.³²⁷ As mentioned previously, Cortell and Davis came to a similar conclusion, noting that "norm entrepreneurs ... must unravel and transform existing domestic institutions" in order to promote international norms in cases where a competing domestic norm has longstanding public support.³²⁸

Efforts to promote new norms within cases of 'cultural mis-match' may also encounter firm resistance in the form of a domestic 'countermovement.' While this factor has not received much attention within norms literature, it may prove a helpful mechanism for explaining why some contexts may seem so 'immune' to international norm diffusion. The literature review suggests that the following assumptions may be derived from bringing together the pre-existing literature on countermovements and norm diffusion: 1) publicized efforts (through media, campaigns, educational forums, etc.) to promote new norms are likely to engender countermovements which seek to "maintain structures of order, status, honor, or traditional social differences or values;"³²⁹ 2) emerging countermovements will influence the strategies and tactics of the original movement and vice versa;³³⁰ 3) efforts to disrupt established patterns and norms may provide windows of opportunity for countermovements to effectively strengthen and retrench existing norms by mobilizing symbols and frames which affirm their importance to local society; and 4) the internationalization of domestic norm promotion efforts may have the unanticipated reaction of

³²⁶ Keck and Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*.

³²⁷ The dates of birth of the children in question were included on the list to facilitate matchmaking. Ibid.

³²⁸ Cortell and Davis, "When Norms Clash: International Norms, Domestic Practices, and Japan's Internalisation of the GATT/WTO," 22.

³²⁹ Lo, "Countermovements and Conservative Movements in the Contemporary U.S," 108; Bache and Taylor, "The Politics of Policy Resistance: Reconstructing Higher Education in Kosovo."

³³⁰ Meyer and Staggenborg, "Movements, Countermovements, and the Structure of Political Opportunity."

strengthening domestic countermovements against norm change, particularly in instances where the international actors involved may lack legitimacy in that domestic context.

Within the context of the Jordanian honour crime debate, it is clear that support can be found for all of these assumptions. The growth of the anti-honour crime movement, and their efforts to promote normative change through various public avenues, sparked the emergence of a previously unseen coalition of conservative groups come together in an effort to maintain established values and behavioural patterns within Jordanian society. As both the movement the counter-movement developed, each seized on a strategic approach and carefully crafted rhetoric to ensure the strength of their moral arguments in light of the others' claims.

The efforts of the anti-honour crime movement also provided a previously unavailable window of opportunity to the countermovement to effectively re-entrench and strengthen the institution of honour crimes within key segments of the Jordanian population. Publically promoting a 'pro-honour crime' stance before the growth of the anti-honour crime movement would have been unthinkable and unacceptable. However, the growth of the anti-honour movement provided new opportunities to the countermovement to imbue the practice with newfound national, cultural and religious importance. It also gave them increased legitimacy to promote their views on other aspects of the 'women question' as they could now point to the movement as proof that organized groups were seeking to promote 'foreign' ideas about gender and sexuality. Within this fraught context, the failed attempt to eliminate Article 340 was more than just a temporary setback for the anti-honour crime movement. It was also a powerful show of support for the countermovement as Parliament effectively confirmed that the practice was seen as legitimate and necessary among powerful actors within the state.

A markedly similar process to this was observed in the campaign against female circumcision campaign in Kenya. Here, efforts to eliminate the practice failed due to the effective organization of a domestic countermovement. Kikuyu nationalist elites succeeded in defending the practice by portraying it as an integral element in the preservation of the traditional culture, while the campaign to eliminate the practice was effectively stigmatized as, "a symbol of for colonial attempts to impose outside values and rule upon the population."³³¹ While in both cases those attempting to promote norms were seen as having an 'imperialist' or 'foreign' agenda, this was much truer in Kenya as the campaign was led by British and Scottish missionary organizations. Although actors within the Jordanian movement may have been labelled as 'Western agents,' the

³³¹ Keck and Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*, 70.

visibility of people such as Husseini, Khader, and Nabeel made it hard to argue that this was an entirely foreign campaign. This distinction may have proved an important factor in their relative failure or success.

The second large question that this thesis sought to address was the relationship between international and domestic bodies in processes of normative change. In particular, it sought to examine what might be different about this relationship in cases where norm promotion was focussed on a society where the 'international community' was viewed with suspicion. Previous models of norm promotion, such as the one put forward by Risse, Roppe, and Sikkink, place central importance on the role of international advocacy networks (comprised of transnational actors, international regimes, and Western governments) in promoting norm change by putting pressure on norm-violating governments and empowering the legitimate claims of domestic opposition groups.³³² Within this scenario, international actors are assumed to have wide-spread support and legitimacy amongst domestic population as they join forces to struggle against a repressive government. However, this was clearly not the case in Jordan. Instead, the 'international community' is broadly viewed with deep suspicion as a body that promotes 'Western' interests to the detriment of other countries and cultures.

Given this context, the role that international pressure plays is clearly much more complex than previous studies have led us to consider. Most noticeably, it seems that international pressure does not affect all segments of the population in the same way. Looking at higher levels of government, such as the Monarch and other officials appointed under the direction of the Monarch (such as Senate Members and Ministers), it seems that international pressure played a complimentary role to the efforts of the domestic anti-honour crime movement. In particular, it appears that the tactic of 'shaming' Jordan on the international stage for condoning this particular form of human rights violation was effective at convincing these actors to take steps to address the issue.

However, the internationalization of the anti-honour crime movement did not have the same impact throughout all segments of the Jordanian population. In particular, these efforts had precisely the *opposite* reaction from what was intended among conservative segments of the population. Among these groups, the international pressure was viewed with suspicion and distrust and their legitimacy as promoters of 'human rights' or 'women's rights' were called into question. The issue was heightened by the fact that much of the international media coverage appeared to

³³² Risse and Sikkink, "The Socialization of Human Rights Norms."

present a very sensationalized and simplistic view of the both the practice and Jordanian society more broadly. Within this context, the 'shaming' techniques utilized by the international community only stirred up deep resentment and confirmed opinions that the West was 'anti-Arab' and 'anti-Muslim'. These feelings of resentment were then effectively able to be channeled by the domestic countermovement in such a way as to strengthen resistance against the promoted norms.

While further research with a larger number of cases is clearly warranted, this particular case suggests that the tactics of international groups seeking to promote normative change are likely to be most effective when carefully tailored to the specifics of the domestic context. If dealing with a norm-violating government, publicized shaming may serve to both strengthen international pressure on that government and provide much needed support to the work of domestic actors. If, on the other hand, the goal is to change the practices within a 'norm-violating' society, a much more targeted and subtle approach may be warranted. Pressure may still be applied to governments to reform institutions within bi-lateral and multi-national settings, but domestic actors must - first and foremost - lead the charge to promote change within their own societies. International groups may support the efforts of these actors, but it should be done in such a way as to not interfere with their legitimacy as a domestically led movement.

Appendix One: List of Interviews in Chronological Order

Name – *Date of interview*. Position.

Rana Hussein - *July 4, 2011*. Journalist, The Jordan Times; Human Rights Activist; Co-founder of the Committee to Eliminate So-called Honour Crimes and Author

Basel Burgan - *July 10, 2011*. Activist; General Manager, Burgan Drugstores; Co-founder of the Committee to Eliminate So-called Honour Crimes

Reem Abu Hassan - *July 13, 2011*. Associate Lawyer, Obeidat & Freihat Law Firm; President, International Women's Forum; Vice President, Arab Women Lawyers Association (Amman); Vice President, Jordanian Society for Protecting Victims of Family Abuse; Founding Member and Director, Arab Center for the Development of Rule of Law and Integrity (ACRLI)

Maram Maghalseh - *July 14, 2011*. Lawyer, Jordanian Women's Union

Nadia Shamroukh - *Jul 14, 2011*. General Manager, Jordanian Women's Union; Coordinator, Arab Women Network (ROA); Coordinator, Regional Project on Reforming the Family Laws

Leila Naffa Hamarneh - *July 16, 2011*. Director of Projects, Arab Women Organization of Jordan

Asma Khader - *July 18, 2011*. Lawyer, Former Coordinator of the Sisterhood is Global Institute, Co-founder of the Committee to Eliminate So-called Honour Crimes, Founder and President of Mizan, Jordanian Minister (2003-2005) and current Secretary General of the Jordanian National Commission for Women

Eva Abu Halaweh - *July 19, 2011*. Lawyer and Executive Director, Mizan Law Group for Human Rights

Hala Ghosheh - *July 19, 2011*. Director, Gender and Social Fund (Jordan)

Su'ad Abu Dayyeh - *July 21, 2011*. Program Consultant on Middle East / North Africa, Equality Now

Anonymous - *July 20, 2011*. Male respondent, low-income, limited education and of Palestinian descent

Adnan Abu Odeh - *July 20, 2011*. Former Senator, served as Jordan's permanent representative to the UN (1992-1995), Chief of the Royal Court in Jordan (1991-1992), Minister of Information (1976-1984), Political Advisor to King Hussein (1988-1991), Minister of the Court (1984-1988) and Minister of Culture and Information (1970-1974).

Lima Nabeel - *July 21, 2011*. Freelance Journalist and Editor

H.E. Senator Leila Abdul Hamid Sharaf - *July 21, 2011*. Senator and former Minister of Information. President of the Royal Society for the Conservation of Nature, member of the Board of Directors of the Institute for Human Rights and the Amman Center for Human Rights, and a founding member and former Vice-President of the Arab Organization for Human Rights.

Appendix Two: Petition of the Jordanian National Committee to Eliminate So-Called Honour Crimes

“We are a groups of Jordanian citizens who have no personal, political, or racial interests, but are gathered with one unifying issue as free individuals, which is our right to a good and safe life, free from violence in a society that protects the rights of all, which abides by the Constitution that assures equality to all in front of the law in rights and duties.

Through the year, our country has witness abhorrent crimes that appal every clear-thinking and honest Jordanian. These crimes were committed in the name of honour, and those who have committed them have received soft sentences, which in turn encourage their belief and that of others that the crime they committed is socially acceptable.

Since the victims no longer have a voice to raise, and since we jealously guard the life and the safety of all Jordanian citizens and the right of each Jordanian to live in peace and harmony based on respect for human dignity, individual rights, justice, security, fair trial and defence and because these crimes contradict Islamic law (*shari’a*), the Constitution and the International Convention on the Elimination of Discrimination Against Women (CEDAW), we express our support of the decision of the Minister of Justice Hamzeh Haddad and the government, who, in moving to abolish Article 340 of the Jordanian Penal Code, have acted according to the spirit of His Majesty King Abdullah’s directives to eliminate all forms of discrimination against women.

Based on these principles, we decided to organize this campaign to practise our civil rights to demand that legislative, judicial and administrative authorities and the various national official sectors take all necessary measures and use all legal, democratic means at their disposal – judicial, legislative, educational and media – to eliminate this ugly phenomenon.

In the name of our sisters, daughters and mothers who do not have any voice, in the name of those who this minute unjustly suffer different forms of violence and injury to protect honour, with no one to protect them and guarantee their human rights, we raise our own voices.

We call for the immediate cancellation of Article 340 in its entirety, which reduces penalties and exempts those who kill or injure in the name of honour.

We stress the need to implement the law so as not to waste any chance to punish killers and to show society that these crimes will not be tolerated. We stress the need to enforce a fair and preventative punishment against anyone who commits crimes against women in the name of honour.

We call on all concerned citizens of this country to share our works to ensure that this initiative is a national effort which will allow Jordanians to express their opinions so that the authorities will take the necessary steps to protect the safety of innocent women who are victims of traditions and social norms that have no basis in Islam, the Jordanian Constitution or basic human rights.

We have prepared numbered petitions [for those who wish to raise their voice against these crimes].

Jordanian citizens who are legally eligible to vote may sign these petitions.

Our aim is to collect thousands of signatures to emphasize the desire of a large percentage of voters to cancel Article 340 of the Jordanian Penal Code and to work intensively with all means available to abolish this inhuman practice.

We launch our campaign by appealing to all citizens to take the initiative and sign this petition.”³³³

³³³ Husseini, *Murder in the Name of Honour*, 34-36.

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