Gendered Politics and Law in Jordan

GUARDIANSHIP OVER WOMEN

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To Jihad, Sham, Ward, and Aram

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Introduction: Gender, Law, and Politics in Jordan

INTRODUCTION

Between 2011 and 2013, the Jordanian Parliament was in a state of chaos. King Abdullah II dissolved the Parliament twice, and within the two years, parliamentary elections were held twice in the country. The conduct of Members of Parliament (MPs) was characterized by regular violent acts against each other. It became commonplace for some MPs to openly carry guns when attending Parliament's sessions. One of the fights broadcast worldwide involved one of the MPs firing three shots at another. While no one was harmed, the incident certainly changed the image of Jordan as a "modern" and "model" state in the region, particularly as no legal case or procedures were taken against the MPs involved in the fight.

One of the widely distributed YouTube videos of the Parliament's sessions was of the fight that took place between a Senator and MPs in one of the sessions of the Majlis al-Ummah (the General Assembly, which includes both senators and MPs) in July 2013. The Senator provoked the row when he suggested that the session should be comprised of two speaking MPs and one speaking Senator because "[t]he male has a portion of two females."[1] Very critical of the MPs, the Senator meant by this statement to degrade the Parliament's status to a state of femininity, while assigning masculinity to the Senate House. MPs angrily responded to his suggestion with statements such as that of one MP, who declared: the "Jordanian Parliament has no females in it and female MPs are men in

their political stands."[2] The MPs wrote a joint statement requesting the head of Majlis al-Ummah to restore dignity to the Parliament and its members.

Apart from distributing the video to mock MPs, the news media paid no particular attention to how, in a house that legislates people's rights, women are seen as weak and were used to degrade the status of MPs, especially by a senator who served two terms as Jordan's Prime Minister. Furthermore, MPs who tried to defend themselves did so through statements akin to: women MPs are masculine in their political dealings. I went to Jordan a few weeks after this incident and was particularly interested to learn how women in the Majlis and women activists responded to this incident. Several conversations took place, but here I want to address two particular discussions: one with a senator and another with an activist. In my discussion with the senator, I asked about her reaction to what has been said, and she stated: "When I heard what he said, I laughed, shockingly, maybe." I then asked if she had responded, or if any woman in the Parliament or the House of Senators had taken any action. She told me:

> There are so many issues facing us [women senators and MPs] in the Majlis. We usually pick our fights in accordance to our priorities. If I want to engage in a dispute in the Majlis I would prefer to have it about something with more substance, not a jerk like this. In addition, this discussion will be useless.

In my discussion with an activist, she stated:

> We hear such statements from male writers, journalists, poets, and activists every day. I am not surprised, and you should not be surprised either. We do not engage in such discussions because it is not going to have any significant results.

Neither the activist nor the senator—both of whom are undoubtedly committed to women's issues—considered this incident to hold any substantial meaning, pointing to the prevalence of sexist statements in general and this incident's insignificance compared to issues of law reform and rights for women in public spaces.

The general public's lack of interest in this incident, women's rights activists in particular, raises a question about whether the dominant norms of femininity have been unquestionably internalized, resulting in the "common sense" of normative femininity as "self-evident." The treatment

of the statement as not posing a threat to women—dismissing it as a "regular" comment by a "jerk"—is striking, particularly from those who legislate or defend women's rights, as such does not take the intertwined relationship between how women are commonly viewed, what legal rights they enjoy, and the positions they occupy in the family and wider society into account. Such treatment underlines a naturalization of normative femininity, whereby women are conceptualized as weak, dependent, and unreasonable human beings. The fact that raising a discussion about how women are perceived in the Majlis al-Ummah is seen as "useless" suggests that an established set of norms, perceived to be facts, exist about women and changing the mentality that constantly enforces these perceptions would be impossible or unimportant compared to other gains or rights. This also raises questions about how women react to statements that conceptualize them as the Other, as the "weak, minor, dependent subjects," leading them to consider which "battle to pick."

This book is about the construction of normative femininity in Jordan, a context where the state adopts and enforces the system of *wilaya* (guardianship) over women in family laws. It investigates the ways in which the state's adopted policy of men's *wilaya* over women contributes to constructing women's sense of femininity, and hence influences women's conceptions of the Self and everyday practices. It examines *wilaya* over women, which is one of the core legal provisions in the Arab states' Muslim family laws, to analyze the intersectional nature of women's subordination in the law, religion, tribe, and family relationships. The book posits that *wilaya* over women, which designates a legal minority status to women, not only forms the very basis of women's legal and social subordination but also plays a key role in the construction and reproduction of a gender hierarchy system.

Muslim family laws in the Arab region routinely include provisions that grant a *wali* (usually a male blood relative), the right to *wilaya* over women. A basic definition of *wilaya* over women is that it grants the father or another male relative the right to act on behalf of his daughter, or female relative, in matters of marriage.[3] The definition of *wilaya* in most of *fiqh* literature is: "The legal authority vested in a person who is fully qualified and competent to safeguard the interests and rights of another who is incapable of doing so independently."[4] In holding such a meaning of legal authority, *wilaya* notably signifies the power of someone over another without the consent of those who must submit.

However, there are two types of *wilaya* provisions in interpretations of Muslim family laws: the first pertains specifically to a woman's choice of marriage partner, and the second applies in general terms. The general provisions place women under the guardianship of a man either until they reach a certain age (e.g., in Jordan, women are placed under *wilaya* until the age of 30) or for their lifetime (for instance, in Yemen and Saudi Arabia). By this, *wilaya* provisions define women as legal minors and dependent subjects.

Although Muslim family laws have been studied extensively in various contexts, the linkages between how laws operate not only to organize women's lives but also to construct and reproduce norms about women, and how women perceive these norms, have been infrequently addressed. This book, therefore, presumes that provisions of *wilaya* encapsulate the knowledge that women internalize about themselves, are co-opted by, or challenge. By investigating a set of questions in relation to *wilaya* provisions and their relationship to women's perceptions of the Self and their everyday practices, my research interlinks law and anthropology. The questions include: how is the idealized image of femininity constituted in the provisions of *wilaya* over women in Jordan? How do women respond to this idealization, and is the law capable of producing one fixed type of femininity? Is such a model of femininity contested, negotiated, or challenged by women, and, in turn, how would this internalization and contestation impact women's lived realities? What are the mechanisms of control and disciplinary measures of normative femininity, and can women escape these techniques of control by developing their own ways of operating? If so, what are the consequences for women, and how do their class and tribal affiliations limit or broaden the mechanisms of control? And finally, what is the relation between state and tribe in reinforcing and naturalizing patriarchy over the state of law?

In this introductory chapter, I first analyze the politics of gender in Jordan. I look at how Jordan's colonial experience, political economy, tribal system, and the state's relationship with Islamic parties have been essential to determining the trajectory of women's status and rights in the country. I then set out the theoretical and methodological frameworks of the research. I discuss my position in relation to the approach of feminist scholars in dealing with laws and femininity, as well as consider different theoretical frameworks that address issues related to women's conceptions and everyday practices of femininity. Finally, I explain my ethnographic work methods in Jordan.

WOMEN, COLONIALISM, AND THE CREATION
OF A MASCULINE STATE IN JORDAN

Jordan has been seen by different historians not as a postcolonial country but as "an external neo-colonial project."[5] In this way, Jordan's experience of colonialism differs largely from other countries' colonial experiences in the region. It is considered as "Britain's most successful colonial project in the Middle East."[6] Unlike in neighboring countries, Britain ruled Jordan peacefully and in accordance with its philosophy of indirect imperial rule.[7] It also managed to earn tribes' loyalty to the British colonial administrators and the Hashemite rulers.[8] The tribes' loyalty was gained through their participation in the state's formation, rather than the state's formation being at the expense of tribal autonomy and identity.[9]

The relation between British colonialism, the state, and tribes was characterized by a formula of partnership that was based on processes of negotiation and mutual understanding and interests.[10] As Jordan was directly ruled as a British colony until independence in 1946, indirectly run by the British administrators until 1957, and remained a significant ally for Britain and later the USA, it has continued to perform a twofold policy. On the one hand, it maintained the interests of Britain and the USA by controlling political settings in the country in such a way as to ensure Jordanians (more than half of whom are Palestinian refugees) are not hostile to Western policies,[11] and in particular do not pose a threat to the Zionist project in Palestine. On the other hand, it promoted the collective tribal identity through what was deemed the preservation of culture and "Jordanization" of people in Jordan (the construction of a supposedly authentic Jordanian).[12] However, such a policy was not welcomed by all tribes in Jordan; opposition formed at the early stages of the establishment of the state of Jordan, which resisted both the colonial project in Jordan—created to absorb Palestinian refugees—and the empowerment of the Bedouins at the expense of people from urban communities.[13] The response of the Jordanian State and Britain to such opposition, according to Joseph Massad (2001), was implemented in two ways: first, through enforcing martial law from 1957 to 1989, and second, through the defining of Jordanian nationals in the Jordanian nationality law, which I discuss in greater detail in the next section.

Until the establishment of Jordan, there was little sense of the common grounds for a collective identity of Jordanian people; however, the state sought to build its nationalist ideology upon just such an identity.[14] Hence,

the state introduced the nationalist discourse in an effort to gather tribes around one identity of space and geography rather than several tribal identities of kinship.[15] Massad (2001) demonstrates how colonial masculinity was institutionalized in the Jordanian national identity through the military forces, and then transferred to Bedouin Arabs living across Jordan.[16] In the autobiographical writings of John Bagot Glubb—British commander-in-chief of the Jordanian Army and the Arab Legion, who served in Jordan from 1930 until 1952—the orientalist feminization of the oriental Other is dominant. Massad posits that Glubb taught Bedouins gender difference, which led to the creation of masculine identity as a basis for national military identity among his soldiers. In a description of Bedouin Arabs from an earlier encounter in the country, Massad states that Glubb likened Bedouin men to British women, describing them as having long hair, soft voices and feelings, and guided by passion rather than reason.[17]

Glubb's description of men's and women's relationships reminded me of a Bedouin girl who was a schoolmate of mine in the late 1970s. The girl, who I am calling Basma, was older in age due to her late admission at school. Once, Basma was absent from school for two weeks; when she returned, she was wearing full makeup, a golden necklace, and high-heel shoes. The teacher talked to her and then told us that Basma was married and no further details should be asked. Out of curiosity, several other girls and I walked Basma to her house; on the way, she told us that her father wanted to marry her to someone not of her choosing. So instead, she ran away with a boy she loved and came back to the family the next day. Her family brought the boy's tribe and celebrated the marriage of Basma to her lover. Apparently, Basma's action was a traditional, legitimate practice for some tribes, the practice called *khatifah* (kidnapping) with a woman's consent. This practice, which posed no threat to a woman's life, along with Joseph's description of gender relationships before the establishment of the state, demonstrates that, during and after state building, the state of Jordan turned tribes into conservative institutions; the, relative, freedom enjoyed by women was demolished by the state's policies and laws aimed at controlling women's decisions on matters of marriage and divorce.

Hisham Sharabi (1988) relates the changes in Arab society as a whole to the marriage between neo-patriarchy, modernization processes, and imperialism.[18] The formation of alliances among Bedouins, as Sharabi posits, was based on needs rather than ideology.[19] As the British "educators" were fulfilling the "modernizing" needs of the tribes in Jordan, they developed

the neo-patriarchy discourse, which not only affected women but also empowered the structure of the tribe at the expense of individuals.[20] In such a structure, individuals are tied to their tribes in a way that their relationships with the state and political parties are managed and controlled by the tribe.[21] It is in this sense that the tribe has been the most powerful unit in Jordan and is, therefore, still relevant to the question of power politics in the country. While relating neo-patriarchy to Western imperialism, Sharabi does not argue that patriarchy did not previously exist as part of the tribal structure; rather, he argues that colonialism gave patriarchy an authoritarian power and a modern character.[22] The state that evolved from such a process, therefore, adopted a social and legal organization that represented a conciliation of Bedouin, modern, and neo-patriarchal identity.

Notably, Jordanian women were left out of the national identity established by the nationality law. Women were considered merely their husbands' followers, and only wives of Jordanian men were seen as Jordanian themselves. Replicating the British Nationality Law, the 1928 Jordanian Nationality Law stated: "The wife of a foreigner is a foreigner."[23] This law has denationalized hundreds of women, depriving them of retaining their Jordanian nationality. Though the law was amended in 1961 and 1963, women married to non-Jordanians could not retain their Jordanian nationality until 1987.[24] The awarding of Jordanian nationality was promoted to naturalize a model of "extended male-centred patrilineage,"[25] which governs kinship relations; when Jordanian women marry foreign men, the children's blood is assumed to be that of the paternal line and, thus, a mother's blood is inconsequential.[26]

According to Article 6 of the 1954 Nationality Law, children of Jordanian men are Jordanian regardless of their place of birth. Based on the patrilineal principle, children of Jordanian women are foreigners; they belong to another nation. Women's nationality rights have been reduced to protect the dominance of male-centered patrilineage. The recent debate on the nationality law in Jordan shows how women's citizenship rights continue to be based on women's "Otherness" and the principle of patrilineage. In January 2014, the government announced its intention to issue a law that would grant children and spouses of Jordanian women limited civil rights related to health and education, which are rights based on providing services. The government's proposal, which is based on the humanitarian claim of "ending the suffering of Jordanian women's children,"[27] as stated by the Minister of Political Development, met with harsh opposition and opened up the debate around the national identity of Jordan.

The news was announced by the Minister of Political Development, who confirmed that: "these rights are not considered a basis for granting Jordanian citizenship to the children and spouses of Jordanian women."[28] The Minister further assured—no less than five times in his short statement—that Jordan had no intention of making changes to the nationality law or granting any political rights to children and spouses of Jordanian women. The leader of the Jordanian opposition, the former head of the royal court, retired General Riyad Abu Karaki, responded in several statements to the government's proposal, saying: "We can no longer take it. Taking care of our children is enough for us. We cannot [take care of the children of others]."[29] "Why should we pay for schooling, health care or feeding those children when we barely can do that for our own citizens?"[30] He further added: "It seems that Jordanian women … have nothing to do but to give birth [to foreigners]."[31]

The debate in Jordan around women's nationality rights has always shifted toward a discussion of national identity, unity, and harmony. This approach, as Kandiyoti suggests, is a form of control over women, which curtails and restrains women full citizenship.[32] This is clearly manifested in the right-wing nationalists' view of a woman's right to pass her nationality to her husband and children as a threat to Jordan's national identity. The claim is that if women are granted such a right it would change the demography of Jordan and add an economic burden to a country that can hardly meet its own citizens' needs. Leftist national opposition, on the other hand, views such rights in relation to the settlement of Palestinians in Jordan as a perceived danger that opens the door for the naturalization of Palestinians and provides a basis for the "alternative homeland" of Palestinians in Jordan.

State officials and both wings of the nationalist movement, regardless of the basis of their arguments, agree on a basic principle that women are followers of their husbands and male relatives; thus, the children of Jordanian women married to foreigners are foreigners, as a Jordanian is defined as a person who is born to a Jordanian father. By this, Jordan's national identity, as reiterated by the state's nationality laws and discourse of nationalism, is masculinized. A woman's choice to marry a foreigner is also perceived as a threat to this national identity, particularly when this foreigner is a Palestinian. Comprising around half of the population,[33] Palestinians who were granted nationality rights in the 1950s are considered Jordanians who must suppress their Palestinian identity to be loyal citizens.[34] On the other hand, Palestinians who were forced to flee to

Jordan during the 1967 War—mainly from Gaza—who number around 350,000 in the country, have not been given Jordanian nationality or any civil or political rights in Jordan under justifications related to preserving Palestinians' "right to return." Palestinian women married to Jordanian men are granted nationality after three years of the marriage, if the husband wishes to give his wife Jordanian nationality. In this sense, Palestinian women—as followers of their husbands—are not required to preserve the "right to return" and do not pose a threat to the national identity, as they will be giving birth to Jordanian children. Along with the subordinate position of women under the law, women's national role is curtailed, as Massad (1995) puts it, "to the issue of reproducing the nation"[35] and, hence, "the respective responsibilities of men and women to the nation emerged as epistemic cornerstones of nation-building."[36] By this, not only is "masculinity nationalised,"[37] as Massad (1995) suggests, but femininity is also defined in relation to women's reproductive role and their dependent status.

Control of a woman's choice of marriage and denying her equal rights regarding nationality is one of the main features of the nationalist discourse in Jordan. The masculine characteristic of national identity appears to be widely agreed upon and is a prevalent and collective pattern of national identity. This is because the question of "who is the true Jordanian?" is a very vexed issue in Jordan. It is rare for a question like "where are you from?" not to be followed by a question such as "Are you a Palestinian Jordanian? Or a Bedouin, Transjordanian, Eastern Jordanian?" The identity of a Jordanian is constantly questioned and challenged under the unanswerable question of "who is the true Jordanian?", which makes the national identity of a Jordanian in "a state of continuous adjustment."[38] This is not only a challenge to Jordanians like me who are of Palestinian origin but also a challenge to eastern Jordanians, for whom the question pushes them to constantly ascertain their nationalist loyalty.

To be a loyal Jordanian entails embracing the monarchy's version of Jordan's authentic identity. This identity is portrayed in the national narrative as based on the role of the Hashemite in the Great Arab Revolt, the Hashemites' kin ties with the prophet Muhammad and their role in protecting Islamic heritage, and the tribal character of the nation.[39] Therefore, to be a Jordanian is to be loyal to the Hashemites' rule in the country and to belong to tribes. The national narrative that constitutes Jordan's authentic identity thus considers Hashemite rulers as the heroes of the Arabs due to the role played by Sharif Hussein (the great-great grandfather of the current king of Jordan, King Abdullah II) in uniting

the Arabs against the Ottoman empire, designates a sacred status to the royal family, and conveys Jordanian values as driven by Islamic and Bedouin traditions. The three features of the national story, hence, are hardly to be challenged when associating Jordan's national identity with the Arab nationalist discourse, Islam, and tribalism. However, these features are also difficult for all Jordanians to embrace, as some or all of the three features do not relate to the history or social characteristics of different segments of the population.[40] Besides producing a national narrative that gives legitimacy to the monarchy, national identity created within this narrative represents a small percentage of Jordanians who belonged to the tribes of Transjordan before the establishment of the Jordan Emirate in 1921 by King Abdullah I. Many Jordanians lived before that time in urban communities and Palestinians are left outside of this narrative.[41]

When a Jordanian can be a Muslim or a Christian, an Arab or a non-Arab (as in the case of Circassians and Chechens), of Jordanian origin or not, a Bedouin or urban, it is challenging to create a collective identity, and the national narrative avoids this diversity and the histories of people before the establishment of Jordan. The state's adoption and symbolism of masculine identity in the national discourse serves as a twofold strategy aimed at building consensus around the question of the "true Jordanian" and restricting "unwanted refugees" from becoming Jordanian through controlling women and their choice in marriage. To put its project into effect, the state must ensure consistency between the portrayed national identity and the legal framework pertaining to women's position, be it in civil or family laws, where the legal personality of women is attached to a male relative. Women's rights have been refuted in favor of the collectiveness of the nation, which implicitly protect and preserve the power of male-centered patrilineage relationships.[42]

The Politics of Gender in the Democratization Process

In April 1989, the Bread Uprising broke out in the southern city of Ma'an. Within a few days, the revolution had expanded to other cities in the north and middle of the country. The uprising of tribes in the south and north came as a surprise to the regime, as the monarchy had relied heavily on tribal support since the establishment of Jordan.[43] With the fall of oil prices in the 1980s, Jordan "as a semi-rentier state"[44] began to wane. The disengagement of the administrative relationships with the Palestinian territory,

due to the conflict with the Palestinian Liberation Organisation (PLO) over representation and the peace process in the mid-1980s, also caused a serious currency and economic crisis.[45] This left Jordan with no sufficient national income and, thus, it "sought International Monetary Fund (IMF) assistance to cope with the fiscal crisis. However, the fiscal dictates of the IMF came with a political price."[46] The revolution was in response to price increases on goods and fuel inflicted as part of the IMF debt's conditions.[47]

Jordan had been under martial law since 1974. During this period, political parties were banned from operating and a limited number of non-governmental organisations (NGOs), particularly royal organizations, were permitted to work, while grassroots organizations were dissolved and banned. The regime had also allied with tribes and Islamist groups against both Palestinian and Jordanian political opposition in order to survive after an attempted military coup in the 1950s, defeat in the 1967 War that led to the loss of the remaining part of Palestine and some Jordanian lands, and the conflict with the PLO in 1970–1971 that developed into a war between the Jordanian military and Palestinian rebels.[48]

The alliance with tribes demanded that they continued to operate under tribal customary law. It had also required the Jordanization of the public sector and the military, where the employment of the eastern Jordanians in the public sector to replace Palestinians became not just a goal but also a national slogan of the State in Jordan. The alliance with the Muslim Brotherhood Party was a result of King Hussein's mistrust of Jordanian leftist political parties affiliated with the Ba'thist regime in Syria and strong ties with the Nasserist regime in Egypt. Islamists also had a mutual interest in allying with the monarchy, as it had not posed any ideological threat to them.[49] Therefore, Islamists in Jordan backed the regime and stood against the Ba'athist and communist opposition.[50] King Hussein "returned the favour during the 1980s by sheltering the Syrian Brothers as they waged their campaign to overthrow Hafiz al-Assad in Syria."[51] King Hussein also allowed the Muslim Brotherhood Party to organize activities and open branches across the country openly prior to 1989, not as a political party but as a charitable organization.[52] Through this, the Muslim Brotherhood Party enjoyed an atmosphere of free movement, whereas other political parties were banned and their members imprisoned. This enabled the Brotherhood to expand at the expense of other political parties.

The austerity measures imposed in 1988 affected eastern Jordanians more than Palestinians, as the latter were more dependent on the private

sector and work in the Gulf states than the public sector and state services.[53] The 1989 uprising posed a real threat to a monarchy that was no longer seen as fulfilling the demands and needs of Jordanian citizens. King Hussein responded to the 1989 revolution through a series of political and economic decisions, including ending martial law, holding parliamentary elections, postponing the austerity program, the foundation of the National Charter, and legalizing political parties.

The shift to democracy in 1989, however, has not led to significant change in the political system in Jordan. Tribes continued to have power over parliamentary elections, particularly after the change made to the electoral law in 1993, where the unlimited vote system was replaced by the one-person–one-vote system that aimed to limit the representation of political parties. This is because the old system allowed voters to elect a number of candidates based on the number of seats allocated for the district, while the new system limited them to one vote only. The king also continued to reserve the power to select the prime minister and the upper house of the legislature and to issue temporary laws and the right to dissolve the Parliament.[54] State policies toward women, however, have slightly improved. Special attention was given to services and the registration of dozens of charitable women's organizations. The ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1992 and the establishment of the Jordanian National Committee for Women (JNCW) as a mechanism and monitoring body of the government's compliance to CEDAW in the same year have marked a new level of work on women's rights. Women's groups continue to demand reforms of discriminatory laws against women.

The past two decades, therefore, witnessed several changes to women's legal and civil rights. In 1999, the government responded to the demands of women's NGO's and amended the marriage age to 18 for both males and females, yet gave the judge the right to conclude marriages for girls under 18 if the marriage was seen to be in the best interest of the wider community.[55] The country also witnessed several other developments that reflected positively on the status of women,[56] including halving the percentage of illiteracy among women.[57] According to the 2007 report of the Jordanian Statistics Department, the literacy rate of women has increased from 84.3 to 89.4 %, the improvement in the status of women's health complies with global indicators, and the number of women who have attained leadership positions in the government's institutions has also increased.[58]

In the 2010 Official Report of Jordan to the CEDAW committee, the JNCW highlights several other changes that were made at the level of political participation, such as the six-seat quota in the Parliament, which increased to 12 out of 120 seats in the last amendments made to the Jordanian Electoral Law in 2010; the seven appointed women in the Senate in 2009; the appointment of four women ministers in the ministerial staff; increased representation of women in municipal councils to reach 25 %, the highest representation of women in Jordan in competitive elections; the appointment of a woman as Secretary-General of the Ministry of Health; the appointment of the first woman to the rank of governor at the Ministry of the Interior; and the appointment of the first woman president of the Court of West Amman.[59]

The state provided progressive liberalization projects aimed at increasing women's political participation, inclusion in the labor force, and rates of literacy and education, but had only limited potential for change at the level of personal and family rights. The state in Jordan continued to play a central role in constructing the rhetoric of national identity based on women and gender. Secular nationalist discourse that used women as a symbol of national authentic identity, on the one hand, and progressive politics, on the other, which Kandiyoti (1991, 2001) examined in the Middle East region, has been and is still of significance for the regime in Jordan.

Madawi Al-Rasheed's remarkable book, *A Most Masculine State*: *Gender, Politics, and Religion in Saudi Arabia*, underscores that gender inequality is persistent in Saudi Arabia given the politics of the state and nationalization of religion, rather than tribe, Arab culture, or religion.[60] Al-Rasheed's compelling analysis of state policies toward women, along with the effects of the oil economy, demonstrates that it is the state that regulates the role and place of the tribe and religion in shaping gender roles and relations, not the other way around.[61] As the previous analysis of Jordan's historical formation shows, the Jordanian state, similar to Saudi Arabia, continues to privilege tribal structures pertaining to social relationships at the expense of individuals, in exchange for legitimacy.

There are a few differences in the case of Jordan from that of the Saudi case, one being that the royal family of Jordan is an outsider family. It does not belong to the tribes in Jordan, a matter that necessitated an even stronger relationship with tribes. Jordan's reliance on Western foreign funding and the role assigned to the ruling family in the region by the British empire, and its continuous key role in the peace process with Israel

in the region, required a balanced relationship with Islamic and conservative groups. When the regime forged an alliance with the Muslim Brotherhood Party, it did not adopt its ideology, as in the case with the Saudi state's adoption of the Wahabbi ideology. In this way, Jordan has not nationalized religion nor adopted Islamic traditions in its ruling, it rather limited the role of religion merely to family issues, which is intended to keep women under the authority of male relatives, among other things.[62]

As it is addressed by the literature related to other authoritarian regimes in the region such as that of Egypt, Turkey, Saudi Arabia, and Iraq, which are viewed as having instituted "state feminism,"[63] the "double-speak" policies, as Kandiyoti (1987) termed, brought some positive change to women's rights but have not had any concrete effects on the ways women are perceived as weak, dependent, and followers of their male relatives. Women's representation in Jordan at the political level cannot be perceived as part of a progressive policy toward women, as several steps taken to include women in the public sphere took into consideration representation of the tribes and the elite. For example, the quota assigned to women in the Parliament is designed to serve tribal interests rather than increase women's representation. The calculation made for the quota is based on the number of votes a woman can get from the total number of votes in the voting district, thus women from small, tribal areas where the number of votes is not large can win in the election while women from bigger urban areas cannot. Women appointed as ministers or to the senate house also come from families that are inherently represented in the senate, whether from wealthy Palestinian families or those close and loyal to the royal family. Jordanian women constitute 50 % of the public sector[64]; however, the percentage of women in the public sector decreases when moving up toward higher and senior positions to 10 % of the leadership positions.[65] Those women who occupy higher positions are mostly of Jordanian origin employed as part of the national plan of Jordanization for the public sector. The aim is then for them to fill the place that Palestinian men had been occupying in the public sector. The regime, while trying to demonstrate progressive steps toward women, is using these policies to maintain the balance and structure of power in the country that serves its stability and survival.

It is within such a context that women in the Parliament and senate do not perceive themselves as women but rather as daughters of particular tribes or families whose role is to keep the interests and representation of

tribes. This perception impacts upon women MPs and senators' performance and their disengagement with the women's question and lack of interest in changing how women are perceived and treated in the Majlis al-Ummah. It also might explain why women did not publicly respond to statements, such as that discussed earlier.

The previous brief analysis of the Jordanian case shows that, despite historical and contextual differences, the political project and interests of the Jordanian state are similar to Al-Rasheed's (2013), Charrad's (2000), and Kandiyoti's (1987) discussions of how the state "can exert a powerful influence which inflects and modifies the place and practice of Islam"[66] along with other institutions like tribes and thus the ways in which women's positions are situated within these institutions. It is with this understanding in mind that I turn next to discuss how normative femininity is established in the provisions of *wilaya* over women in the Jordanian Personal Status Laws (JPSL) and the ways in which this impacts on women's sense of the Self and their everyday practices.

Theoretical and Conceptual Considerations

"*If every state tends to create and maintain a certain type of civilization and of a citizen* (*and hence of collective life and of individual relations*), *and to eliminate certain customs and attitudes and to disseminate others, then the Law will be its instrument for this purpose.*" —Antonio Gramsci, in Selections from the Prison Notebooks[67]

In the 2010 JPSL, guardianship over women is one of the main grounds for the validity of marriage. As Article 14 stipulates: "The *wali* (guardian) in marriage is according to the order of *al-`asaba* (male blood relatives) as established by the Hanafi school." Guardianship over a ward is specified in Article 223: "the *wali* of a ward is the father, then the custodian assigned by the father, the paternal grandfather, the custodian assigned by the grandfather, and then the court." Article 15 sets the conditions for a *wali* to perform guardianship in marriage as sound mind, maturity, and Islam. However, Article 15 does not specify maleness as a precondition for *wilaya* over a female in marriage; nonetheless, this precondition is implicitly assumed in Article 14, which stipulates the order of *al-`asaba* or male—blood descendants. There is no mention of the age at which guardianship over women ceases. Article 185 of the 2010 JPSL

grants the *wali* custody of a woman under 30 years of age, and extends such custody past the age of 30 if a woman is deemed to pose a risk to herself. As delineated in Article 184, the *wali* supervises all of his ward's (males under 18 and females under 30) matters, such as choices in education and residency.

These articles, which I examine in greater detail in Chap. 2, are the basic grounds on which judges rule with regard to *wilaya* over women in marriage, in cases of legal dispute over women's choices in education, travel, and work or pertaining to disputes over women's *wilaya* over their children. However, the role these articles bestow upon men, granting them privileges and treating women as legal minors, extends beyond dealing with legal disputes. As Gramsci notes, we must free the concept of law from absolutes and "moralistic fanaticism"[68] and see it as being in the service of dominant power, which does not lead people by "force alone, but also by ideas."[69] Hence, laws tend to normalize a particular system of principles that constitutes what is socially natural and legitimate; thus, those who are the subjects of subordination accept it as "common sense."[70] Common sense, as Gramsci suggests, is established by mass consent to the ruling class's beliefs and ideas on social norms, which society accepts as being in its own best interests.[71]

Wilaya over women treats women, regardless of their age or position, as legal minors. Consequently, this provision not only controls women and limits their choices through the use of force but also constructs and produces a universal knowledge and imposes a gender regime, which defines the gender hierarchy. Thus, the provision of *wilaya* over women in the law normalizes views of women's capacities, behavior, acts, and roles. Studied in this way, *wilaya* highlights how the construction and internalization of the dominant view of femininity is crucial to the Jordanian gender regime. State legislation not only organizes women's relationships within the family but also naturalizes dominant social and cultural norms about women as a common sense. While the role of cultural and religious systems in constructing dominant views of femininities is examined in various feminist literature,[72] the ways in which legal provisions and state discourses operate to construct and normalize specific notions of how to be a "woman" is less scrutinized. By locating the normative construction of femininity within the state's political project, it is possible to analyze "the ways in which power operates to form our everyday understanding of social relations,"[73] as well as how such power "orchestrates the ways in which we consent to and reproduce those tacit and covert relations of

power."[74] One question addressed in this book is whether the state and its masculine institutions of law, religion, tribe, and family succeed in imposing a dominant form of femininity that is, in the Gramscian sense, accepted by women as "common sense"; if so, grantees consent without the use of coercion or employ tacit ways of escaping or resisting the social and legal construction of femininity.

Alternative Forms of Femininity

Kandiyoti (1987) observed that femininity in the Muslim/Middle East region is "an ascribed status rather than something to strive for. The same cannot be said of man's masculinity."[75] Femininity is then something to live with not to live for; unlike masculinity, which is to be achieved.[76] Femininity is understood as a natural, integral part of femaleness and, as Kandiyoti posits, "Although woman's very humanity may be in question, her femaleness never is."[77] This explanation of femininity, as an ascribed status, resonates with how *wilaya* over women is justified either in *fiqh* literature or by judges, as I explain in Chap. 2, based on the intuitive and inherent *taba'it el-mar'ah el-da'ifah* (the weak nature of women). Following this logic, femininity is conceived as a set of values, discourses, ideas, and bodily dispositions about women, which positions them as subordinate to men, and is hypothesized as women's natural configuration. Any traits, characteristics, or roles that do not correspond with this normative construction of femininity are assumed to be against *el-taba'ih*. The reference to a natural, biological, immutable condition constitutes a mode of production that defines and maintains the "delimitation of powers between the two sexes through the ethical dispositions"[78]; in addition, it produces the logic of the natural/cultural explanation, which, as Ortner suggests, has a highly persuasive nature: "for if it were not so persuasive, people would not keep subscribing to it."[79]

Reference to nature guarantees women's social adherence to the dominant classification, which, in turn, creates what Bourdieu terms the "doxa": "the experience of quasi-perfect correspondence between the objective and the subjective principles of organisations of the natural and social world appears as self evident."[80] Thus, in the context of doxa, people legitimate and naturalize predominant forms of power.[81] Furthermore, the social norms of ideal feminine, which are politically produced, constructed, and normalized, are explained as a mode of nature; hence, women have no other choice but to see and accept themselves as weak and emotional

beings and to recognize and assume social control as legitimate, not arbitrary, common sense.[82] The normative construction of femininity is, consequently, a dimension of politics that operates to reproduce women's undisputed social obedience to the symbolic dominant power, as well as to "impose the principles of construction"[83] on women's reality.

The normative construction of femininity based on Bourdieu's "doxic mode" corresponds with Kandiyoti's description of femininity's ascribed status and Connell's term "emphasised femininity,"[84] which he defines as women's compliance with an unequal gender order "oriented to accommodating the interests and desires of men."[85] Thus, the femininity constructed by the provision of *wilaya* encapsulates women's inferior position, as such is based on nature; the classification of masculinity, on the other hand, as something to be achieved, places men who comply with hegemonic masculinity in a position of authority and superiority.[86] Such classification is both explicitly and implicitly manifested in *wilaya* over women provisions through the criteria for male guardianship over females, the natural principles of women's dependence, and women's assumed irrationality. In these provisions, women are deemed legal minors, defined only through their guardian not their individual selves. Therefore, unlike hegemonic masculinity, which assumes "the subordination of non-hegemonic masculinities,"[87] femininity is presumed to be the subordination of women to men and works to perpetuate a particular, unified, and fixed model of what a woman is and what she ought to do.

Bourdieu's conception of doxa—where the subject's internalization of social norms is sufficient for the structure of reproduction—does not presume that those who are the objects of subjugation have a static or rigid status; rather, Bourdieu suggests that social norms are sites of contestation and struggle.[88] Hence, assuming women internalize a normative femininity, is there any possibility that the values, behaviors, ideas, and bodily acts associated with femininity are brought into question? If so, when and under what conditions can the doxa and common sense be contested? Have women's differing positions effected the "doxic mode?"[89] Is the "self-evident" and "common sense"—left unquestioned by many— questioned by some women? Furthermore, and particularly applicable to the Jordanian context, to what extent does the field of doxa vary depending on women's class and tribal affiliation?

Thus, the question is threefold: do women merely internalize, naturalize, and submit to the state's discourse (which would bring the analysis back to seeing women as victims of false consciousness); are they rational

agents who make use of the system and are, thus, able to destabilize their subordinate position; or is there a complex combination of compliance and resistance to power? In Chap. 3, I discuss these questions and ethnographically demonstrate how, despite the established common sense of femininity, women do not simply comply with these norms (false consciousness) or actively engage in an overt form of resistance; it is more common that women simultaneously comply with and resist the normative gender order, which clearly favors men's interests over women's.

> Most of the political life of subordinate groups is to be found neither in the overt collective defiance of powerholders nor in complete hegemonic compliance, but in the vast territory between these two polar opposites.[90]

This happens through covert forms of resistance, what James Scott (1990) termed "hidden transcripts,"[91] which are the established methods of a subordinate group to insinuate and determine political spaces in a "muted or veiled form"[92] in a particular context.

The hidden and muted forms of resistance are particularly effective in situations where brutal and effective means of oppression are used to maintain the normative order, allowing "a veiled discourse of dignity and self-assertion within the public transcript … in which ideological resistance is disguised, muted and veiled for safety's sake."[93] Women's limited access to power—coupled with the concentration of power, be it legal or social, for men—leaves little room for women to publicly and overtly resist. In a context of brutal domination, the existing social and legal sanctions may lead women to internalize, naturalize, and thus consent to a normative gender order that determines women's experiences and defines their subjective understanding of femininity. This is not simply the consequence of false consciousness or direct coercion; instead, such consent is the result of a system in which overt resistance can be seen as "suicidal actions"[94]—overt resistance comes at a high cost, as it risks both reputational damage and the loss of freedoms that women may somehow enjoy through indirect and covert resistance. The severity of the potential consequences and the complexity of the context of domination determine the extent to which women can maneuver outside the normative gender order and, thus, openly question the normality of submission. As Scott (1990) argued:

> [t]he greater the disparity in power between dominant and subordinate and the more arbitrarily is exercised the more the public transcripts of subor-

dinate will take on a stereotyped, ritualistic cast. In other word, the more menacing the power the thicker is the mask.[95]

With this in mind, this book examines how femininity is constructed in a system that has institutionalized discipline and punishment for women, as well as how this system "influences subjective experiences of womanhood and femininity."[96] However, the institutional mechanisms of control are not "immutable and unchanging,"[97] as Kandiyoti (1987) puts it, nor are they practiced identically for all women. Moreover, women are not fully aware of the impacts these institutions have on the construction of their gendered roles; in the end, as Moore (1994) says, "no one can ever be fully aware of the conditions of their own construction."[98] These institutions "are intimately related to the construction of oneself as a gendered subject."[99] I suggest that normative femininity—constructed within the principle of *wilaya*—works to define women as "agents who are as similar to each other as possible"[100] in terms of both how they internalize, accept, and legitimize male authority and as agents removed from the masculine position of authority and domination.

The intersectionality of gender, class, and tribe, however, modifies the ways in which the boundaries of the *wilaya* system are interpreted and, thus, impact on women's experiences of femininity. In fact, the experiences of women living in tribal communities, where the tribal leader controls families' decisions regarding marriage and divorce, differ from the experiences of those living in Amman's diverse and open communities. Women in tribal communities are more obliged to accommodate family and tribal interests, and potentially face more severe consequences for open resistance. On the other hand, legal limitations can be reworked in the tribe's interest, allowing women with tribal affiliation to escape the state's sanctions and disciplinary measures more so than poorer women from Palestinian camps and deprived areas; as I discuss in the case of women prisoners in Chap. 5, such women have no option but the state's prison for "protection" in case of family threats.

Richer women have access to other opportunity structures, allowing them to bypass some legal limitations and enjoy, relatively, greater personal freedom. However, this does not necessarily result in a total rejection of the assumed position of normative femininity; particularly for rich women from influential tribes or who have male family members with political positions or ambitions, stepping outside the normative framework risks reputational damage and could lead to men's loss of power within the

tribe or failure to obtain the tribe's nomination for parliamentary elections. Therefore, rich women with no tribal affiliation have more opportunities to escape normative submission, resist, and take less account of the legal and social implications than poorer women and those with close tribal connections. Consequently, the extent of internalization and/or questioning of normative femininity is profoundly impacted by the symbolic and material opportunities, as well as possibilities to avoid punishment and consequences, that women's statuses provide.

Here, the consideration is also whether the material opportunities provided by class, education, or work can influence women's subordinate position in a context where this position continues to be characterized as natural, is afforded the status of legal minor, and control over women's choices is politicized as a cultural arrangement. In the previous section, I discussed how the legal construction of femininity casts women as a unitary group; it does not differentiate based on women's class or position with regard to structures of power, as this would defeat the symbolic order of nature. Therefore, the extent to which material opportunities can rework the system for women's interests—in a way that could destabilize, pose any threat, or jeopardize the structure of power—is limited. In Chap. 3, I discuss how women can push the boundaries of their gender roles in work, to some extent, or have freer movement, but such should not conflict with the established gender hierarchy; this is particularly true regarding decisions related to the supposed cultural authenticity of family relationships, such as marriage and divorce decisions. This means that women have to make sense of male authority from the specific positions of father/daughter, brother/sister, or husband/wife.

The rejection of some aspects of femininity, or that femininity is about submission, may not only be tied to the availability of opportunities but could also emerge in situations of crisis between the interests of women and those in power. A conflict—such as disputes over marriage, divorce, child custody, inheritance, and type of education and work—sometimes, in and of itself, provides both the opportunity to contest authority and an environment where women can refuse to submit to the normative gender order. This conflict with normative submission could be just an occasional event or, like a few cases I met, a turning point in women's conception of the Self; such conflict can mark women's beginning to question and push the limits of their subordinate positions.

Consequently, women's different conditions, available opportunities, and their positions within the power structure influence the ways in

which women understand and respond to normative femininity. Although the empirical evidence demonstrates that women in Jordan internalize, to varying degrees, normative femininity, it is also evident that different forms of femininity emerge from women's various positions related to class, tribe, and ethnicity. Women's membership in the latter inflects the ways they interpret and experience the structures of the *wilaya* system.

An intersectional approach, such as the one adopted in this research, shows that women follow three main patterns in relation to the dominant construction of femininity and gender roles. The first model is compliance with subordination by accommodating tribes' and family's desires, which are underlined by men's interests. The second is a pragmatic and strategic combination of compliance, resistance, and accommodation. Here, women can be more critical in some ways, even more skeptical, of the values and beliefs that constitute normative femininity, but continue to conform to them nevertheless.

The third model is the masculine/exceptional form of resistance and non-compliance with normative femininity. Here, when women seem to be departing from or escaping the normative construction, their identity is either masculinized or desexualized, as they are positioned—or, indeed, may position themselves—as either masculine or exceptional. This model may show nothing more than different points of the same process, where, according to Bourdieu, women may perceive different principles of or differently employ the common sense that differentiated them as a social category in the first place.[101]

Practices of Femininity in Women's Everyday Life

In the first seven months of 2014, 19 women were murdered in Jordan under the name "honor crime" and an equal, if not a higher, number of women were incarcerated for "protection."[102] In Chap. 5, I analyze the case of women prisoners and the conditions under which they were imprisoned. The case of women prisoners shows the cost of women's overt resistance to and rebellion against the system of *wilaya*; it also shows the extreme and brutal response of family members and the state to women's decisions and maneuvering outside the *wilaya* system. This is not to suggest that every Jordanian woman is under real threat of being killed or imprisonment, but rather to show how the state's disciplinary mechanisms—condoning killing and ordering women's imprisonment—create the sense of a symbolic threat among the vast majority of women, which deters them from resisting

openly and overtly. In this system, the symbolic threat of killing and imprisoning of women, as Bourdieu suggests, is a form of a "symbolic violence"; a mechanism of domination and a "more effective, and in this sense more brutal, means of oppression … the violence has become soft, invisible."[103] In this system, as Bourdieu further argues, it is very difficult and there is little chance for resistance.[104]

In this book, the symbolic threat to women raises further questions relating to how power operates and the prospect for and scope of women's resistance to the operation of power. Bourdieu suggests that power operates through external and internal forces, the former being symbolic domination, which is "something you absorb like air, something you don't feel pressured by."[105] External, symbolic violence implies discipline; something that subjects are made conscious of so that it be obeyed. In other words, Bourdieu suggests that power does not rely merely on its ideology to be absorbed in a doxic mode, it also operates through disciplining methods that aim to correct and govern the practices of those under domination and, thus, determine their lived realities.

The only possibility for overt resistance to the doxa is when the interests of the dominant class conflict with the doxic mode and, hence, force them to limit its field of power. This, as Bourdieu posits, would imply different belief of what was beyond questioning.[106] The analysis of gender relationships in Jordan, through provisions of *wilaya*, exemplifies how power is still concentrated in the hands of men; as long as men continue holding legal and social authority over women, there will be little chance for women to redefine the doxa and, thus, openly question its limits. The other possibility for resistance, as Bourdieu suggests, is to direct it toward discipline, as "it is easy to revolt against discipline because you are conscious of it."[107] It is here where Bourdieu argues against false consciousness; he sees agents as neither "mistakenly guided by false representation" nor "not aiming consciously towards things."[108]

The symbolic threat against women's lives and well-being is not imaginary, it is actual. The fact that some women, although very few, have already experienced its extremes implies that the majority of other women determine their scope of actions in everyday life so as to not pose a threat to the power structure and, hence, avoid punishment. On the other hand, while these practices do not necessarily directly or overtly confront domination, they do not necessarily guarantee women's strict compliance either. Women's daily practices can involve covert, indirect, and hidden forms of resistance, including guises of bargaining, false compliance,

bribing brothers, hidden relationships, and tricks to escape forced marriages.

The resistance that women's daily practices offer is also dependent on whether women see situations as significant or unimportant at any given time. For instance, women may choose to compromise on choices of education, type of work, or dress in some ways in order to maximize other areas of freedom they see as more important, such as in the choices of marriage, travel, or mingling with friends. Consequently, in the practices women perform to infiltrate and escape disciplining mechanisms, there is a thin line between women's compliance and resistance. This elicits the question of whether what appears to be a practice of defiance could somehow offer resistance.

Many such practices fit James Scott's notion of "covert resistance,"[109] where some practices portray false compliance in order to escape punishment and enjoy a degree of relative freedom in another sphere. Similarly to how James Scott elaborates in relation to subordinate classes forms of resistance, some women in Jordan "are, after all, far less interested in changing the larger structure and the law,"[110] as that could be suicidal, and so are "working the system … to their minimum disadvantages."[111] This raises the question of whether women's practices are merely a "tactical choice born of a prudent awareness of the balance of power"[112] and only women direct their attention toward minimizing the effects of control mechanisms, or can these practices, on the one hand, contribute to the maintenance of the power structure and, on the other, affect change at the structural level and rework gender power relationships, be it at the individual or collective level.

Kandiyoti's (1998) critique of Scott's approach posits that by recognizing only the "limits" (without in-depth analysis of these limits) of subordinate resistance, which makes other forms of action seem "suicidal" or "impractical," Scott is "concealing the evidence of hegemony by relabeling its effects."[113] She argues that we must acknowledge some acts of resistance may be both legitimate and maintain the system of domination. In domination that is based on arbitrary arrangements of kinship and marriage, control mechanisms are naturalized and have moral and/or material sanctions; this means, as Kandiyoti suggests, that even contestation and defiance could, at times, hold some aspects of the limits set by the normalized social practices.[114] In her view, revisiting her "patriarchal bargain" approach, this type of resistance may not lead to renegotiation of the conjugal contracts, but "produces relief within them."[115] Moreover, moments of contestation and resistance do not necessar-

ily imply an absence of acquiescence.[116] So, by only acknowledging a particular range of strategies, Kandiyoti argues we may not be able to see alternatives that could occur under different conditions and situations.[117] The complicity of the gendered subject's experience within the "messiness of social reality"[118] requires us to acknowledge women as agents who are "both rational actors and unable to think beyond the 'naturalised' givens of their communities."[119]

Historical political processes and changes to the socioeconomic conditions that have taken place over the last few decades in the Middle East region—particularly in relation to changes to the extended family structure and women's work and education—required a transformation of women's positions within the structure of power; in other words, such changes may have implied inter-subjective relationships embodied in the complex interplay between gender, class, caste, ethnicity, and socioeconomic factors.[120] The complexity and multiplicity of systems of domination in Jordan, women's changing position within the structure, and the changing position of women in their lifecycle, as Knadiyoti (1998) incites us to think, are inevitably reflected in the ways in which women experience normative femininity and, consequently, how they adopt strategies of resistance and/or coping and survival tactics.[121] This context "require(s) sympathetic and open-minded examination, rather than hasty categorization,"[122] of different forms of struggle.

Thus, examination of women's everyday practices, often seen as "manipulative" and "contradictory,"[123] demands a linking of the practice to the limits and extent of domination, the available power and opportunities for women within each system[124] and sanction, and the consequences and discipline mechanisms imposed on women. Accordingly, to avoid the categorization of women as either resistant or submissive agents, I look at the tactics women use in daily life and analyze the ways in which and under what conditions these tactics take the form of compliance—surviving or coping with male authority—and when and how they can materialize into strategies aimed at realizing autonomy.

Through analyzing women's everyday practices of femininity, I aim to contribute to the literature—such as Kandiyoti (1987, 1988, 1998), Abu-Lughod (1986, 1990a), and Moors (1995, 1996)—on women's everyday practices and survival, coping, and resistance strategies, through which they challenge the stereotypical image of women in the Arab/Middle East region as passively contributing to their oppression.[125] In doing so, I benefit a great deal from James Scott's (1985, 1990) discussions of "everyday forms of resistance," Kandiyoti's (1988) "patriarchal bargain" approach

and (1998) "rethinking patriarchal bargains," as well as from the hidden and secret forms of women's resistance discussed by Lila Abu-Lughod (1986, 1989, 1990a) in the context of Bedouin Egyptian women.

Sites, Surroundings, and Research Participants

When I started working on my research proposal, I was very much concerned with *wilaya* as a legal barrier to women's independence. This focus was based on my experience in working with women who are victims/survivors of violence. During my seven years at the Jordanian Women's Union (JWU) Aid Centre and Shelter, I witnessed many women making the choice to return to abusive relationships. These choices were informed by women's awareness of what could happen to them if they rejected what their male guardians viewed as suitable for them. Family reconciliation was in many circumstances the only available option for women. Failing to do so, or trying other ways, might result in risking a woman's life; a matter that was of great concern to me. Although in 1999 Jordanian Women's Union (JWU) established a shelter for women, the issue that women's families have to be informed of their presence in the shelter (without informing them of the location of the shelter) was also related to the system of guardianship. By informing families, we were aiming to reduce the possibility of reporting a woman's absence to the police, which could result in the imprisonment of a woman, even if she was in the shelter.

This was one of many other legal and procedural barriers related to *wilaya* I have experienced working with women. However, during the first year of conducting this research, my thinking toward the implications of *wilaya* over women has shifted to look beyond the legal constraints it imposes on women and to examine its impacts on women's conceptions and lived realities of femininities. The shift in thinking necessitated a shift in my methodological framework. I redesigned my ethnographic fieldwork to include interviewing women from different classes and women who are not in legal disputes or seeking assistance to escape family violence. My goal was to see whether women think of themselves in light of what the definition and system of guardianship in the JPSL entails, and if so how that impacts on women's everyday practices of femininity.

I conducted my fieldwork in Jordan between June 2011 and August 2012, by interviewing 62 women from different classes, including women activists and women prisoners in protective custody in the Jwaidah Jail in Amman. I also interviewed six judges of *shari'a* courts in Amman and con-

ducted one focus group with lawyers and activists in the Reforming JPSL Coalition. In addition, this research is informed by innumerable discussions of my topic in workshops and conferences with friends, colleagues, and family members, as well as by my own work with Jordanian Women's Union (JWU) and other organizations in Jordan over the last 20 years, where I engaged in activism related to women and worked with women from different backgrounds. I refer my own experiences in different parts of the book.

My research fieldwork took place in Amman, the capital of Jordan. Amman is divided geographically into west, east, and central. It is an extremely diverse city with a population of different backgrounds and ethnicities: Jordanian, Palestinian with Jordanian citizenship, Palestinian refugees, Iraqi refugees, Christians, Muslims, Baha'is, Circassians, and Chechens, all constituting the community of the city. The clearest social division in Amman is not a division based on ethnicity and religion, it is rather the division between the west and east. West Amman is largely the area for wealthy people, however, some parts of west Amman consist of middle-class professionals who have well-paid jobs. East and central Amman contain both middle-class and poorer populations, and some parts are less privileged than others. Some areas in east Amman are very poor and lack basic services, such as Hai al-Tafaileh and Jabal Al Nadhaif, where I conducted interviews with women from disadvantaged areas.

As my focus is on *wilaya* over women in the JPSL, I have planned to interview only women with Jordanian nationality and with a Muslim background, as the JPSL deals with family issues related to Muslims including Christian women married to Muslim men. Christians are treated under special courts that rely on Canon Law. The choice of Jordanian Muslim women is intended to explicitly look at how women conceptualize themselves in relation to *wilaya* provisions in the JPSL, which the research assumes clearly constructs and produces notions of normative femininity and masculinity. This is not to assume that Christian women are treated differently in relation to *wilaya*; the paternal influence over a woman's choice of the spouse and other decisions is of significance for both Christians and Muslims in Jordan. During the course of my fieldwork, I interviewed a woman unaware at the time that she was a Christian. Unless it is clear from the family name or if a woman is wearing a religious symbol it is not always possible to distinguish Muslim women from Christians in Jordan. Indeed, families of Muslims and Christians sometimes have the same family name. I met the middle-class woman at her house, where we talked for an hour, and she shared with me several stories related to her

choices of marriage, education, and work. Her stories did not seem any different to those of Muslim women. Only at the end of the interview did I realize she was a Christian when she stated, "Things are more difficult for us. Beside our families' interventions we have to choose a partner from a very small community, even foreigners, who are Christians, are still not preferred as they are not Jordanian."

Structure of the Book

The book is organized into six chapters. Chapter 1 frames the research in the introduction. In Chap. 2, I examine *wilaya* over women in contemporary JPSL, first in broad terms and then particularly as it relates to the gender relationships within the state institutions of law, religion, and tribal customary laws and practices. I discuss how the adopted interpretations of *fiqh* (Muslim jurisprudence) in the JPSL, that is, judges' perspectives of what *wilaya* means and entails, have constituted an important basis for the construction of normative femininity. The chapter also explores the contradictory and discrepant landscape of the *wilaya* system and shows how state legal institutions respond to women's legal disputes over matters related to *wilaya* differently and based on women's tribal and class status.

Chapter 3 examines women's attitudes and forms of femininity by scrutinizing how women view themselves within the discourse of *wilaya* and the restrictions it imposes. The chapter challenges the general notion that education, class, and secularism are the main factors providing women with the tools to challenge normative femininity and/or *wilaya*. Rather, it proposes to complicate and go beyond this classic understanding to show how women enact and perceive normative femininity in countless ways, regardless of their backgrounds or beliefs. It sheds light on three particular ways through which women perceive their femininity: a compliance with normative femininity, a pragmatic view, where the perception of the Self and practices are often at odds, and finally, an exceptional view where femininity is masculinized and seen as an exception from the norm.

In Chap. 4, I examine the ways in which *wilaya* disciplinary measures and methods influence women's everyday practices, as well as whether these practices offer sites of compliance or contestation, sometimes both, to male authority. I discuss how the tactics developed by women are influenced by and affect women's status within the *wilaya* system. The chapter makes a distinction between women's strategies that are determined in conjunction with women's perceptions of normative femininity and tactics that are developed in a timely manner and in relation to available oppor-

tunities. It also examines the entwined relationship of women's strategies and tactics, and the ways in which tactics that could appear to be in agreement with normative femininity can rather be part of a strategy to achieve autonomy.

Chapter 5 deals with the particular case of women who are prisoners in what is called "protective custody." I examine the interconnection of *wilaya* over women with the state's perceptions of women who reject their family's orders as being in need of correction and rehabilitation, and how the state situates women's protection within the framework of male authority and the interests of the family and the tribe. I discuss several cases of women in the Women's Correction and Rehabilitation Centre/ Jwaidah Jail to examine the state's response to those who seek autonomous decisions related to marriage, divorce, inheritance rights, and mobility. I show how the process of jailing women sums up the ways in which the legal and social powers of *wilaya* over women are given priority over the safety and well-being of women. I offer my conclusions in Chap. 6.

NOTES

1. Mohammed Al-Fdilat. 2013. "Arawabdeh describes Parliamentarians as 'females' and vow to dissolve Parliament" Ammannet. (Accessed on 17 March 2013). Available at: http://ar.ammannet.net/news/206006. The statement of "the male has a portion of two females" is taken out of a Quranic verse that is related to inheritance. It is commonly used to emphasize men's superiority over women.
2. Ibid.
3. See among others who have addressed *wilaya* over women in Muslim family laws: Welchman, 2007, 2011, 2012; Al-Azhari, 2003; and Larsen et al. 2013.
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Constructing Normative Femininity: The Engagement of Law and Religious Interpretations

INTRODUCTION

At the Jordanian Women's Union (JWU) shelter, I met Amani. Amani was 13 years old. When I saw her, I asked Mukarram Odeh, the director of the JWU shelter, "What is she doing here? She is a child." Mukarram replied: "I know, but we have to have her here. Her grandfather does not want her. He refuses to permit Amani to live with her mother or give custody, he wanted her in jail."[1] Amani's story, as she narrates, involves her father who has a mental disability and her grandfather who has guardianship and custody rights over her. Amani looks like her mother, who left her father when she was six months old and later married another man. Her father's family accused the mother of being responsible for Amani's father's mental disability. As Amani has her mother's skin and hair color, the family rejected her. From an early age, Amani has lived bearing the responsibility of her mother's departure. As she was growing up, her grandfather kept reminding her that she would be punished for what her mother did.

Amani was totally empathic with her mother's actions: "My dad was ill. I do not think she could have survived living with him, he is mentally disabled."[2] Amani's mother tried to have Amani live with her, but the grandfather was against it. Also, according to the Jordanian personal status laws (JPSL), Amani's mother forfeited her custody rights by getting remarried. The grandfather is from a very influential tribe, and so managed to obtain custody of Amani despite her maternal grandmother asking for

custody. According to the JPSL, when a woman remarries, her mother comes second in custodial rights.

When Amani was 13, her grandfather wanted to engage her to his grandson, Amani's cousin. "I felt, it would be the end of my life. I was so frightened and decided to leave the house."[3] Amani knew if she went to her mother's house, her grandfather would find her, so she decided to go to one of her friends' houses. The family of her friend called Amani's grandfather, who came with Amani's uncle to bring her back home. "When I saw them I was very scared. I started running in the street. My uncle caught me and started beating me. My friend's family intervened and took me back inside the house."[4] Amani stayed three days at her friend's house until the police came to bring her back to her grandfather's house. At the police station, the grandfather refused to take Amani and asked the police to send her to the jail. As Amani recounted, "My grandfather told the police: 'I want her to be punished so next time she does not think of running away.'"[5] The police referred the case to the governor, who ordered Amani to go to the Al-Khansa Centre, a prison for female young offenders.

It was striking that the governor sent Amani to Al-Khansa rather than one of the child abuse centers. I asked Amani if she knew the reason, and she told me that one of the police officers told the governor to send her to Dar Al-Aman, a safe house for children. The governor, according to Amani, replied: "This is a different case." The reply is meaningful to understanding the grandfather's reasons and why the governor agreed that Amani is not abused by the system but is, rather, an abuser and should be punished. Also, it shows that there is agreement between the governor and heads of households, particularly when they come from an influential tribe.

The family of Amani's friend informed the Family Protection Department (FPD) about Amani's case. The FPD had Amani removed from Al-Khansa and sent her to the Reconciliation House (the national shelter for women). When the grandfather learned that Amani was no longer in Al-Khansa, he threatened the shelter's manager and they relocated her. They sent Amani to the JWU's shelter, as its location is unknown, where she was enrolled at school and now feels she is getting her life back.

When I interviewed Amani, she was very determined to continue her education. She told me she would not accept any marriage offers unless she had finished university. On my next visit to Jordan, I asked Mukarram about Amani. Mukarram told me that Amani's mother came to the shelter and asked to take her for the weekend: "Amani did not come back as had

been agreed with her mother. We called the mother and she told us that 'the problem with Amani's grandfather is solved, there is no need for her to stay at your centre.'"[6] Apparently, the problem was solved at the expense of Amani's plans for the future. She was engaged to a cousin who lives in Dubai. A few weeks later, Amani got married and travelled to Dubai with her husband.

This is not an ordinary case; it is very rare that a grandfather asks for the imprisonment of his grandchild. What is not unique about the case, however, is the judicial system's recognition of the grandfather's right, as her *wali*, to request Amani's imprisonment. What is also not exceptional is that the legal system is constructed as an entity that secures and legitimates *wilaya* over women. Muslim family law provisions, which do not often work in women's favor in many Arab countries—such as regulating polygyny, dower, and divorce—are well studied and documented in feminist literature.[7] However, feminists' approaches have addressed such discriminations in family laws by exhibiting how these laws discriminate against women,[8] or by proposing reinterpretation of Quranic verses from a feminist lens.[9] Few approaches, however, have examined the ways in which family law constructs and defines gender roles.[10] I agree with this analysis and aim to take it a further step through my examination of *wilaya* over women, as one of the core provisions of family law, to show that this provision aims to construct masculinity and femininity, which in turn has implications on gender roles and relations.

In this chapter, I examine *wilaya* over women in contemporary JPSL, first, in broad terms; I shed light on the logic and interpretations of *fiqh* pertaining to *wilaya* over women and the existing representation of this logic in *wilaya* provisions in the JPSL, judges' perceptions of women, and their understanding of women's guardianship. I draw on scholars who researched interpretations of *wilaya* in *fiqh* literature, whether that of Islamic or feminist scholars. I then map out the ways in which *fiqh* interpretations of *wilaya* correspond to the state's epistemological political project and are, thus, used as a justification to produce and naturalize a specific knowledge aimed at maintaining women's subordinate position.

Finally, I examine the implication of *wilaya* over women in practice, which treats them as legal minor subjects, by discussing four shared motives beyond the rationale of provisions of *wilaya* provided by judges of *shari'a* courts, tribal sheikhs, and policy makers, who perceive *wilaya* from a viewpoint of gender difference: as a protection mechanism for women; a way of compensating for women's perceived lack of rationality; a way of

ensuring family and community interests; and a mechanism that responds to "misbehaved" and "bad-mannered" women. By examining whether *wilaya* in the JPSL impacts the production and constructions of normative femininity, it is possible to show whether its primary intent is to perpetuate women's subordinate positions in relation to men.

The Construction of the Ideal Feminine in the Fiqh Interpretation

The definition of *wilaya* in most of *fiqh* literature is "[t]he legal authority vested in a person who is fully qualified and competent to safeguard the interests and rights of another who is incapable of doing so independently." The word *wilaya* is defined as "the carrying through of a decision affecting a third party whether the latter wishes or not."[11] In this definition, *wilaya* means complete authority over a person regardless of that person's opinion. The "carrying through of a decision" is equivalent to indicating power over another person's decision. In holding such a meaning, *wilaya* notably signifies the power of someone over another without the consent of those who must submit.

In *fiqh* literature, *wilaya* is used to mean *al-sulta*—signifying power, ability, and force—for those who hold responsibility over others[12]; it has both moral and material implications as it embraces the enforcing aspects of power. The pertinent point here is the capability and incapability of persons, which determines who is the guardian and who should be under guardianship.

In the two definitions, *wilaya* is depicted as a type of power, as the term used is "legal authority over." This understanding shares with the first obligatory aspect of *wilaya*, that it is not optional, and that those identified as incapable should not be allowed to freely choose what is right for them. Furthermore, it has legal authority, which means guardianship is enforced by law in cases of disobedience. The *fiqh* literature assumes the power signified by *wilaya* to be vested in mature Muslim males. The meaning of being female is implicit in the second part of the definition, namely, "incapable," "dependent," "irrational," or "having some sort of deficiency." These characteristics were seen as the basis for *wilaya* over women, as they are related to *fitrat al-mara'ah* (naturally created inclination of women), which is grounded in God's will of creating women with different biology than men and inborn inclinations that do not qualify them to have control and authority over themselves. The logic of *fitrah* then assumes that there are specific biological features of men and women, which God has created

in each differently, and found within his/her natural tendency to like and dislike what contradicts these acts. Consequently, for women to have, or demand, *wilaya* over themselves is against the natural disposition of women, which is, in turn, against the will of God and against women's natural tendency to accept this authority.

The phrase "*wilaya* over women" is not mentioned in the Quran,[13] which is the primary source of Muslim laws.[14] The two *hadiths* (reported sayings of prophet Muhammad) cited by the four Sunni schools of thought state, respectively: "There is no marriage without a *wali* and two witnesses" and "The marriage of any woman who married without the permission of her guardian is null and void."[15] There are other Quranic verses cited, but these do not explicitly mention *wilaya* over women, such as the verse relating to *qiwama* (husbands' authority over wives).[16] The expression of "no marriage without a *wali*" has been interpreted by scholars like Zaydan, a senior scholar of Islamic *fiqh* whose books are widely read and cited, as a powerful linguistic indicator of the invalidity of a marriage without a *wali*.[17]

Looking again at the issue of capability in the definition, one sees two categories: the *wali* (guardian), who is the "fully qualified" person; and the person under guardianship, the "incapable" person, the person who lacks the capacities to be recognized as a full legal person. The characteristics of the *wali* in the four Sunni schools of thought, according to Uthman (1995), are conditioned by being a mature, sane Muslim male.[18] Being a male is the first condition for a person to serve as a guardian—according to Zaydan, "masculinity reflects integrity" in the *fiqh* and is an essential condition for *wilaya* over other persons. It is deemed that males who have reached the age of maturity have recognized personalities, no guardianship is required over their decisions, and, hence, they can serve as guardians of others. On the other hand, the Hanafi school differs from the Shafi'i, Hanbali, and Maliki schools in recognizing certain circumstances in which women can be guardians,[19] while the three other schools reject female guardians regardless of their age or status. As Zaydan stated in his analysis of *wilaya* in the *fiqh*, "as women are under male guardianship how they can be guardians of others?" The power signified by *wilaya* is seen as only to be held by males. In this view, females signify the other part of the definition, coded as "incapable," "dependent," "irrational," or "having some sort of deficiency."

The word *wali* is used in the Quran in the plural (*awliya*') to describe those who are close to God. In some instances in the Quran, *awliya*' is used to describe both men and women:

> The believers, men and women, are protectors, one of another: they enjoin what is just and forbid what is evil: they observe regular prayers, practise regular charity, and obey God and his Apostle. On them will God pour his mercy: for God is exalted in power, wise. (Surah al-Toubeh: 17)

The statement "protectors, one of another" is the translation of the statement in the original Arabic text "*awliya*', one of another." However, when I interviewed Sheikh Sartawi, the head of Sweileh Shari'a Court in Amman, he made a distinction between men and women in his interpretation of this Surah. While he sees men are to enjoin good and forbid evil in public life, he sees that women were ordered to enjoin good and forbid evil only among other women or in their households,[20] although this is not mentioned in the verse. He further argued:

> This verse came in a time of sedition (*fetnah*), when the hypocrites tried to seduce Muslims and take them away from their faith. So God brought it to ensure that all Muslims regardless of their sex support each other. The context of the Surah is clear and we cannot assume that women were given the role of a *wali* in this Surah.[21]

In the interpretations of Islamic *fiqh*, there are three grounds for a person to be placed under *wilaya*: in the cases of minority, insanity, and the state of being female.[22] This gendered precondition was expressed in some of the schools' literature as "females being inexperienced people who need care and protection."[23] According to Abu Zahra, an influential Egyptian scholar in the field of contemporary Islamic studies, in cases of minority the *wilaya* over a person ends when the person is matured.[24] If the reason for *wilaya* over a person is insanity, given the state of insanity was intermittent, *wilaya* then expires at the end of the state of madness; *wilaya* is only required when the madness is present and should disappear in the case of the demise of insanity. For the state of being female, *wilaya* over women should be continuous as long as the female is not able to protect herself from deviation—in terms of *wilaya* over women in marriage, there would be no end as men's marital guardianship over women is deemed not just to be in the interest of women but in the interest of the community as a whole. *Wilaya* over women, for Abu Zahra, protects the community from any deviation that might be caused by women's irrational behavior.

In *fiqh*, there are two types of *wilaya*: *wilaya 'ala al-nafs* (power over oneself), which is the issue of concern for this research, and *wilaya ala al mal* (power over wealth). The Maliki school also recognizes two kinds of

wilaya: '*ala al-nafs*: *wilaya amma* (general) and *wilayat al-jabir* (guardianship of compulsion), the latter is accorded by the Maliki school to the father and grandfather only. The second type of *wilaya* is the *amma* (general), which is practiced by any Muslim man. This general *wilaya* is only used when a woman has no male relatives, so she can assign any Muslim man to be her *wali*. According to the Maliki school, general *wilaya* can also be used when a woman has no beauty or wealth.[25] The Shafi'is agree with the Maliki school about general *wilaya* but differ concerning the question of who has the right of *wilayat al-jabir*: they see the father as the only person who has complete authority over a female, while the grandfather and other male agnates have *wilayat al-ikhtiyar* (*wilaya* with consultation or choice).[26]

The Hanafis accorded this authority to a range of male relatives in marriage, but the ward could seek dissolution of her marriage once she reached puberty (*khiyar al-bulugh*) if married by anyone other than her father or grandfather. For the Hanafi school, *wilaya al-jaber* is lawful only in cases of minority.[27] Any competent person, male or female, should be capable to decide on their marriage and should not be given in marriage without his or her consent. The Shafi'i school holds the view contrary to the Hanafi: *wilaya* of compulsion is applicable when the woman is a virgin, regardless of her age.[28] For the Maliki, *wilaya* of compulsion is considered either in cases of virginity or youth. For Shafi'i, a *thayyib* (a divorced or widowed woman who has had sexual intercourse) regardless of her age can get married by her own will, but only with the consent of her guardian. The Hanafi school does not condone *wilaya* of compulsion for women of full legal capacity.

There are two pieces of evidence from the Quran and *hadiths* brought by scholars of the Hanafi school that counter *wilayat al-jaber* over a woman of legal age: "…then do not prevent them from marrying their husbands if they have mutually agreed to it" (Surat al-Baqarah 2:232)[29] and "Any *ayam*[30] has more authority over him/herself than his/her guardian."[31] Some examples were also brought as evidence, such as the woman Leila Bint El-Khatim, who came to Muhammad and asked to marry him.[32] Such evidence was not enough for the other three schools that stipulated *wilaya* over women as a condition of a valid marriage.

Nonetheless, the Hanafi school recognizes the right of the *wali* for the purpose of ensuring a suitable and equal match (*kafa'a*): though a woman can conclude her marriage in case of maturity, the *wali* can oppose or dissolve the marriage if it does not meet the *kafa'a* conditions.[33]

The requirement of *kafa'a*, which largely concerns social class and wealth, is only applied to the man, not to the woman:

> *Kafa'a* was a one-way street in the sense that the requirement of suitability could only be applied to a groom; the jurists assumed that a woman's marriage to a man of a lower status would lead to her degradation but her marriage to a man of higher status would raise her to his level.[34]

This also affirms the subordinate status of women within the interpretation of *fiqh* that assumes women follow the status of their husbands. It is also a matter related to class arrangements, as Mona Siddiqui posited, and of keeping wealth within particular groups in society, as women's inheritance could lead to a change of the social hierarchy and structure.[35]

The different interpretations of *wilaya* over women by Muslim jurists have been justified on the basis of presumed gender differences and, therefore, "the doctrine of *wilaya* is a social construction."[36] Men and women in *fiqh* literature are treated based on the "two-sex model," almost as two different species.[37] In this view, sex difference not only determines men and women but also, in Toril Moi's words, "Everything the person touches …. Every habit, gesture, and activity is sexualised and categorised as male or female, masculine or feminine."[38] In this sense, the sex dichotomy of male/female in *fiqh* literature aims to produce and construct different connotations of the feminine and masculine as opposites.[39]

CAN DIFFERENT INTERPRETATIONS WORK FOR WOMEN?

The divergent interpretations among the four Sunni schools have been, for the last few decades, the focus of feminists to demonstrate how religion was (ab)used to legitimize state authority, for different political purposes in different contexts.[40] A basic argument often made by Islamic feminists, such as Ahmed (1992), is that women's equality is recognized within Islam, and that women are dignified, protected, and empowered in Islamic principles.[41] The domination of male interpretation as presented in the *fiqh*, they argue, is behind all the injustices and practices of discrimination against women.[42] Ziba Mir-Hosseini (1997) posits that it is not *shari'a* law that does not do justice to women in courts, it is rather the conservative interpretations of *shari'a* law. In her book *Marriage on Trial: A Study of Family Law*, she examines family law cases from Iran and Morocco between 1985 and 1989. She argues that women used the law effectively

and developed strategies to make the law serve their advantages within *shari'a* laws in Iran. Mir-Hosseini further posits that when the law is fully based on the *shari'a*, as in the case of Iran, women were able to achieve their rights to financial maintenance, claim divorce, and annul marriages made against their will.

However, the arguments of Mir-Hosseini, while putting an emphasis on women's legal empowerment in the *shari'a*-based courts, has not shown clearly whether such an empowerment has any significant weight in changing the structural unequal gender power relations in the society. This is not to suggest that women's maneuvering within the *shari'a* courts and the opportunity such experiences give to women through developing strategies and tactics to achieve their rights within family is without significance, but rather while it could empower individual women it has no transformative power, as *wilaya* over women establishes mechanisms of control through the adoption of normative femininity. Changes at the level of individual lives of women is not enough, there is a need to challenge the entire essentialist masculine discourse through unmasking and challenging these basic concepts that subordinate women and place them in an inferior position.

Claiming possible women's rights from within Islamic traditions is seen by Kandiyoti as only going in one of two directions: "denying that Islamic practices are necessarily oppressive" or "asserting that oppressive practices are not necessarily Islamic."[43] To ask for an interpretation of *shari'a* from a feminist perspective would not challenge the established natural biological account of women in the *fiqh* interpretation or the current state's approach of marginalizing and discriminating against women under the claim of culture and religion. The examination of different interpretations of Islamic schools of thoughts related to *wilaya* over women show that although there are differing viewpoints pertaining to women's guardianship, the examined schools of thought in this research ultimately agree on the principle of the necessity to supervise women's decisions because of women's nature. It is women's biological destiny. The use of *shari'a* as a source for legislating women's rights then limits women to the categorized sex model that addresses women as minor subjects.

The recent development in Jordan regarding the testimony of unveiled women is a good example that shows judges' interpretation of *shari'a* is based on their understanding and views on women. In March 2014, the *Shari'a* Court of Appeal accepted a lawyers' objection of a *shari'a* court's decision that divorced a couple based on a testimony of unveiled woman.

The Court of Appeal adopted the statement of the lawyer that was based on a *fatwa*, which deems any woman who is not wearing the *hijab* as a "slut" and thus her testimony in the court is void. The Court only found basis for this *fatwa* in the introduction of the book of sheikh Yusuf al-Qaradawi, who is an Egyptian Islamic theologian. The Court's decision included a statement that "the fairness and honesty of the testimony will be affected if women are not wearing *el-hijab*."[44] The House of *Ifta*' (the official department for issuing religious opinions in Jordan) issued a statement saying that they will not have an opinion in this matter in order to preserve the independence and justice of the judicial system.[45] By this, state's opinion represented by the House of *Ifta*' has not just condoned the decision of the Court of Appeal but also paved the way for other judges to follow and, more dangerously, for the use of extreme religious opinions in the Jordanian *shari'a* courts.

The discussion of judges' understanding and perceptions of *wilaya*, to which I shall return in greater detail, will also show that judges will use all available interpretations at their disposal to maintain the subordinate position of women, whether under the claim of women's interests, protections, or irrationality, which are found in the *fiqh* literature either under the justification of women's dependency as in the Maliki, Shafi'i, and Hanbali schools or under the claim of *kafa'a* in the Hanafi school.

Laws on Wilaya over Women and the Construction of Femininity

Discriminatory provisions against women in personal status laws—such as polygyny, dower, and divorce—are well studied and documented in feminist literature. A wide variety of literature suggests that the codification of Muslim family law in the Middle East, which was first based on the Ottoman Law of Family Rights of 1917,[46] was the process through which women's rights were limited and controlled. Before this time, *qadis* (judges) had the authority to use different interpretations of their adopted school of thought.[47] Tucker (1999) discusses how the *qadis*, during this period, were more flexible in interpreting *shari'a*, before its codification in the Ottoman Law of 1917. She shows how women within such a flexible context benefited by achieving some rights that were not clearly defined in the *shari'a*. Moors also sees that such flexibility led to integrating local customs not seen as incompatible with Islam, which, in some circumstances, also favored women over men in the court rooms.[48] Messick (1992) and Tucker (2008) also argued that before codification, *shari'a*

laws were characterized by flexibility and fluidity. This does not, however, mean that Islamic laws were not patriarchal and favored men over women, it rather means that there was a space for women to maneuver, as the relationship between the *qadis* and individuals was not rigidly governed by specific texts and interpretations.[49]

Asma M. Abdel Halim (2011) argues that religious norms and rules in relation to women were not accommodated by the legal system, rather the state has used religion and given a legal authority to the interpretation of *fiqh* (and manipulation of that interpretation) in order to accommodate cultural values:

> The vast differences in family law legislation in Muslim countries indicate that *shari'a is* neither immutable nor divine. They further indicate that Islamic legal systems are mainly produced to accommodate local cultures and power relations.[50]

Mounira Charrad, in her book *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco* (2001), shows how state formulation within intersectional structural forces (colony, tribe, religion) generated different trajectories of women's rights in Algeria, Tunisia, and Morocco. She posits that it is the "political origin of state policies"[51] and formulation that determined the "fate of family law."[52] She states: "the choices embodied in each new Code of Personal Status or family Code were an outcome of the structure of political power in each society."[53] By this, she challenges the cultural explanation of the discriminatory provisions of PSLs, where discrimination is based on religion or the society's culture. Therefore, as Kandiyoti suggests, "the nationalist histories of states and their politics of national identity can shed considerable light on the nature and transformation of gender regimes."[54]

In the case of Jordan, as discussed in Chap. 1, the adoption of a family law with *shari'a* as its main source was a mechanism through which the regime, in cooperation with the British colonizers, intended to attain its legitimacy and unite different identities of Bedouins under a collective, masculine, national identity.[55] It was also a way in which the regime, which was perceived as a product of colonialism, aimed to interlink Jordan's national identity with the Arab masculine discourse of nationalism, which used women to preserve cultural authenticity. The law here, as Massad (2001) posits, "is not a mere repressive manifestation of the political, but it also plays a central productive, albeit regulatory, role: it produces and

regulates identity."[56] By this, Massad suggests that the culture of the Jordanian people is invented through the codification of a masculinized national identity. There are several manifestations of this identity in the law, such as the treatment of women married to non-Jordanian men as foreigners in the nationality law until 1987, voting and candidate's rights only being given to men in the electoral law of 1961, and the superiority and authority of men over women in the JPSL of 1951. Despite many reforms made to the JPSL in 1974, 2002, and 2010, this masculine authority continues unchanged.

The JPSL is based on the interpretation of the Hanafi school. However, in relation to *wilaya* over women, the law has adopted the Maliki school's interpretation, which, as discussed, is more restrictive and stipulates that the *wali's* concluding of a marriage on behalf of his female ward is a condition for the validity of the marriage. The 2010 JPSL's section three on guardianship in marriage, Article 14, states: "The *wali* in marriage is according to the order of *al-`asaba* (males of direct blood relatives) as established by Hanafi school." Conditions set for the *wali* to perform guardianship in marriage in Article 15 are sound mind, maturity, and Islam. Article 15 does not mention being male as a precondition for performing the role of *wali* in marriage (neither was it mentioned clearly in Article 14); it, however, requires the *wali* to be a Muslim only if the fiancée is a Muslim.

While Jordan has adopted the Maliki school's interpretation regarding *wilaya* over women, it has embraced the Hanafi principle of *kafa'a* in Article 21 (a) of the JPSL of 2010. The two grounds for suitability as stipulated in this article are religiosity and financial ability to pay the dower and wife's maintenance. The *kafa'a* condition of religiosity, as Sheikh Fadi Alawaishh, a judge of West Amman Shari'a Court, justified, is related to the number of divorce cases and mistreatment of women based on the lack of faith and understanding of religion.[57] However, it was not clear how a father would prove that a man is unsuitable for his daughter based on the groom's level of religiosity; for example, whether the groom prays, fasts, and generally adheres to roles perceived to be Islamic.

The vagueness of such a condition is meant to give more power to fathers, and other guardians, as it could be explained and demonstrated differently. The right of the father to petition the dissolution of his daughter's marriage based on unsuitability—regardless of whether he previously agreed to the marriage or not—is overruled only if the woman is pregnant or if the father has known about the marriage for more than three months.

This combination of different Islamic schools of jurisprudence demonstrates how the Jordanian state's legal and religious institutions can pick and choose from within *shari'a* that which best suits their objectives.

The JPSL allows women to conclude their marriages in cases when they have previously been married, as Article 19 stipulates: "The agreement of the *wali* is not a requirement in the marriage of a *thayyib* woman of sound mind who is above eighteen years of age."[58] Also, in cases when the *wali* has no legitimate reason for objecting to the marriage, the judge can allow the marriage to be concluded if a woman raises a case in court claiming her father's objections to her marriage are illegitimate (Article 18 PSL 2010). However, as in the case of Palestine discussed by Welchman,[59] women rarely manage to represent themselves in marriage and make use of these legal articles.

Lynn Welchman, in her article "A Husband's Authority: Emerging Formulations in Muslim Family Laws," suggests that "legal postulates" contribute to areas of law without specifically being mentioned in the laws' provisions, and "they may be difficult to disentangle from the overall web of relationship structure."[60] In this sense, Welchman posits that concepts such as of *qiwama* and *wilaya* do not necessarily stand alone in the law, but rather epitomize or inform other law provisions. The story of Amani confirms that civil and *shari'a* laws intersect around the notions of women and men and the identified roles for both within these notions. *Wilaya* over women, then, also impacts on women's other rights beyond choice of spouse and authority over children. It is also necessary to differentiate between two sets of laws: there are laws that have a role of construction—like provisions of *wilaya*—and laws that are meant to reproduce and maintain gender roles. Therefore, we must examine the absolutely intertwined relationship between the two forms of laws.

There are different examples of how men's authority over women impacts marital relationships and the organized roles of men and women in the JPSL. One clear example is the conditions that men and women can add to the marriage contract in accordance with Article 37 (a). While conditions women add to the marriage contract can grant them some rights to exercise after marriage—like the right to work, continue education, and not to relocate—either to a new city or country—this is only possible if these rights are explicitly stipulated as conditions in the marriage contract. In this way, the law establishes that these rights are tied to men's acceptance and authority; unless women have made specific, agreed-upon conditions in the marriage contract, men have no obligation to respect women's choices of work, education, and place of residence.

Furthermore, the conditions women can demand in the marriage contract are related to themselves, but the conditions men can make, by law, are related to women not themselves; examples include, not allowing one's wife to work or requiring her to move to another country. In cases where women have not submitted to these conditions, they may lose their rights to maintenance and compensation.

Another example is that of child custody provisions, which grant women the right to custody (child custody is limited to care taking of the child in terms of meeting his/her needs of food, cleaning, etc.) as they are deemed more suitable than men for childcare. The right of custody is given first to mothers and then to grandmothers. Paragraph (c) of Article 173 in the 2010 PSL of Jordan states: "child custody can be granted to women for a longer time if the child is sick with an illness that needs the care of women unless it is otherwise in the ward's interest." Therefore, the extension of the period of custody for women is conditional upon whether the child is still in need of care and services that can presumably be provided only by women.

On the other hand, guardianship over children is vested in fathers and grandfathers.[61] Guardianship is related to decision-making and the representation of the child, which is deemed to be more appropriate for men than women. Article 170 of the 2010 JPSL places the father as fourth in the order of potential custodial parents of children, but first in the guardianship of the child in Article 223. As women are themselves under guardianship, the laws of guardianship over children deprive women of rights to guardianship; as Zaydan's interpretation of *fiqh* literature indicated earlier, "(h)ow can someone who is not trusted to protect herself be reliable in protecting others?"

Article 62 of the 2010 JPSL provides women with a legal basis to file for divorce if the case involves marital violence, physical or emotional, and defines disobedience (*nushuz*) as solely relating to cases of a wife abandoning the marital home for no legitimate cause. Though marital violence is recognized, the maintaining of concepts like *nushuz* reinforces the principle of *wilaya* over women, as the illicit cause may be going to work, university, or travelling without the permission of a husband or father. The affiliation that the law establishes between women's *nushuz* and husbands' financial maintenance, or as Welchman puts it "the formula of maintenance and disobedience,"[62] defines gender roles within the family as women's duty to obey and men's duty to maintain financial matters.[63]

These examples show how provisions of *wilaya* over women conceptualize a fixed model of femininity with an idealized image of women that constructs normative femininity. Such a model suggests not only that women's secondary status is based on their nature (*fitrah*) but also that men's authority over women stems from their bodily differences. By defining the ideal feminine and masculine based on natural inclinations of men and women, *wilaya* over women establishes gender identities and roles for both; this model creates conditions of dependency, where women have to seek the approval of a male relative in order to engage in many activities. Provisions of *wilaya* over women are, thus, meant to maintain women's subordinate positions in a way that appears intrinsic to the deemed nature of feminine characteristics. In other words, the normative construction of femininity in the JPSL is an essential condition for the reproduction of gender roles and the preservation of gender relationships. This is manifested and justified through the fixed models of feminine and masculine that, as Connell puts it:

> Express widespread ideals, fantasies, and desires. They provide models of relations with women and solutions to problems of gender relations. Furthermore, they articulate loosely with the practical constitution of masculinities as ways of living in every day local circumstances. To the extent they do this, they contribute to hegemony in the society-wide gender order as a whole.[64]

Judges' Perceptions of Wilaya over Women

The head of Sweileh Shari'a Court in Amman, Sheikh Ghaleb Al Sartawi, ended our interview by saying:

> If someone has a diamond jewel, and it is so expensive, would he who has such a jewel leave it for people to steal and to look at, or rather would he try to protect it? It is, for sure, that he will make all efforts to keep his jewel safe and beautiful. I guess this summarises our topic: we need to protect women because they are diamonds.[65]

When Sheikh Sartawi explained the rationale behind *wilaya* in Jordan, he proposed three arguments. The first was related to the *fitrah* account, he supposed that women are less qualified than men in terms of mental and physical abilities, which is "God's will of giving different characteristics to men and women."[66] His second argument was that *wilaya* is a symbolic measure of dignifying women in Islam; hence, the *wali's* role is

to ensure that women are protected from deviation. Third, he added that *wilaya* is not just about laws that organize people's lives, it is also related to the stability of one's community: "If women are left on their own they might take decisions that do not only affect them but rather might endanger the social relations of tribes." Therefore, ensuring societal harmony is of the utmost importance, which is why, he continued, "We [judges] need to make sure that women's choice of marriage is not endangering our society's values and rules."[67]

Sheikh Sartawi's statements encapsulate the shared perceptions among judges with regard to *wilaya* provisions in the JPSL. Echoing the third point, another judge stated: "If women are left to their own devices they might take decisions that do not only affect them but might also endanger the social relations of the tribes in Jordan." Ensuring the harmony of society is of utmost importance and keeping tight control over alliances, and the exchange of women in marriage, is seen as central to this harmony.

This understanding is very much tied to discussion of women and national identity, where women are treated as followers rather than full-fledged citizens. Women's dependent status in both the family law and the nationality law places them in the position of foreigners. This status implies that a woman's decisions, gestures, and activities must be supervised and authorized. Women's subordinate status in the family law corresponds with the nationalized masculine identity. Family law, as Moors (2003) suggests, is "central to the reproduction of the social and cultural order."[68] The position of women within this order is tied to the established gender relations in the overall system of power relationships. This is why debates on reforms to family law or granting women equal rights have always shifted toward a discussion of national harmony—granting women equal rights is perceived as threatening the authentic national identity. The judges' perceptions that I discuss next—in relation to claims of women's irrationality, society's interests, and protection of women from themselves—show that it is necessary to configure femininity as a secondary space in the law to maintain women's subordinate position and justify the established gender roles and relations within law and culture.

"Women's Irrationality" and the Claim of Protection

The six judges I interviewed in Amman's *shari'a* courts justified laws on *wilaya* and other practices related to the presence of a *wali* by reasons of intrinsic difference between men and women. "It is God's will to give

women an emotional nature and men a rational one," Sheikh Al Sartawi stated.[69] The Head of West Amman Court, Sheikh Jamal Rahamneh, further said: "*Wilaya* is God's way of perfecting a woman's mind, by attaching her to that of a man's, which also would protect her from herself and those who might try to deceive her."[70] These arguments, as both judges stated, are based on God-given features of men and women. By this, Sheikh Rahamneh continued:

> Women have the privilege of not being responsible for their actions. The biological nature of a woman does not qualify her to do so. The *wali* only serves women's interests through his rational decisions. *Wilaya* should not be understood or used to control women's choices, it is rather to direct women to the right ones.[71]

In her analysis of the guardianship articles in the legislation of Arab states, Lynn Welchman comments: "The justification for continuing authority tends to be made in terms of protection of women against predatory and dishonest suitors, through involving the greater experience of men."[72] Welchman posits such an argument in accordance with legal analysis of amendments made to articles of *wilaya* in different Arab states, in which she shows that—despite some changes made in relation to forced and early marriages—most Arab states have not made any substantial changes to *wilaya* over women in the PSL. The only exceptions are Morocco (2004), where the father's presence is considered as a third witness; Tunisia (1956), where in cases of minority the presence of the mother and father is required; and Algeria (2005), which stipulates that the presence of the guardian is still required in particular circumstances.[73] The restriction of women's choice in marriage was justified—as Welchman discusses in the case of Palestine, Kuwait, and the United Arab Emirates— as being "primarily protective of women."[74]

Sheikh Al Sartawi referred to women's protection when stating: "Men need to know that there are other men involved in the marriage, so in case they abuse the relationship with their wives and mistreat women, they are aware of the consequences." He added, "Islam favours protecting women to the extent that men will not take advantage of them, thus, *wilaya* over women serves as a tool to keep men in check."[75] Other judges interviewed also put major emphasis on the protective aspect of *wilaya*. Some argued that *wilaya* over women discourages divorce and mistreatment of women by their husbands, as Sheikh Ziad Arabiyat of the Shari'a Court of West

Amman posited: "A man who knows that there is a family behind his wife will never divorce her or mistreat her, in cases of dispute with his wife he will resort to her family to assist." This argument is self-defeating, as Jordan has one of the highest rates of divorce in the Arab region and statistics show that one in three married women in Jordan have, at least once, experienced physical violence by their husbands.[76] This argument also means to keep women's issues negotiated and managed through their families and tribes, rather than assigning the state a responsibility to combat violence against women (VAW) and ensure their security and well-being.

This argument also does not explain why practices of *wilaya* over women extend to women's choice of divorce, where judges commonly require the presence of the *wali* when women initiate a divorce case. This issue was justified by judges under the argument of protecting women from being deceived by their husbands. Ironically, the husband chosen by the experienced, wise *wali* can eventually be the one who is believed to mislead the wife. In the end, women's choice of marriage or divorce should always be supervised, which is justified as providing protection from other men. The *wali's* role, hence, is seen to ensure that a woman's decision in marriage and divorce is rational.[77]

Different interpretations brought by Abu Zahra and others—like Ibn Hazm,[78] Mohammed Rif'at Uthman, and Zaydan—are also in agreement with the preceding discussion; such interpretations also base *wilaya* on the female nature of being incapable of protecting herself. It is also because of the idea that the emotional nature is greater than the logical side of the female, and the *wali's* role, consequently, is to protect the woman from her emotions and decide according to her best interests.[79] As Abdar-Rahman Doi puts it: "The overriding power of compulsion granted to the father in the Maliki school is a safety measure in the interest of the girl herself."[80] In Zaydan's interpretation of the Hanafi school, which is totally agreed upon by the five judges in Amman, he argues that although Abu Hanifa allows the mature girl to conclude her marriage, it is preferable that she assigns her *wali* to do so on her behalf for reasons related to protecting women and shielding them from "vulgarity."[81]

The claim of women's irrationality, which justifies the need for women's protection, led some judges to conclude marriages for girls under 18 years old—according to the JPSL, this should only be done under very restrictive conditions—and in cases when the woman was clearly not in favor of the marriage. Salma, a woman I interviewed in Amman, said:

I was 16 years old. I did not want to marry. When the judge asked for my consent to the marriage I remained silent. I could not say anything. My eyes were red and swollen as I cried for a week. The judge asked me once. When I did not reply he left and concluded the marriage. It was obvious that I was against the marriage. I wished he would come back and ask me one more time, or if he remained a longer time; I think it only took the judge a few seconds after he asked me and then he left the room.

The judge, according to the law and *shari'a*, is required to ensure a woman's full consent to the marriage, as a marriage without consent is void.[82] However, on many occasions, they do not as they perceive women's interests to be based on the family's view. Therefore, judges' perception of protection and the female's supposed irrationality is very much interlinked with their understanding of interests, which I turn to next.

The Claim of Women's Interests

Judges have noted that their decision is usually informed by women's best interests. However, determining the interest of a woman does not mean that her views are taken into account, as demonstrated by the case of Salma and Amani; as explained earlier, Amani was imprisoned instead of her abusers being punished. This story also involved concluding a marriage of a 13-year-old girl, where her best interests were based on her *wali's* interests.

Tahani Siam, who publically challenged laws on *wilaya* and shared her experience in the court with the media, shows how women's interests were the last to be considered by judges of *shari'a* courts. Tahani explained her story and narrated how her ex-husband brought a case to court for custody of the older girls, as they were 16 and 14. The court transferred custody to him, as their father. The girls refused to be with their father and, therefore, lost their right to financial maintenance according to the JPSL. The father then asked for a court decision to affirm his guardianship of his daughters, and requested from the *shari'a* court, accordingly, to ban his daughters' travel without his permission.

The request of the father is based on Article 184 of the PSL (2010), which stipulates:

Subject to the provisions of the custody, the *wali* has the right to supervise the affairs of the ward, provide him/her with financial maintenance, choose the kind of education and its location, which should be in the same place

of residence of the custodian, and ward shall not be moved from her/his residence without the consent of the custodian unless it is for the ward's best interest.[83]

The father is Palestinian and his daughters, according to the Jordanian citizenship law, could not obtain their mother's Jordanian citizenship. After the older girl became 18, she received a scholarship to study in the USA, but could not travel as the ban was still in effect. The mother tried to challenge the *shari'a* court's decision to ban her daughter from travel without the father's permission, but it did not work. Tahani stated that the judge who was dealing with the case told her, "The father is the *wali* and knows better what is best for his daughter."[84]

As the mother is from a wealthy family, she has managed to get her daughters into private university despite the father's refusal to pay the fees, as he claimed in court that he would only pay if his daughter studied Islamic studies at the University of Hebron in Palestine. Tahani stated that she told the judge: "He wanted to control us. He is neither religious nor concerned about Islam." The judge replied, as Tahani recollected in our interview, "We can only legally bind him to pay what he can afford and what he realises as the best for his daughter."[85] Tahani tried to advocate for the judges to remove the travel ban using the JWU's lawyers. Maram Maghalseh, the lawyer following Tahani's case, stated:

We have talked to different judges so Tahani's daughter can be allowed to travel to continue her studies. The response from the judges was hostile and they have all emphasised that there is not a reason for her to travel without her father's permission, even if this would be against the girl's interests.[86]

The travel ban on Tahani's daughter, which applied to both travel for educational reasons and family vacations, made Tahani question her decision to divorce. At the end of the interview, Tahani stated:

Sometimes I wish I had not asked for divorce so my daughters' lives would have been less complicated, but then I know things would not have been better if we continued to live together. I also wish I had sons not daughters, so nothing stands against their future.[87]

Tahani's words confirm that *wilaya* over women, and the deprivation of women from having *wilaya* over their children, leaves no room for women to make free decisions related to her life or her children. Despite the fact

that Tahani took responsibility for her children, including supporting them financially, she had no decision-making authority over her daughter's very basic rights.

Although Tahani is from a wealthy family, who stood beside her and supported her daughters, she and her daughters suffered a great deal from *wilaya* laws that deprive women of power over their children's basic affairs, the vagueness of the statement of "best interests" in the law, and judges' intolerant practices. Though Tahani did not succeed in achieving her goals, class was crucial in determining her ability to try to publically challenge the courts' decisions and provide her daughters with the financial means to continue their education. She, however, could not challenge the status quo of the legal system, and thus her daughters remain banned from travelling.

Lawyer Maram Maghalseh shared various legal cases of women from poor areas who were unable to get their children into schools or universities when the *wali* objected to the location of the school or refused to pay university fees. She told me the story of a girl who was living with her mother, in her last year of school, and getting ready for university when her father took her to his house and concluded her marriage without her consent or her mother's knowledge. Maram stated:

> When the mother objected the marriage, I went with her to take advice from a judge at the *shari'a* court. The judge told the mother: "you will realise, later, that what the father did is for the interest of your daughter, so you should not be complaining."[88]

She continued: "We talked to the girl to raise a case to annul the marriage, but the girl saw no point in doing so as her mother could not afford to pay her university fees, and if she had challenged her father he would not support her financially anymore."[89] I met with the mother, Mariam, in May 2012 at the JWU office in Amman. Mariam is only 36 years old. She refused to remarry after her husband divorced her, and she wanted her daughter to have a better future.

> I was 19 years old when I got divorced. My daughter was one year old and I was afraid to lose her if I got married again. I had to challenge my family to reject all marriage offers. It was not easy. Each time, I had to remind my father of his mistake of concluding my marriage while I was 16. Sometimes, when the marriage offer was so good, I had to show the groom's family that I had some sort of deficiency, like closing one eye all the time, or blinking rapidly.[90]

Giving her life for her daughter was not enough for the judge to see Mariam's viewpoint. This shows how paradoxical the determination of the "best interests of women" is between her guardian and a judge who defines her interests solely in relation to the father's interests. In the cases of both Tahani and Mariam, the women's interests were not a matter of concern for judges, who see men as the only ones capable of determining the interests of women.

Again, in defining interests, the law and judges have not just banned women's right to *wilaya* over their children, they have also done so in accordance with conceptions of women that align with the established normative femininity, which connotes women as half-citizens, dependents, deceitful, untrustworthy, and whose interests must not be decided upon without the *wali's* approval. If it was not in Tahani's daughter or Amani's interests to give up their choice of study, or in Mariam and her daughter's interests to give up education, then the question that remains unanswered: whose interests do the laws on *wilaya* over women serve?

Tribal Interests

In one of tribal communities near Amman, I was introduced to women through a small women's charity. The first day I went to the Society, there was a group of men sitting in the president's office; they were apparently burglars who had broken into the Society's office and stole its equipment a month earlier. They were having a discussion about the Society's president and board members dropping the charges in exchange for these men's tribes compensating the Society. The women rejected the offer, as they wanted a court's decision rather than a compromise with thieves. The president of the Society said: "Even if we will drop our right, there is still the public right of the state, so you will be charged anyway." The burglars responded, "We have sorted everything out with the police and the court, you are the only problem now."

After men left, the president of the Society told me: "In the end we have to drop the charges against them. We cannot confront the whole tribe; there is no a rule of law here." This incident shows how powerful the tribal connection to the state is in Jordan. If this is the case with a well-defined crime in the eyes of the law, then how would it be in cases of VAW or any conflicts between men and women? The president of the Society mentioned in this regard: "No case of VAW reaches the police or court. The policemen are mostly from the same tribe so women do not dare to

go to the police." She also mentioned that all issues of divorce and marriage go to court just as a formality. The decision is usually taken beforehand inside the tribe.

Through the process of Jordanian state building, tribal leaders were transformed to be subservient to the central government or act as intermediaries between the state and their tribes.[91] This system has influenced the creation of *wasta* (use of kinship ties as a connection for personal gains) as a system between state officials and individuals through sheikhs, or leaders, of the tribes. *Wasta* is a practice thus resulting from the relationship between the state and society created to preserve the mutual interests of the state and tribes.[92] As Caroline Ronsin (2010) posits, "*Wasta* is in fact deeply intertwined with state development in Jordan, and plays a decisive role in shaping the political elite in Jordan." It is the price the state pays for acquiring legitimacy among the tribes and ensuring their non-intervention in issues of foreign policy, military, and national security. On the other hand, social affairs are left to tribes to be managed through their own various structures. Formal relations between individuals and the state are largely exercised through the arbitration of the sheikhs rather than through a direct relation with the state. Such a system, as I demonstrate in Chap. 4 through women's stories, is the main barrier between women and the state's legal institution, particularly when women are in conflict with their families and tribes.

During my fieldwork, I was surprised to learn that in Jordan tribal attributes are still operating through the role of the sheikh *al-Diwan el-Malaki*, or "the Royal Bureau judge." I came to know about this mechanism through Khawla, who I met in Jwaideh Jail. Sheikh Muhammed Al-Naimat, a Bureau judge, was assigned by the Royal Bureau to deal with conflicts between tribes. He inherited this role from his father, who was a tribal judge for the tribe of Naimat in al-Mafraq (a city in northwest Jordan). As Sheikh Al-Naimat explained to me, his mandate expanded to serve different tribes because there are no longer many tribal judges. In the whole country, only four tribes' judges remain, and they all work closely together and refer cases to each other.

Sheikh Naimat, as he explained for me, usually receives cases related to disputes over *wilaya* from the governor, who refers the cases of women who belong to tribes to him and then enforces Sheikh Naimat's decisions on the families. Sheikh Naimat said that he received ten cases this year of women who resorted to him due to their guardian's refusal to conclude marriages to their chosen person. Most such cases were related to old

conflicts between tribes. Sheikh Naimat stated that when the case involves tribes, the governor or *shari'a* judges cannot make decisions over the case, as this could endanger the lives of both women and men involved, and thus referred the case to him to decide within the tribal traditions.

In Chap. 5, I present the case of Khawla, a 38-year-old woman whose decision to marry a person from another tribe led to her imprisonment. Khalwla's imprisonment was to avoid a tribal dispute, as her and her boyfriend's tribes were in conflict. In her case, the judges did not recognize that a woman who reached the age of 38, and whose father has no reasonable justification to object to the marriage, are the two grounds in the JPSL upon which a woman can ask to marry without the consent of the *wali*. Instead, they refused to conclude the marriage and referred Khawla to seek the assistance of a tribal sheikh. In the case of Amani, the marriage was concluded despite the fact that she was 13 years old. Khawla, who is 38 and a worker, did not have her marriage concluded and was sent to jail. Whether a woman is mature or still in childhood, decisions are driven by the *wali*. Judges' performance in the courtrooms is, thus, directed by reasons other than enforcing the rule of law. In response to a question about other similar cases of Khawla that I dealt with during my work at JWU shelter, Sheikh Arabiyat stated:

> We are sons of tribes; we know how it is going to be if a woman stepped outside the tribe's consent, it might turn a small dispute between tribes to an endless war. We have a role in preserving our community from decisions that could endanger our national harmony.[93]

The referring of women's cases to tribal authorities demonstrates that the existence of legal institutions, including those based on religion, in Jordan has not wiped away the informal tribal legal systems. It is also not a matter of reinterpretation, as in these cases religion was not a determinately important factor in disputes involving tribes. Conflict resolution and customary law continue to operate through tribes, which regulate social relations and inform legal procedures that have tribal interest as an overriding factor. As Mounira Charrad (2001) shows, kin groupings are central to the analysis of states' and women's rights,[94] as well as being central in determining whether or not the state has the capacity to enforce the rule of law in the society. The existence of a tribal judge, despite the abolishing of tribal law in the 1970s, demonstrates that the state still has interests in keeping the tribes powerful in Jordan, particularly in managing issues related to social affairs.

The performance of judges in *shari'a* courtrooms is largely influenced by the power of tribes. Some judges have told me that they ask for the father's permission when a woman from an influential tribe either asks for permission to marry without the consent of her father or divorce. This is not a legal requirement, but as Judge Sartawi justified:

> [w]e have to ensure that a woman's decision is not going to cause a conflict between tribes. Women are not always rational in their decisions and sometimes they ask for divorce for silly reasons. So by consulting the father before accepting the case, we protect women from themselves and maintain a good relation between the tribes, which in turn preserves the harmony of our community as a whole.

Judge Fadi Alawaishh stated in relation to the same point:

> Women need to be aware of the consequences before they take any legal procedures. Our responsibility as judges in such a tribal community is to ensure women's best interests within the interest of the community as a whole.[95]

Lynn Welchman ([2000](#)) underscores practices of *wilaya* over women in Palestine, where, under the JPSL, previously married women are allowed to conclude their own marriages in family laws based on *shari'a*,[96] while the guardian's presence and representation is still required by judges. Welchman concludes that "customary rules frequently constitute a stronger controlling force than 'law', particularly over matters involving women and the family."[97]

In literature on *fiqh*, the father's representation of their daughter's best interest in the marriage contract did not refer merely to the interest of the woman. Wael Hallaq ([2009](#)) demonstrates how the collective interests of the tribe were ensured through the role of the father as *wali*.[98] He relates this to the notion of marriage in Islam, and how it is a key element to the stability and harmony of the society: "The marriage institution thus became key to maintaining social harmony, the cornerstone of the entire Islamic order."[99] Control over the decision of marriage, therefore, is "intended to serve a single, ultimate imperative: social harmony."[100] In this sense, marriage is considered by some jurists as a "public affair" rather than an individual matter, where the father represents the interests of family and the community at large. Guardianship by the father and male relatives, according to Hallaq ([2009](#)), "ensure[s] conformity to a sexual

and social morality that set the priorities governing both social status and the well-being of the community."[101] Women who seek to represent themselves in marriage were seen—even by scholars of the Hanafi school like Marghinani, who allowed a sane woman to conclude her marriage—as "insolent and impudent" (*waqaha*).[102]

Sonbol (2003) notes that Jordanian personal laws draw from the Maliki school regarding *wilaya*, where a correlation is made between the Maliki tradition and the *urf* (customs) practiced by the tribes before the establishment of the legal codes.[103] As discussed earlier, the Hanafi school allows any competent person, male or female, to conclude his or her own marriage; the Maliki school, on the other hand, recognizes such a right for males but not for females, who have to be under male guardians as long as they have not married previously. Judge Al Sartawi confirmed this point by saying:

> Islam is a flexible religion. It gives authority to *ulama* to choose from within the interpretations of *shari'a* the best interests of the community. We do not assume what we have adopted in Jordan pertaining *wilaya* is suitable for every community. The Maliki school of interpretation of *wilaya* suited us more than the Hanafi's, as it preserves the right of the family and community over individuals.[104]

Ziba Mir-Hosseini (1997) also agrees that social customs and practices have played a major role in the interpretation of *fiqh*: "it was customary practices that provided them [jurists] with the raw materials upon which their Islamic ideal was constructed."[105]

However, the explanation of cultural influence appears to be less significant regarding interpretations and practices of *wilaya* over women, particularly when cases of dispute intersect with class and tribe, where judges' decisions are often characterized by contradictory and inconsistent arguments. For instance, judges of *shari'a* courts stated that they referred women to seek the support of tribal sheikhs. They did so in cases where women belonged to influential tribes, because they did not want to conduct a marriage without the consent of the *wali*, despite the fact that the women in question were over 30 years of age, with established careers, and their guardians had no valid reasons to object the marriage, as in Khawla's case. In Amani's case, the judge concluded the marriage even though Amani was very young. This evidence confirms that the protection of tribal and familial interests is a higher priority for judges than applying the presumed religious values or the rule of law in the country.

Sheikh Arabiyat also shared examples where he dealt differently with women seeking to marry without the *wali*'s approval. He told me the story of a woman from a poor area, over whose marriage there was no tribal conflict:

> The woman was 40 years old, there was no time for her to marry or bear children, so I had to react but at the same time I had to ensure that nothing bad would happen to her. I decided to conclude the marriage even if the father rejected it, but I first brought the father, had a talk with him, and he then agreed to conclude his daughter's marriage.[106]

The woman in question here was not referred to a tribal sheikh. Her age and social class worked to her advantage. Sheikh Arabiyat felt he had power over the father, "who was poor and uneducated," and hence the class of the family was of significance in Sheikh Arabiyat's decision. His reaction to the case was also somewhat sympathetic to the woman, which was on the grounds of women's gender role of bearing children: "If every father prevented his daughter from marriage, then this will affect the reproduction of children, and endanger society's growth."[107] In this way, it was not the interests of the woman that were upheld, but rather the interests of the community. Sheikhs Arabiyat and Al Sartawi both, interestingly, justified the change made in the 2010 JPSL—women now being able to marry without the *wali*'s consent at the age of 30 rather than 40— by positing that "women cannot get pregnant after this age,"[108] which is a matter related to performing a reproductive role and seen as in the best interest of the community.

The claim of interests is, consequently, very much tied to the structure of power and class and tribe arrangements in the country, rather than the interests of women. The case of Amani shows that provisions of *wilaya* do not grant those under *wilaya* any right other than submitting to the *wali*'s control. Amani, like other children, had no option within the system but to concede against her will and wishes. Her case, and other cases discussed here, questions the system of *wilaya* and shows how state, tribe, and family have all failed to address women's interests—in the case of Amani, the interest of a child—and prioritize the *wali*'s power and control. This is the case even when this right holds no reasonable grounds, is in conflict with other provisions in the family law, or is even against the rules of *shari*'a.

The Claim of Supervising "Misbehaved" and "Ill-Mannered" Women

Fadi Al-Alawaishh, a judge of the Shari'a Court of West Amman, replied to my question of why *wilaya* is exercised over women and not men:

> It is clear that men can be responsible for their decisions, they can hold the consequences of any actions, and their actions would not endanger the society, as a woman's acts would do. If a man is divorced then he can marry again easily, *ma fi shi bea'ebo*, "nothing can shame him." If he does something bad his reputation can be restored when he does something good. It is not the same for women, once something bad is done it is then a lifelong shame. We have an obligation to supervise women so they do not get involved in any shameful acts.[109]

In Chap. 5, I show the practical implications of Sheikh Al-Awaishh's statement. I discuss how women who run away from home and are caught by the police are directly referred to forensic medicine departments to undergo virginity tests. This procedure is ultimately related to the idea that when left without supervision, women could engage in immoral acts and behavior. The supervision of women's decisions is thus perceived to protect the morality of the community. All six judges interviewed perceived the supervision of women's morality to be of great significance for maintaining *wilaya* provisions in the JPSL.

However, some legal cases related to *wilaya* have not involved women running away from home or rejecting their family's marriage arrangements, but instead concern very basic matters, like registering a child's birth. According to Article 14 of the Jordanian civil law (2001), those who are responsible for reporting the birth of a child and issuing a birth certificate are first the father and then the mother. However, practices within the department of civil affairs usually require only the father to do so, or anyone authorized by the father. This practice is supported by Article 223 of the 2010 PSL, which stipulates that the father is the *wali* of his children. Amal Hafez's story of registering the birth of her daughter, which took three years in the court, is an example of how civil and personal laws inter-relate in practice. Amal was married to an Egyptian man who left the country when she was pregnant. She waited for her husband to come back and did not register her daughter, as she was told her husband should do so. When her daughter turned six, Amal wanted to enroll her in school but was not allowed to do so, as the child did not have a birth

certificate. Amal spent three years in the courts trying to get a decision that would give her a birth certificate for her daughter: "The girl reached the age of nine without being in school, which broke my heart as she was not just deprived from her father but also from enjoying her childhood at school."[110]

At the *shari'a* court, Amal first had to provide "proof of filiation" by demonstrating that she was pregnant with her daughter while her husband was in the country—hence, the girl is not *bint haram*, "a girl born out of wedlock"—in order to get *wisaya*[111] over her daughter, which was requested by the staff of the department for civil affairs in Zarqa. Although a man can register his children without any proof other than the marriage certificate, women must find ways to prove that they have not committed *zina* (adultery). Amal was only able to get the *wisaya* over her daughter after her father, the *mukhtar* (neighborhood official representative), and other male friends of her husband testified in court that Amal was pregnant prior to her husband's departure to Egypt. To determine her *wisaya* over her daughter, Amal first had to show that she was a faithful and trustworthy wife, which cannot be done unless approved by reliable men.

The idea that women can pose a risk to themselves and are, hence, not trustworthy is clearly stated in the JPSL. Section 3 of Article 185 of the 2010 JPSL gives the *wali* the right to take custody of the children of women under the age of 30 and extends the custody to children of women over 30 if they are deemed to pose a risk to themselves. Judges' interpretation of this article in cases related to *wilaya* over women in marriage, like that of Sheikh Sartawi, demonstrates that there is no obligation for the judge to conclude a woman's marriage without the presence of her *wali* when she reaches the age of 30.[112] By this, judges refer to the second part of the article, namely, that women "are not safe to themselves" and, therefore, that *wilaya* over marriage should not be limited to any age.

All judges shared the idea that women by nature are untrustworthy, and therefore could harm themselves. They recognized the significance of Article 185, where women are characterized as having an emotional nature that triggers them to engage in bad behavior; therefore, the law should not counter the fact of women's need to be under guardianship. Such arguments confirm that judges' perceptions are based on the constructed and configured space of femininity in the law, as well as the ways in which women are conceived as incompetent, followers, foreign subjects, and defined in relation to capable men, who have the right of and bear responsibility for supervising, guarding, correcting, and disciplining women.

Conclusion

In this chapter, I examined *wilaya* over women in the literature of Sunni Islamic schools of thought, particularly in the Hanafi and Maliki schools, as they are the main sources for legislating *wilaya* in Jordan. I also studied the contemporary JPSL as it relates to gender relationships within the state's institutions of law, religion, and tribal customary laws and practices. I argued that *wilaya* is not merely a discriminatory legal "provision," which confers the authority of male guardians to conclude the marriage of a female relative. It is rather a wide-ranging, dynamic, multi-stranded discourse that reproduces femininity and masculinity. The process of constructing women through connotations given to femininity aims to differentiate them, as Others, in order for their roles to be maintained as subordinate. Without a clear dichotomy between the values that are assigned to men and women in the law and reproduced socially, gender roles cannot be maintained and reproduced within the larger gender relationships and political order.

I have shown how judges' practices in relation to provisions of *wilaya* over women in the JPSL serve particular interests and the overall system of power relationships. Therefore, we cannot treat family law as "a neutral instrument, which can serve diverse or convicting interests equally." This is, as Weisberg describes, a "legal positivism," which understands law as "an autonomous, self-contained system" uninvolved in the production and reproduction of power relations.[113] Charrad (2001), likewise, argues that Muslim family law "in effect contain[s] within itself a blueprint for social order. Policy choices with respect to national family legislation unavoidably brought to the fore the divisions and alliances of national politics."[114] She posits that the choice to adopt new codes for family laws in Algeria, Tunisia, and Morocco were "an outcome of the structure of power in each society."[115]

Therefore, choosing to determine women's rights from within the system that designates them as "naturally" subordinate to men, through approaches such as that of religious reinterpretation through a feminist lens, will, to some extent, agree with the principle of women as dependent legal and social subjects. The explanations or motives of judges in relation to *wilaya* discussed in this chapter make it evident that women will not benefit from minor or even substantial changes to the family laws, or from reinterpreting *shari'a* laws. This is because *wilaya* is not legalized to

preserve religious values, but rather that the epistemological project of normative femininity in *fiqh* literature has corresponded with the masculine state project in constructing and reproducing values and characteristics assigned to femininity and masculinity in the JPSL. The contradictory procedures and inconsistencies in practice between law, tribe, and religion reveal that the protection of tribal interests is a higher priority for the state than preserving religious values or the rule of law in the country.

Provisions of *wilaya* in the JPSL construct normative femininity and serve the purpose of assigning different interests and needs to women, and the defining of gender roles is in turn perceived as a natural response to the needs, interests, and characteristics of women. Thus, laws on *wilaya* naturalize discrimination in the law; *wilaya*'s logic makes discrimination an inevitable necessity to preserve social harmony and interests against women's perceived irrationality and the potential danger they pose to the community. By doing so, defined gender roles in the law are justified as corresponding to women's nature and the interests and needs of the community, which inescapably require male supervision and guardianship.

In this process, the state is a "homogenising agent"[116] that, as Connell suggests, has a central role in defining and organizing gender relations and order.[117] The femininity established within this process, as Braidotti underscores, is a political project; the "virtual feminine"[118] is an effect of conceptual and political projects through which women are constructed as "Others" through negative illustrations of difference in the predominant view of subjectivity in the Western phallologocentric discourse.[119] This discourse is manifested in Jordan's colonial experience and the ways in which British colonialism influenced the creation of a masculine national identity in the pre- and postindependence periods, as I discussed in Chap. 1.[120]

This nature/*fitrah* logic, as discussed above, goes so far as to argue that women are not just lacking something, hence they are placed under men's authority, but that women are also satisfied with their subordinate position; this logic argues that it is self-evident and common sense that women cannot be in positions of authority. In what follows, the question I try to answer is to what extent do women consent to, comply with, or resist the ideal femininity as naturalized in the legal provision of *wilaya*. To engage with this question, I turn in Chap. 3 to examine how the system of guardianship and its legal and social mechanisms of control impact women's subjective experiences of femininity.

Notes

1. Interview with Mukarram Odeh, Amman, June 2012.
2. Interview with Amani, Amman, June 2012.
3. Ibid.
4. Ibid.
5. Ibid.
6. Interview with Mukarram Odeh, June, 2012.
7. See among others who have addressed the construction of gender within Muslim family law: Moors, 1999; Tucker, 1999, 1993; Welchman, 2000, 2004, 2007, 2011a; Messick, 1992; Abdel-Halim, 2011.
8. Sonbol, 1996, 2003; Esposito, 2001; Afkhami, 1995.
9. Mir-Hosseini, 1997; Wadud, 1992, 2006; Badran, 2009; Ahmed, 1992; Anwar, 2009.
10. See Moors, 1995, 2003; Charrad, 2001, 1998.
11. Djurdjani Tarifat (definitions) cited in Jamal Nasir, 1986. *The Islamic Law of Personal Status.* Graham & Trotman: 43.
12. Syafiq Hasyim, 2006. *Understanding Women in Islam*: *An Indonesian Perspective*, Solstice Publishing: 103.
13. Haysim, 2006; Mansouri, 2009; Nasir, 1986.
14. Azizah Al-Hibri, 2009. "Women and Social Change" in A Companion to *the Muslim World*, edited by Amyn B Sajoo, 133–156. I.B. Tauris in association with the Institute of Islamic Studies: 138.
15. Abd ar-Rahman Doi: 2007, Shari'a Islamic Law, Taha: 230.
16. See Lynn Welchman, 2011b. "A Husband's Authority: Emerging Formulations in Muslim Family Laws" in International Journal of Law, Policy and the Family. Vol. 25 (1).
17. Abd al-Karim Zaydan, 2000. Al-Mufasòsòalfiahòkâm al-mar'ahwa-al-bayt al-Muslim. Mu'assasat al-Risâlah 2000: 110–156.
18. Mohammed Rif'at Uthman, 1995. The Laws of Marriage in Islam, Dar Al Taqwa: 38.
19. Mansouri, 2009: 61.
20. Interview with Sheikh Sartawi, the head of Sweileh Shari'a Court, November, 2011, Amman.
21. Ibid.
22. Mansouri, 2009: 55; Abdur Rahim, 1994, The Principles of Islamic Jurisprudence: According to Hanafi, Maliki, Shafi'i and Hanbali Schools. Kitab Bhavan: 65. Mohammed Rif'at Uthman, 1995. The Laws of Marriage in Islam, Dar Al Taqwa, Muḥammad Abu Zahrah, 1966, al-Wilayah 'ala al-nafs: Lectures on Guardianship in Islamic Law, Ma'hd Al-Dirsaat Al-'Arabia: 9.
23. Mansouri, 2009: 55; Rahim, 1994: 72; Doi, 2007: 231.

24. Abu Zahra, 1966: 50.
25. Uthman, 1995: 63.
26. Ibid.
27. Uthman, 1995: 42.
28. Uthman, 1995; Nasir, 1986; Mansouri, 2009.
29. Doi, 2007: 207.
30. Mughniyah, 1995: 293. "Aym' is one who is without a mate, man or woman; a maiden or thayyib."
31. Ibid.
32. Ibid: 194.
33. Rahim, 1994: 314 (see also Mona Siddiqui, 1996 "Law and the Desire for Social Control: An Insight into Hanafi Concept of *Kafa'a* with reference to the *Fatawa* Alamgiri (1664–1672)" in *Feminism and Islam: Legal and Literary Perspectives*, edited by Mai Yamani, Ithaca Press: 49–68.
34. Judith Tucker, 2008. Women, Family, and Gender in Islam, Cambridge University Press: 45.
35. Siddiqui, 1996: 65.
36. Muhammad Khalid Masud, 2013. "Gender Equality and the Doctrine of Wilaya" in Gender and Equality in Family Law: Justice and Ethics in the Islamic Legal Tradition, edited by Lena Larsen, Ziba Mir-Hosseini, Christian Moe and Kari Vogt, I.B.Tauris & Co Ltd., p. 128.
37. Toril Moi, 1999, What is a Woman? And Other Essays, Oxford University Press: p. 13.
38. Ibid: 12.
39. Ibid.
40. See among others Tucker, 1999, 2008; Mir-Hosseini, 1998; Moors, 1999; Messick, 1992.
41. See Miriam Cooke, 2001. Women Claim Islam: Creating Is*lamic feminism through literature*, Routledge: 175; Mahnaz Afkhami, 1995. *Faith and Freedom: Women's Rights in the Muslim World*, I B Tauris & Co Ltd.; Margot Badran, 2006 "*Islamic Feminism Revisited*" (accessed 26 March 2014), http://www.countercurrents.org/gen-badran100206.htm
42. Afkhami 1995: 257; Nielsen, 2010: 7; Ahmed, 1992.
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46. Lynn Welchman, 2012. "Gulf Women and the Codification of Muslim Family Law" in Gulf Women edited by Amira El-Azhari Sonbol, Bloomsbury, 368.

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48. Tucker, 1999.

49. Brinkely Messick, 1992. "Literacy and the Law: Documents and Document Specialization in Yemen" in Law and Islam in the Middle East, edited by Daisy Hilse Dwyer: 65.

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52. Ibid.

53. Ibid: 6.

54. Deniz Kandiyoti, 1992. "Identity and Its Discontents: Women and the Nation", in Millenium 20 (3): 429–443: 431.

55. See Massad, 2001; and Warrick, 2009.

56. Massad, 2001: 18.

57. Interview with Judge Fadi Alawaishh, November, 2011.

58. Law of Personal Status, temporary Law No. 36 of 2010, Official Gazette no. 5061, p. 5809 of 17 October 2010.

59. Welchman, 2000.

60. Welchman, 2011b: 1.

61. Noraida Endut, 2002. Guardianship Law and Muslim Women, Sisters in Islam: 4.

62. Welchman, 2011b: 6.

63. Ibid.

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66. Ibid.

67. Ibid.

68. Annelies Moors, 2003. "Public Debates on Family Law Reform: Participants, Positions, and Styles of Argumentation in the 1990s" in Law and Society, Vol. 10, No. 1 pp. 1–11: 2.

69. Interview with Sheikh Ghaleb Al Sartawi, November, 2011.

70. Interview with Jamal Rahamneh, head of West Amman Shari'a Court, November, 2011.
71. Interview with Sheikh Jamal Rahmneh, Head of West Amman Shar'ia Court, November, 2011.
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73. Ibid: 68–71.
74. Ibid.
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85. Ibid.
86. Interview with lawyer Maram Maghalseh, November, 2011.
87. Interview with Tahani Siam, 2011.
88. Interview with Maram Maghalseh, 2011.
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93. Interview with Sheikh Ziad Arabiyat, November, 2011.
94. Mounira Charrad, 2001b. *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco*, University of California Press: 5.
95. Interview with Sheikh Fadi Alawaishh, November, 2011.
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99. Ibid: 271.

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101. Ibid: 276.
102. Ibid.
103. Sonbol, 2003:134.
104. Interview with Sheikh Ghaleb Al Sartawi, November, 2011.
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106. Ibid.
107. Ibid.
108. Interviews with Sheikhs Sartawi and Ziad Arabiyat, 2011.
109. Interview with Sheikh Fadi Al-Alawaishh, West Amman Shari'a Court, November, 2011.
110. Interview with Amal, JWU centre, Amman, January, 2012.
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114. Mounira M. Charrad, 2001b. States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco, University of California Press: 6.
115. Ibid.
116. Kandiyoti, 1992: 430.
117. Connell, 2002; Connell & Messerschmidt, 2005.
118. Braidotti, 2011: 96.
119. Ibid.
120. Massad, 2001.

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Women's Alternative Forms of Femininity: Compliant, Pragmatic, and Exceptional Selves

Introduction

During my fieldwork in Jordan, in the summer of 2012, the government was preparing for the end-of-year parliamentary elections. The *Al-hirak al Shababi* (Youth Movement) in Jordan and several political parties were against holding elections without first making changes to the electoral law. In particular, people were opposed to the one-person–one-vote system that, since 1993, has limited people's choices and aided tribal candidates in obtaining seats in Parliament at the expense of representatives from political parties.[1]

During this time I met Sahar, a long-time human rights activist who hails from a wealthy family in Amman and has worked on issues of human rights and democracy, but has never been active around women's issues. Sahar's husband belongs to a very influential tribe in Jordan; as she explained to me, she has not experienced any interference in her life by the tribe since she has been married. Sahar lives in Amman and describes her husband as "well-educated and liberal."[2]

Sahar, like many Jordanian political activists, decided not to register to vote in the elections. Her husband's tribe took another position and was working hard to register everyone in the tribe. Her husband's eldest brother called her to ask for her identity card so that he could register her to vote. Sahar explained that she was boycotting the elections, and he angrily responded, "Who are you to take such a position? You are a woman and must follow your husband, who is supporting his tribe's choice."[3]

She said that, in a way, she was told that she had to decide between her principles and her marriage: "I cannot put my marriage at stake, but I also feel like I would be betraying my principles if I did what they were telling me to do."[4] She was in shock and could not believe that she was not recognized as having the basic right of choice, presumably afforded to all human beings and all citizens:

> I never felt, to this extent, that being a woman is something bad. This is the first time I experienced the meaning of being nothing. I cannot forget my brother-in-law's words, "Who are you?" He questioned my whole existence as a human.[5]

The position Sahar's husband took also shocked her. He tried to convince her to register for the elections first and to figure out what to do later, when the voting period came around. He told her: "I cannot confront my family on such an issue. Also, my tribe will think I am not a real man, and this would jeopardise my relationship with my brothers and cousins."[6]

Sahar wondered how her choice of whether or not to vote would jeopardize her husband's reputation. She could not understand why her husband needed to appear as if he controlled her decisions in order for him to be respected and considered "masculine." When I met Sahar, she was in the process of discovering a new fact about herself as a dependent person, and, in turn, that made her question herself as a woman. She was caught between whether to determine her independence, even though it could entail her paying the high price of ruining her relationship with her husband and his family, or to obey her husband's tribal decision and register for elections. The important point for Sahar was not whether to register or boycott the election; rather, it was the limitations placed on her ability to make her own decisions as a woman.

In this chapter, I scrutinize a variety of understandings of the performance of normative femininity. Through women's narratives, the chapter examines how women develop a set of understandings and attitudes, as well as whether these correspond with the constructed normative femininity in the legal, religious, and tribal institutions or provide alternative forms of femininity. Sahar's dilemma of questioning herself as a woman seems a good starting point for this chapter. The story of Sahar, on the one hand, shows that authority over women is about determining forms of both femininity and masculinity. Her refusal to register for the election, against her husband's and his family's wishes, meant that not only was

Sahar embracing values other than those assigned to her as a woman but also her husband was lacking one of the important attributes of masculinity: the ability to control his wife.

On the other hand, Sahar's shock at her brother-in-law's words might come as a surprise and raises question of where her astonishment came from. Is it not that a woman is raised to accept her secondary status and make sense of the position of subordination from an early age? Was Sahar's shock related to the fact that her brother-in-law did not have direct authority over her but tried to exercise power over her? If so, does this mean that women's femininity depends on the relationship to those who are in the authoritative position? And/or is women's submission to the constructed normative femininity developed by means of voluntary acts and a hidden, gentle way rather than force? In the following section, answering these questions leads me to consider a central point: how is the gendered subject constructed within power relationships where coercion and force are not the sole means by which the normalization of submission is conceded, but rather where forms of gentle and soft power could have more essential roles in inducing a state of compliance and internalization of femininity.

NATURALIZATION AND SOCIALIZATION OF NORMATIVE FEMININITY

Early in 2012, a public debate had begun in Jordan about the government's proposal to cancel Article 12 of the 1969 Passport Law, which stated: "Women and minors can obtain regular passports only after the husband's or guardian's agreement." This debate carried on for eight months before the Parliament approved the government's proposal and canceled Article 12. During this period, the debate mainly focused on how the cancelation of this article would ruin familial relations and disempower men. The government had already withdrawn its reservation to Article 15 of CEDAW (referring to women's rights to movement and mobility),[7] a reservation that included the statement "A woman's residence and domicile are with her husband,"[8] and been under pressure from civil society groups and the CEDAW committee to cancel Article 12 of the Passport Law and its reservation to Article 15 of CEDAW. The proposed change was defended by the government in a parliamentary session by stating that men's authority would not be threatened, the guardian's authority rather, as the Minister of the Interior, Ghaleb Al Zoubi, said: "is protected under other articles in the civil and family laws."[9]

The media in general, and mainstream media in particular, played a negative role in this debate by publishing headlines that played on Jordanian society's notions of masculinity and femininity. On 15 January 2012, *Rum Press*, an online news website, posted the headline "The new passport law leaves a woman *temshi ala hal sha'raha* (to act loosely without morals or boundaries)."[10] As I read the article, I saw a huge number of angry comments, mainly from women. One such comment stated: "Jordanian women do not need a law to preserve their modesty." Several other comments, from both women and men, said that *Rum Press* should be ashamed for publishing a headline that degrades women's morality. *Rum Press* conceded and changed the headline to: "Passport law: Men are no longer a reference for women."[11] The second headline elicited many comments from men, who mostly condemned the change in law with arguments about the threat it poses to Jordanian men's masculinity. One such comment stated: "If this law is passed, it will mark the death of masculinity in Jordan."[12] Another commentator tried to alleviate men's fears by saying: "A wife's obedience is commanded by God and law. This law changes nothing."[13] While a few comments were in favor of the change, the majority asked the Parliament to stand against it.[14]

The public debate around the passport law shows that men's attainment and achievement of masculinity relies heavily on controlling women. As one man stated: "This is a farce. How would I be a man if I could wake up in the morning to find my wife had left for America?"[15] But, is men's reliance on control over women to preserve or achieve masculinity? Their masculinity, as Connell (1995, 2001) suggests, stands in inherent relation to femininity. Femininity and hegemonic masculinity exist and survive in and through social difference, justified under the order of nature, which defines men and women's positions in the space of gender relations.

The configuration of femininity and masculinity is produced, thus, within the order of what Bourdieu calls "the field of power": "The space of the relations of force between different kinds of capital."[16] In this case, that field is the field of gender power, where positions of femininity and masculinity can only subsist in relation to each other.[17] Therefore, the construction of femininity and the creation of a dominant culture that accepts "the taken for granted" position of women as subordinate is a necessary condition to guarantee the normality of women's subordinate position. Since the experiences of the ideal feminine are configured from within the dynamics of gender power relations, which work to maintain the power of males over females, the field of power thence works itself

through the gendered political power that configures both men and women, gives a particular legitimacy to both notions, and, consequently, places each in a different position.

In Chap. 2, I discussed how religious texts, laws, and *urf* (customary laws) define femininity in relation to the existing social rules and laws on *wilaya*, as well as how femininity is defined in contrast to masculinity, in that femininity represents "deficiencies" that disqualify women from freely acting. *Shari'a* court judges' arguments about women's incompleteness went so far as to justify laws on *wilaya* through scientific "facts" about women's natural weakness. The *wali*, according to this logic, takes an active role over the passive female, who needs discipline and protection due to her "natural" physical and mental weakness, qualities that are seen to entail an inherent lack of certain social privileges. In this way, law, *urf*, and religion are institutions of gender hierarchy that essentialize women as weak and deem it imperative for women to remain subordinate to men. Judges and lawmakers' invocation of the differences between men and women, as grounds for *wilaya* over women, serve as a "natural" reflection of female deficiency and male superiority. Within the context of provisions of *wilaya* over women and social rules, there is an ideal image of femininity that is configured as natural. The *wali's* supremacy and roles, which represent masculinity, could not be legitimized, defined, and treated as norms unless done in relation to women's perceived deficiency, which represents femininity. Consequently, within the framework of male authority over women, it begs the question of whether there is possibility for other types of femininity.

Analyzing femininity as normative does not entail treating femininity's traits and characteristics as "pre-existing norms which are passively internalised and enacted"[18]; rather, such analysis requires the examination of the "making and remaking of conventions in social practice itself."[19] This should lead to, as Connell (1995) suggests, an exploration of the "politics of norms: the interests that are mobilised and the techniques used to construct them."[20] In Bourdieu's sense, the construction of normative femininity is one of the forms of "state-sponsored doxas,"[21] defined as:

[t]he framework through which domination is practised, but practised so subtly that it cannot even be questioned. In line with structuralist perspectives, doxa involves processes that undergird the everyday world. But in a more materialist vein, doxa is fundamentally contingent on what happens in that everyday world. Doxa is arbitrary and interest-serving. Yet, since it can only be sustained by its everyday acceptance, it is open to change.[22]

Doxa is "(that) which is taken for granted"[23] within a social system. The doxic mode is a societally accepted nuance of "how the world works, so natural and unspoken that it is unthinkable,"[24] and thus not open to opinion or negotiation. I explain how normative femininity is internalized and contested, often simultaneously, through three accounts and perceptions of women: first, women's compliance with normative femininity; second, the pragmatic form of femininity; and third, the exceptional and/or masculine sense of femininity.

The Invisible Reality of Constructing Femininity

Wafa', one of my research participants, told me how difficult it is to define herself or know exactly what she wants without considering her father's and brothers' views. She stated: "What I lack as *ountha* (female) is completed by what my brothers have as *zokour* (males), so I have to think of them when I make any decision." I asked her: "What if you woke up in the morning and found that there was no one responsible for you and you could make choices on your own?" She replied, "I would get lost." She paused a little, and then continued: "I would need to learn how to think freely first. My mind is automated to think of my father and brothers' reactions whenever I make a decision."[25] Here, Wafa' suggests that *ounotha* (femininity) is a way of thinking of the Self in a relational sense, one which is tied to masculine perceptions of women. She stated: "As *ountha* (a female), I always have to think of how my actions might affect *ikhwani lerjal* (masculine brothers)."[26] This relational sense, hence, does not mean a woman's femininity is only thought of in relation to familial relationships; rather, it is in relation to those distinguished as masculine and in a position of authority. But how does such a way of thinking impact women's femininity? Wafa' responded that thinking of actions beforehand, and whether they will pose any threat to her masculine brothers, adds a rationality that women generally lack. She further explained: "It makes you wise and sensible. It reduces the possibility of making mistakes."[27]

To understand Wafa's attitude and understanding of femininity, I give a brief description of her upbringing to clarify how a well-educated and middle-class worker internalizes the normative understanding of femininity. Wafa' is the only daughter in her family and has five brothers, who "all love and try to protect her."[28] She has never been beaten or physically abused; on the contrary, she was spoilt and loved by her parents and brothers. Wafa' feels that she is greatly indebted to her brothers, who paid

for her education and continue to support her. In return, Wafa' believes she should respect their views and decisions. The respect Wafa' mentioned is related to her actions, meaning that she does not place her brothers in a position where they could be embarrassed or ashamed by her practices. She was, therefore, constructed to be aware of what kinds of female practices might jeopardize her brothers' reputations, resulting in her own understanding of femininity as irrational.

In Wafa's case, femininity is also defined through the position she occupies and within the "sense of limits" created by the legal and social conditions. In this reality, it is common sense for women to obey men. There is no coercion or force used, so Wafa' can think of herself as irrational. However, there are different layers to Wafa's compliance with the beliefs and values of normative femininity, such as her brothers' love, respect, and support. The conditions through which Wafa' situates her femininity create, more or less, a sense of satisfaction with her brothers' authority. From Wafa's own description, I understand that—based on her realized femininity and understanding of masculinity as superior and rational—she cannot think without considering her brothers' reactions.

It was also interesting to see how Wafa' insisted on using the word masculine to describe her brothers. She kept repeating "*ikhwani lerjal*," meaning that her respect for her brothers is not merely due to their familial relation, but also to their masculinity; her brothers' authority stems from their masculinity, not only their sibling relationship. This means that the relationship between femininity and masculinity should be understood as based on the type of authority. Wafa' was clear that her brothers are her protectors and guardians, but stated that her husband should not have the same authority over her: "Those are my brothers, they have the right to discipline me if I make a mistake. But my husband does not have this right, our relationship should be equal so that we can make a family together."[29] Wafa' does not see her position as subordinate, rather she feels empowered by her brothers' protection and support; for her, this support allows her to reject the authority of other males, such as her husband.

Wafa's last statement also resonates with Sahar's shock at her brother-in-law's words and her husband's passive position. She told me: "Who is he to tell me what to do, even my father and brothers have never intervened in my activism or political stands." Although Sahar's upbringing differed from that of Wafa'—who was raised on equal footing with her brothers, was allowed to make free decisions related to her marriage and education, but still acknowledges her brothers' and father's authority,

although not that of her husband or his family—both women see feminin-
ity that represents obedience, dependency, and irrationality as relational to
brothers' and fathers' authority, but not in husband–wife relationships.
This suggests that women, in such cases, make sense of their supposed
irrationality based on grounds that justify male authority, not on men's
and women's pre-existing traits or characteristics. This also means that
symbolic and material interests exist that determine when and under which
conditions women accept normative femininity and, thus, submit to male
authority. Another significant point, in Wafa's case, is that the father's and
brothers' authority provides the means by which women can resist other
authorities.

Wafa's case suggests that normative femininity, as a doxa, is taken for
granted as it pertains to relationships with her father and brothers;
however, this femininity is open to challenge in relationships with men
other than those in positions of authority. Doxa can be challenged through
orchestrated preferences, calculated interests, and adjusted actions to the
division of the gender order, which, by all means, contributes to the repro-
duction of femininity as a "realised myth."[30] However, women experience
doxa in a variety of ways, and embrace, internalize, and contest their
positions not through force but through soft and gentle means of power.
Such is the case of Wafa', where her upbringing to respect her brothers—
and her brothers' love and support—meant that she internalized a form of
femininity that does not challenge her masculine brothers' authority.

For other women, particularly those who are not employed or greatly
rely on their families' financial and social support, femininity is linked to
men's superiority in general—whether it be husbands, fathers, sons, or
brothers—as they are in need of support. As Dema stated: "A woman
cannot live without the support of her men. She will lose a lot. She needs
a man to protect and take care of her."[31] In return, women should behave
within their cultural context; otherwise, according to Dema, "men have
the right to discipline them."[32] Based on this argument, women need
men's protection due to their emotional nature. As Dema further stated:
"Women do not know what is best for them. Their emotional nature
makes mistakes inevitable."[33]

Dema's attitude might also be better explained in relation to how she
was raised to obey not only her brothers but male relatives more generally.
She thinks of men as superior because they are strong, rational, and the
providers of the family's finances. The economic capital of distinction is
produced in a context where the father and brothers are the decision

makers, who are also responsible for supporting the family financially. Though Wafa' has been working for a few years, she is not obligated to support the family like her brothers. She said: "My father told me whatever you get is for yourself, we are not in need of your money."[34] Her father's refusal to allow her to contribute to the family's finances is part of both maintaining the power structure within the family and undermining Wafa's sense of herself as equal to her brothers.

However, the perception of men as providers is not always why women think of men as their protectors or guardians. Huda, a well-educated, middle-class woman with a good career, narrated how her upbringing defined her relationship with men as a whole, not just those in a position of authority over her. She told me that her family, in particular her mother, put a great deal of effort during her childhood into teaching her how she should talk to her father and brothers. She recounted her mother's word: "Do not look up when talking to your father or brother. This is *waqaha* (rudeness). You always have to talk with eyes fixed on the ground. This is your passport to a good life later with your future husband."[35] These were Huda's mother's words for her from the age of seven, at least as far as Huda recalls, and this was when she started to feel different from her brothers: "I did not know why I should focus my eyes on the ground." Huda continued:

> I understood that it was out of respect to do so when my father was talking to me but I did not understand it in relation to my brother. It took me a while to understand that and practise talking to my brother with my eyes down. I was hit twice for being *waqha* (rude) just because I confronted my brother with my eyes. Since that time, I find it difficult to talk to male colleagues when looking them in the eyes, the same for any male, whether in the market or in the street.[36]

It was not just that Huda was taught to respect her father and brothers; in fact, her femininity is constructed in relation to obedience to male authority. However, while Huda's case shows a learning from a young age of men's absolute authority over women, regardless of the kind of relationship—be it husband–wife, father–daughter, brother–sister, male cousin–female cousin, and so forth; in other cases, however, such recognition only materializes in specific relationships, such as merely in relation to the father and brothers or, in some few cases, just to the father. It is clear that there is a variance in the types of authority that impact women's sense of femininity, compliance to masculinity, and the ways in

which masculinity is perceived to represent authority in a general state—based on the constructed ideal feminine image of women—or in relation only to those who have a legally authoritative position over them. The differences between women who internalize the normative understanding of femininity are closely tied to upbringing; thus, such appropriation of the self takes place in the context of a recognized form of male authority in the family. The family, as an institution, thereafter plays a significant role in the process of the socialization of normative femininity and the practical applications of the guardianship system on the ground.

NORMATIVE FEMININITY IN EXCHANGE FOR SECURITY AND PROTECTION

The role of family seems to be more significant in a case like Jordan, due to the emphasis on the security and protection that the family provides. Wafa' told me how her parents have always emphasized to her that her brothers will be the only people she can rely on after they die. She explained to me: "I think of my future, when I get married, and as you know, you cannot trust men. My husband may remarry or abuse me. My brothers are my only source of security."[37] Consequently, one of the most important ways in which Wafa's understanding of femininity is produced is through the emphasis on security that familial relationships provide. As Wafa' explained, unrelated men are not seen as trustworthy, which means that competent men are required to deal with them. This entails depriving women of having power over their own decisions, as such will protect them from a future husband's abuse. Using this logic, women enter a marriage mistrusting their husbands and doubting their security. On the other hand, this mistrusted Other is a source of security for his female relatives. Ironically, depending on whether his relationship with a woman is based on blood or marriage, the same man could be a source of trust or mistrust for a woman. Men, therefore, represent the only source for women's inner's sense of security and insecurity. For some women, femininity is produced not only in relation to family ties but also through emphasizing the risks and dangers that other relationships could present to women, particularly wife–husband relations.

The majority of the women I met, and with whom I had multiple discussions, shared Wafa's view and did not trust state institutions, such as the police or judicial system, for reporting abuse. They mostly preferred for the problem to be solved within the family. There are various reasons

for this disengagement with the state, including relations with the state are usually managed by male relatives; state institutions' inadequate recognition of violence against women as a crime; and the established legal basis for the family, not the state, to protect women.

Deliberate state policy of maintaining the family as an intermediary between women and state institutions has largely informed the NGOs' strategies of how to deal with cases of abuse. Various social workers at the Jordanian Women's Union (JWU) stated that it was necessary to work within the framework of the family before reporting abuse to the police. Najieh Al-Zoubi, the director of the JWU shelter, stated: "We cannot ignore the fact that women have to go back to their families. If they do not have their families' support, we might endanger women's lives."[38] I address this issue later in my discussion of women prisoners in "safe custody" in order to show how women, who seek solutions to their problems outside the family and resist their family's control, could end up in prison. This is the only way available for the state to protect women from a family threat.

In such a system, the naturalization of femininity as inferior to masculinity is not only established by family relationships but is also protected and legitimized by state laws; such laws place a further burden on women's ability to escape the constructed normative femininity. Under these laws, women's relationship with the state is identified and managed through family and regulations of male relatives as women's guardians, where women cannot continue education, participate in the workforce or politics, marry, or travel without the permission of male kin. Charrard (2000) further underscores, through her comparative analysis of kin-based patriarchy in three countries, that family laws are a construct of self. The main issue for Charrad is whether the individual is defined as largely autonomous or as a member of a patrilineal line.[39] By regulating individuals' rights primarily through kinship relations and patrilineage, Charrad sees family laws in the Middle East as regulating familial relationships and determining individuals' social position and status, whereby men and women are defined as "two different classes."[40]

For the state, regulating family relationships is to serve and protect gender structures and order through the role that such relationships play in establishing gender rules of normalcy.[41] By this, the family becomes one of the core political institutions in Jordan, as elsewhere in the region. Diane Singerman (2006) argues that giving family a political role is not related to the endorsement of family values; rather, it "implies recognition

of the modalities of power that structure the society and the polity."[42] Charrard (2000) argues that when Morocco, Tunisia, and Algeria promulgated family laws, the differences between their constructions of the "ideal family" were related to the use or non-use of family and kinship ties as instruments in state building.[43] Femininity is then tied to a political order that does not provide alternative sources of protection and security and has vested interest in keeping male power within the structure of the family. Women's femininity is influenced by a system that favors and protects family ties and relationships.

Pragmatic Femininity

Amira El-Azhary Sonbol (2003) makes a central point in relation to Jordanian women's changing position in education and employment. Sonbol suggests that, as long as *urf*, law, and other state institutions set the basis for women's expectations of their societies and the rules guiding marriage and family lives, a real transformation in women's positions will be very slow indeed.[44] She illustrates her point through several examples, one of which is the role of the father as *wali* throughout a woman's life and how this role is never given to the woman; even if the father dies, he is replaced by another *wali*. As a result, as Sonbol suggests, a woman is "never completely independent or fully legally competent."[45]

Despite the entrenched gender gap in Jordan, female illiteracy is the lowest in the region, women occupy various positions in public administration, and women participate actively in the formal and informal labor force.[46] Women have also become a source of financial stability for the family. These issues necessitate analyzing how women, within new changes in the familial structure and affiliation, are realizing themselves within the normative perception of femininity and the values it entails. While practicing non-traditional roles in terms of work and education, women's lives and rights are still simultaneously determined by their families and the principle of guardianship over them.[47]

The conflict between what women do in public and what they ought to be in private, as well as how relationships in the private sphere might determine their public activities, is then key to seeing how women's femininity is a site of contestation that includes complex, strategic combinations of compliance, resistance, and accommodation. In this context, femininity cannot be seen as fixed by either definition or practice; it is rather a combination of the two. Such a combination has entailed discrepancies between practices and the normative ideals of femininity endorsed by women.

Women in different parts of the world face the dilemma of how to be competent in particular domains and still fit, simultaneously, within the idealized image of normative femininity, as "being competent and feminine is contradictory."[48] Therefore, there is a question of how competent a woman can be and still fit within the ideal image of normative femininity.[49] This situation creates paradoxical forms of what could be termed "known and done" femininity. Such a paradoxical position of women also reflects women's responses to the complexity and disparity of power dynamics and relations.[50] Several feminist scholars who work on different categories of women within Arab and/or Muslim contexts also emphasized this inconsistency of women's positions.[51]

Homa Hoodfar analyzes Egyptian women's responses to changing economic conditions, such as inflation, the removal of subsidies, and migration, with emphasis on how women's strategies within the household economy in Cairo are influenced by both culture and economy.[52] In this sense, she examines the linkage between private and public policies in constructing gender ideologies and roles. In discussing the ways in which women resist, manipulate, and negotiate traditional gender roles within the household economy, she underscores women's human agency within cultural production as well as in relation to economic change. Although Hoodfar does not provide an account of how the change in women's roles in the household economy impacts women's perceptions, or whether such changes have any impact on gender roles, she does provide—through empirical data—an analysis of how, in certain contexts, women's choices of using marriage and kinship ties to maximize economic chances are determined in an ambivalent manner, where a compromise between modernity and traditions is made.[53]

During the course of my fieldwork, well-educated, working women in particular tended to present discrepancies between their practices, which included departures from traditional gender roles, and the realization of themselves as women within the normative femininity. As a result, the perception and experience of femininity were at odds. The multiplicity of women's roles created a combination of either valuing femininity and practicing traditional roles or devaluing femininity and challenging traditional roles. And, conversely, the practices of challenging views on femininity and practicing different roles does not necessarily imply that women's perception of femininity is determined outside of the normative framework of the institutions of gender hierarchies.

Among those I interviewed, there were women who believed that they were not equal to men and, therefore, needed guardianship due to women's incompetency. In practice, some of these women have challenged the roles assigned to them, but not the normative femininity. Ahlam, a middle-class worker with an undergraduate education, said: "Maintaining our femininity is no longer possible since we have to do male roles."[54] In saying this, she speaks not only to the contradiction within herself but also to the hold that society has on femininity as a result of women's changing position: from only a housewife to both a housewife and a worker in the public sphere. Ahlam thinks that it is not her role to work and that working desexualizes her identity as a woman. She said:

> I try to keep the feminine aspects. But, when I have to make decisions at work or at home, or when I have no time to take care of myself, I find myself behaving similar to men. This is not good, because a woman should be a woman and a man should be a man. This is *sunet al hayyat* (the rule of life).[55]

Barbara Weinstein (2006), in her discussion of working-class women in Latin America, concludes:

> In Latin America, and perhaps elsewhere, images of femininity/respectability typically reflected the gendered norms of an emerging middle-class, and thus tended to undercut working-class political identities for women. To negotiate proper images of femininity, working-class women, by and large, had to play down the "class" aspects of their identities, and disassociate themselves, as much as possible, from the world of work and the streets. Whereas working-class men could draw on longstanding images of masculinity that emphasized hard work, strength and independence.[56]

Due to accusations, such as working women lack virtuous feminine aspects, women have to consciously demonstrate that they are not masculine; they have "created their own distinctive style that implicitly denied that labour made them masculine, degraded or alien."[57] Kandiyoti (1988) also discussed how women who work, because they are exposed to different forms of knowledge outside the home, have no option other than to use every available symbolic means to "signify that they continue to be worthy of protection."[58] Kandiyoti posited that this is a deliberate, conscious bargaining strategy for women to survive patriarchy.[59]

In a context where male authority is legalized and men's financial prowess is seen as a significant connotation of masculinity, working women have to invest in maintaining every feminine feature at their disposal so as to guarantee that they are not left without their family's protection,[60] which is essential to their existence. While this is a strategic and deliberate position, it is not totally voluntary, as it is conditioned on rules and laws that limit women's other options and choices. As Kandiyoti says: "The implicit promise of increased male responsibility restores the integrity of their original patriarchal bargain in an environment where the range of options available to women is extremely restricted."[61]

Ahlam made it clear that men were created to take care of women, not the other way around. She further explained that it is men's responsibility to protect women, as well as why women should not be in positions of authority. What Ahlam said, however, contrasted with what she does and practices in her daily life. At her workplace, she is a manager and oversees nine workers, including five men. She also holds a very respectable position in her family and is usually consulted on all family matters. She spoke to this contrast: "Yes, it is true. I have a good position at work and in my family, but this is not what you ask for as a woman. Since I was a kid, I dreamt of a better life, of my kingdom, where I am the queen of my family."[62]

What Ahlam expressed is also tied to the ways in which women's and men's roles are defined and naturalized within some civil laws, particularly those related to retirement and family allowances. Ahlam looks forward to when she reaches retirement age, so she can stay at her home and take care of her children. She added: "This is the only way for a woman to be a good wife. Even if you reach the position of minister, if your household issues are not well-taken care of then you fail as a woman."[63] Ahlam's position is also supported by the civil service bylaws (CSBs) and labour laws. For example, Article 25 of the CSBs of 2007 stipulates that "family allowance is given only to male employees," and may only be given to a female employee if she is a widow or married to a physically disabled person. Hence, the CSBs reaffirm that men hold the financial responsibility within families and that women's economic participation is recognized only in men's absence or inability to work. In this way, the CSBs resonate with laws on *wilaya*, as they recognize men and women's different roles within the family. Also, provisions of the CSBs and social security laws encourage women to retire five years earlier than men, which is urging women to leave work at the time when they could be promoted to leadership positions.[64] The retire-

ment age gap is one of the reasons women in Jordan remain at the middle and lower management scale in the public administration.[65] This also necessitates that women not reach a state of financial independence; they continue to be dependent on their families as their position within the economy rarely reaches a stage where their income or retirement is enough to enable them to enjoy a valuable productive status.

In the course of our discussion, Ahlam revealed contradictions in her views on femininity: on the one hand, she believes femininity represents weakness, and thus men must protect women; on the other hand, however, she likes her position as a strong woman. She feels that being a worker and a decision-maker at home gives her more space and freedom than other women. The discrepancy between Ahlam's knowledge of herself as a woman and her actions makes it difficult for her to clearly define what femininity is. For Ahlam, femininity should be about emotions and women lacking the rationality to act freely in general; from the specificity of her position, however, she believes that she is quite eloquent and makes rational decisions, but that she is an exception. Ahlam does not see being different from other women as favorable, because her feelings of being judged by men and other women for lacking some feminine features is of great importance to her. Ahlam was also different in her attitude toward women's responsibility to share their salary and assets with their husbands. Unlike some women, who were either obliged to do so or kept their salaries for themselves, Ahlam believes she must contribute to her family's finances, like her husband.

While Ahlam does not view herself as weak or dependent, this did not change her attitude and perception of normative femininity. Instead, she feels that the difference is related to the job she does, not the values assigned to her as a female. For Ahlam, performing a traditionally male job brought the additional burden of needing to prove herself trustworthy as a mother and wife, while, simultaneously, the laws recognized her non-responsibility to financially support the family. Femininity is then not what she is, but instead what she feels she ought to be.

Ala', a middle-aged, middle-class woman, said: "A woman is nothing without her men, they are the minds of her body."[66] Ala' believes that a woman is "like glass, easily broken unless she has a man beside her; if she does, then she becomes a solid stone."[67] However, notwithstanding these views, Ala' has challenged her family on several matters in her life. She married a man of her choice, despite her family's refusal. After five years of marriage, Ala' decided to go to court and ask for a divorce. Although none of

her brothers supported her decision, she managed to obtain a divorce. She also refused to go back to her family's house after the divorce and rented a house for herself and her two children. She has been challenging her family's attempts to arrange a new marriage for four years. All of what Ala' did, and is doing, contradicts her views on women. She thinks that she is challenging her weak personality: "deep inside, I know I am weak. I am trying to be a man not a woman. I believe I made unreasonable decisions in my life because of my irrational thinking."[68] However, Ala' has clearly stated that she gained her freedom and choice of marriage and divorce not through resisting her family overtly, but rather through convincing her father and brother and, sometimes, "made them feel it was their decision."[69]

Ala's last statement reminded me of a woman who had reached a position that had traditionally been a male job in Jordan and was invited to speak about her experience at one of the conferences. During the course of her speech, she advised young women not confront their husbands and male family members; instead, she recommended that women figure out how to do what they want without making men feel like they are losing control. This example, and Ala's defying of the authority over her through false compliance rather than direct conformation, shows a form of covert resistance. It shows a choice being made due to, as Scott (1990) suggests, the subordinate groups' vulnerability, which "has rarely permitted them the luxury of direct confrontation."[70]

There is certainly a value in the paradox and duality of women's position in the structures of gender inequality.[71] Whether or not women acknowledge this as a value, they certainly, as Abu Lughod (1990) puts it, "take advantage of these contradictions in their society to assert themselves."[72] As long as women are conceptually in agreement with and do not publically challenge society's values, the consequences of their actions can be contained. In Ala's case, though she managed to get both married and divorced against her family's wishes, she did not do so by confronting her family. Instead, she persuaded her father and brothers: "It took lots of time and energy from me to make them agree to what I wanted."[73] She also mentioned that she never said, "it is my right to choose."[74] She continued: "In the end, women cannot live on their own, they need the protection of their men."[75] Ala' is a working woman with a good salary. Such a condition has provided her with a different gender role and, thus, the opportunity to make her own decisions, but it did not empower her enough to think of herself outside of the normative framework of femininity.

By not publicly or overtly challenging normative femininity, women like Ala' and Ahlam have been able to undermine the social rules of *wilaya* and "generated a paradoxical power."[76] To borrow from Foucault, this paradoxical form of power can be called "techniques of existence,"[77] where a disconnection of experience from established knowledge is a condition of survival. Interestingly, the majority of educated, working women I interviewed, who perceive femininity as incompetence and incompleteness in relation to masculinity, think of themselves as different from other women. At the personal level, women seemed to perceive themselves as capable of controlling their behavior and knowing what is best for them. However, the knowledge they have about femininity and what they have been told about themselves is deeply structured in their minds, so they can only see their own experience as the exception rather than the norm.

However, a noticeable response was given in relation to women's fear of defining femininity outside the normative framework; they said that such would endanger their lives and place them under more restrictions. It is not only about women thinking of themselves as weak, for some, rather, it is about the interests they have in not challenging the values assigned to femininity. Halima, a middle-aged worker from a poor class, articulated this very clearly:

> When I think of myself as independent and capable then I have to take decisions on my own. If I do so, then I might endanger my relationship with my family. I do not know what the reaction of my father and brother will be if I challenged their views. They believe they know what is best for me. I doubt this, no one knows more than I do, but at the same time I have to show respect to decisions made by my father and in so many occasions to my brother (who is younger than me and I support him financially) so I can keep the space of freedom I have right now.[78]

It is the fear of the unknown or the consequences of her actions or beliefs that make Halima adhere to her family's views of what she should be doing, not pre-assigned female characteristics. She believes in her ability to take care of and protect herself as a woman, but at the same time cannot challenge the idea of the male's right to protect women, as that might jeopardize her freedom:

> I see myself as equal to my brother but I do not say it out loud to him. I do not have to do that. I am confident and the privileges my brother has as a boy, do not have any negative effects on my freedom as it is the case on my

younger sisters. I hate it only when my father asks me to take permission from my brother before going out, or when I have to bribe my brother so I can be late after work.[79]

It seems that women like Halima have deliberately veiled their differing personal traits in order to retain certain privileges. They show compliance with the ideal feminine, even when very critical or skeptical of it, for reasons related to either the fear of unknown threats or protecting their interests and the spaces and freedoms they have already achieved. This also reveals that women may make a strategic choice of embracing a form of femininity that has a combination of compliance, resistance, and accommodation. Consequently, challenging normative femininity does not mean a total departure from the doxa, as the case of Halima, who did not object to the restrictions on or the treatment of her younger sisters, shows. This might indicate that some women only object and have reservations to normative values when these values contradict with self-interests, not at the level of the collective sense of femininity.

I discuss survival or coping techniques in detail in Chap. 4. However, I think it is important to address here that confronting normative femininity by revealing different values other than those assigned to women could be more dangerous for women than practicing non-traditional gender roles within the power structure. By this, I mean that when women do not challenge the structural normative framework of femininity, even if they decide to engage in non-traditional roles, they will not be seen as dangerous or punished for posing a threat to the community or undermining male authority. Women's realization of the inherent danger in revealing connotations other than what was assigned to them has created a pragmatic form of femininity, where "doing and saying" femininity are at odds; a state that seems to be necessary for women to exist and counter threats to their social and financial insecurity. Nonetheless, there is a limit to the extent to which women can stretch their gender roles; that limit being the law and state policies toward women. This is clearly manifested in the gender equality gap at the levels of economic and political participation, where women still constitute 23% of the workforce[80] and only 10% of the Parliament seats.

This pragmatic femininity is nothing but an elastic form of doxa. Women embrace a pragmatic femininity under different conditions and circumstances. As discussed, education and work, while increasing women's confidence in their capacity to engage in non-traditional gender roles, also

contribute to intensifying the potential of ambivalent selves; this is particularly acute when non-traditional roles are practiced under the supervision and permission of a male authority, and in a context where different laws interplay to maintain women's subordination.

Social class also appeared, in my respondents' accounts, to be significantly important in increasing women's pragmatic sense of femininity. Women from wealthy backgrounds, who often preferred to conduct interviews in English due to their weak expression in Arabic, seem to live in two separate worlds. One world is riddled with the consumption of what they called a "modern" style of life in relation to femininity, which consists of freedom in the way they dress, travel, study, and mingle with friends. The other world is tied to traditions that govern their choices of marriage, divorce, and financial matters. Maysa, a young woman from a wealthy family in Amman, stated:

> We are *usra motahaderah*, a 'modern family.' My father or brothers do not intervene in my life or my sisters' lives. They support us and provide us with everything we need …. I am a very independent person. I do not ask for my brothers to tell me what to do, I know that out of respect for them I have to inform them of my activities and decisions, but not to take their permission unless it is something related to the entire family.[81]

I asked Maysa what she thought were personal or family matters, to which she—in part—replied:

> Marriage is a family matter. The person I am marrying is going to be part of the family. It is not only a relationship between him and me. He has to be from a similar background, this is all that my father asks; he does not impose a particular person or family. I agree with him and that's why I am so careful of who I date.[82]

So, being from rich class furnishes women with opportunities to see themselves outside the epistemic frameworks of femininity, opportunities such as education, travel, and exposure to different cultures. However, these opportunities do not inevitably influence women's values of femininity to stand in opposition to the masculine-produced one, particularly in seeing themselves as independent of males in determining issues of marriage and divorce and being responsible in managing their financial affairs.

Kandiyoti argues, "women's attachment to and stake in certain forms of patriarchal arrangements may derive neither from false consciousness, nor from collusion but from an actual stake in certain position of power available to them."[83] Consequently, Women's pragmatism is induced by both privileges that change what gender roles offer them and the potential risks of challenging the normative framework of femininity. Through this structure, women's preferences, interests, and choices encompass a discrepancy between being and doing, a form of doxa that endures the structure of power and aims at superficial change at the level of roles, which holds no power of subversion or transformation. This discrepancy appears to suit women as well as correspond with the state's "double speak" policies of engaging women at the state-building level while maintaining their inferior position in the private sphere. Consequently, pragmatism reflects a complex combination of compliance and resistance, where, on the one hand, women are critical of the doxa and, on the other, conform to some of its aspects.

"Masculinized" and Exceptional Women

One of women's noticeable responses was self-association with masculinity rather than femininity. Several reasons were articulated by those women who described themselves as masculine, not feminine, due to their embracing of masculine characteristics—such as, gaining forms of power, hatred of women's world with too much perceived emphasis on makeup and shopping, and less responsibilities for domestic household work. These reasons appear to be relevant to masculine women in different parts of the world, as Carr's (1998) study on tomboy girls in the USA shows that gaining power and accessing more freedom are two important reasons for women to turn themselves into "tomboys."[84] However, in my research, the freedom and power gained by being "tomboys" were constrained when girls reached maturity, and behaving in a masculine way meant more supervision and in some cases harsher disciplinary measures.

Nadia, a young, upper-middle-class, single woman working as an engineer, said: "I guess I have a hormonal problem. I do not act like women. I tried to show shyness and softness, but it is not working."[85] She told me that she got into trouble because her personality was stronger than her brother's, and she was beaten several times when caught playing football with boys:

> I was described as crazy when I was a kid. They used to call me names such as Abu-Ali or Hassan Sabi (the boy Hassan).[86] Making me into a female was an impossible mission for my family. They did not succeed totally, but I certainly have something feminine now.[87]

Nadia did not like being a female, even though she tried hard to show that she had some feminine characters. She told me that she wishes she could be a woman and a man at the same time:

> There are good things in being a female but I also wanted to have something masculine in me. I like being tough not weak. I like walking in the street without being harassed or supervised.

Therefore, the rejection of femininity is related to the construction of women as weak and the violence women face in both private and public spaces.[88] Also, there are consequences for women who embrace masculine traits or behave in a manly manner. Rand, a single young woman from the middle class, used to dress like a boy. As she described: "I had very short hair. I used to walk very fast and speak loudly."[89] Apparently such characteristics did not attract men, as they perceived such women to be "masculine":

> It hurts when somebody tells you that you are a man not a woman. Of course, it was supposed to be a compliment. However, it makes men run away from you. I used to be considered a brother of my male friends at university. They liked and trusted me very much as a friend, but not as a girlfriend. I had to live with the idea that I am not suitable for marriage for quite a long time … I have also had to handle the fact that I am more under supervision of my family than my sisters who were feminine.[90]

There are two issues at stake for Rand here. The first is that she is seen as a masculine woman, but without the privileges associated with masculinity. The image applied to her disqualifies her from being female, but does not empower her enough to have authority over herself. This matter demonstrates Connell's theory (1995): masculinity is not what men are, it is the constructed patterns of "what men ought to be."[91] The established standards and connotations of femininity and masculinity are the configurations of gendered practices, where masculinity is the symbol of authority and femininity is the symbol of submission.[92] The symbolic images of both femininity and masculinity can only be understood within a linked system of gender power relations.[93]

For Rand, the second issue relates to her fears of not getting married due to her "masculine" personality. She sees marriage as a sign that the community has a sense of her as a decent feminine woman, and therefore respectable. In order to get marriage offers, the conditions placed on women relate to obedience, lack of competitiveness, and weakness, which are expressed as layers of femininity for some women. Several women, from different class backgrounds, emphasized that women with strong personalities are not favored for marriage. In Jordan, the discourse of female spinsterhood (*o'nouseh*), which is only used to refer to women over 25 but not men, symbolizes women's "wrongfulness" or deficiency in their inability to marry.[94] Marriage, therefore, symbolizes women's dreams and abilities and is a "dominant discourse with which a girl lives."[95]

Efforts to make women "feminine" and fit within the normative framework of femininity demonstrate that women do not "normally" match and display the image and standards of the normative femininity, such as softness, fragility, dependency, and passiveness. As Connell (2005) suggests, "(t)he efforts to maintain strong divisions are themselves strong evidence that the boundaries are not too stable."[96] In addition, legislating men's authority over women based on the argument of natural difference also demonstrates that these differences are neither natural nor static. If the standards and characteristics of femininity and masculinity are fixed, then there would be no need to create laws and rules to protect such well-established norms. If such were really the case, would not men and women's nature be enough to maintain gender relations? Nonetheless, this account also reveals another form of doxa that women experience. On the one hand, these women reject the order of nature that categorizes them as feminine; on the other hand, in their attempt to escape gender classification, they submit to broader gender normativity by embracing characteristics that bring them closer to masculinity and further removed from femininity.

The Activist: The Exceptional Alien Woman

I was visiting one of the women's NGOs, sitting in the reception and waiting for the woman whom I would be interviewing. While I was waiting, there was much laughter and the employees gathered to discuss a story that happened the day before. I joined the employees to listen to the story, which was narrated as follows.

The previous day had been the conclusion of a workshop convened by the organization at the Dead Sea. The drivers were supposed to be ready to pick up participants and drive them back to Amman. The director went to check if all was going well, but found that none of the drivers were there and became very angry. The employees spread the news of her anger, and after the director failed to find the drivers in the lobby, she went outside again and saw all of the drivers in their cars. She was surprised, as five minutes prior no one had been there; she had been standing in the main entrance and did not see anyone leave the hotel. After they arrived in Amman, the chief of operations told her that when the drivers knew she was angry they could not bear to walk in front of her, so instead they had lain down on the ground and started crawling to the hotel's main gate. The interesting thing was that one of the drivers' wives had directed them to the main entrance so they could escape without being noticed.

As I was listening to the story from different people, including the drivers who were relating it with pride, it was very interesting to see how the drivers and other female and male employees did not see this behavior as in any way degrading to their masculinity. It was also important to note that the driver, who was with his wife, did not take into account his position as a man for whom such an act might risk his power or authority. It is also vital to know that one of the drivers is a former military officer, hailing from a tribal family. The position of authority of the director, who is a women's rights activist, obliterated the position of masculinity in relation to femininity. In this example, the drivers viewed the director as a person of authority and not as a woman; therefore, their act was not degrading in any way to their masculinity. This perception entails a shift in the thinking of what is acceptable for men to do in the presence of women. The status of the director and her personality, as described by the employees, as a strong, fair, nice, unique, and exceptional woman, reworked the relationship between men and women. One of the male employees said of her: "She is different. You cannot find a man or a woman in her manners and morals." Here, the exceptionality given to her character also meant that this is an individual case; it is not the norm to have this kind of personality associated with a woman. By talking about the exceptionality of the director's personality, the drivers also meant to justify their action based on her personality, as someone they love and respect, not based on her position of authority. Also, to make sense of their act, they had to place her in an alien position, someone who does not belong to the category of men and women.

The women feminists and activists I interviewed shared similar stories with me, how they have been seen as different from other women and categorized as either masculine or a third gender. It was apparent that some enjoyed this kind of exceptionality and did not challenge it, while others did not accept it. However, regardless of their position, a common trend was that such categorizations did not come without a social cost or sanctions on some women activists. Sana', a well-known and very successful lawyer, told me:

> Look Afaf, sometimes I regret that I rejected all the marriage offers I got when I was younger; then I think, if I had gotten married I would not have managed to develop my career. I am very satisfied with my life, but we cannot ignore the status that marriage gives to women. Every day I hear statements from male and female colleagues: "She is successful but not married" and "She is beautiful but not married." Sometimes, they say even harsher things like "You have no feminine features, so how can you expect to get married?" or "You need to change if you want to get married."[97]

Sana' has been very affected by these statements, but reached a level of self-perception—she is confident in her status as a successful and competent lawyer and activist—that makes it impossible for her to change to match normative perceptions and prescriptions. She is a respected lawyer and politician, but also feels the community's pressure because she is in her mid-thirties and still unmarried. The characteristics contradict the dominant perception of femininity, disqualifying her from being seen as a good potential wife. So, there is a linkage between the criteria for women to be good, obedient wives and feminine characteristics. In the case of Sana', she is not under the conditions of other single women; many have to remain under their brothers' control after their parents' death, as there is no social security provided by the state, and must accept and internalize normative femininity to ensure that they are not left without means of support. Therefore, Sana' has the possibility to escape the internalization and the pragmatic senses of femininity, but not the exceptional.

Reem, a young, middle-class activist, told me: "*Ounotha* is the opposite of me. All that I learned about what *ounotha* entails, I proved to be wrong."[98] Reem started questioning her identity as a woman when she was forced to study a subject not of her choosing at university:

> I really felt angry when I could not decide on my subject of study. My father wanted me to be a teacher, so he filled my university application with Arabic, geography, history, etc. I told him I want to study business, but he would

not listen. So I changed my subject during my first term of university. It took my father one year to learn what I had done. He was very angry and I was not allowed to go to the university for a week. However, I believe the confrontation with my father made me who I am now, and opened my eyes about women's rights and the women's cause.[99]

Reem stated that she hated being a girl when she was a child; she wanted to be a boy:

Girls were weak, but I could feel the strength of my personality. Everything I was told about being a girl did not make sense to me. I used to dress, behave, and act like a boy. When I was young this was okay for my family. It used to be a source of joy, as they would make fun of me when I carried heavy stuff or held my older brother. When I grew up, my family tried to tame me to be a female.[100]

Reem's family was not only trying to get her to realize her gender identity as a female; taming her to recognize her feminine traits was a method of controlling the so-called masculine features of her personality, which should only apply to males. Understanding that women are not normally weak and can escape categorization defeats, as Bourdieu (1998) suggests, the order of things, as it would be against that which is normalized and irrevocability naturalized.[101] This is why the drivers had to view their director as exceptional, and Sana's colleagues blamed her for not getting married. The exceptional sense of femininity means that examples that do not fit in the dichotomy of femininity and masculinity exist; these characters, thus, must remain extraordinary or alien so as not to have any transformative power or contribute to the production of norms that challenge the very basis of normative femininity. The perception of women who are not identical to the dominant norms of femininity and masculinity as exceptional, by both men and women, contributes to the reproduction of the gender order and power and recognizes the legitimacy of the symbolic order of nature.

It was observable that women who managed to challenge normative femininity, in any way, have been supported by factors outside the state's modalities of power. In Sana's case, her well-educated, activist parents were supportive of her self-development outside the normative framework of femininity. For Reem, the support she received through being part of women's groups provided her with alternatives to family support that were lacking in the state institutions. However, alternative means

of support, which I discuss in Chap. 4 in detail, when created and corresponded with what could provide women with a sense of security, opens doors for women to question and resist normative femininity. As long as these alternatives do not exist at the state level, women's knowledge about themselves cannot be produced independent of the knowledge established in the gender hierarchal institutions. Women who resist the produced knowledge, while, on the one hand, show that normative femininity is fallible and contestable, will, on the other hand, continue to be exceptional, alien, or extraordinary, which does not contribute to producing alternative knowledge about women.

Conclusion

In this chapter I showed that male authority over women, and its social rules and control mechanisms, defines both masculinity and femininity. However, the different forms of femininity of which women spoke show that, even within such a particular context, gender institutions and structures are not essentially capable of producing women as a homogeneous, incompetent group in comparison to men. As Connell (1995) puts it: "Hegemony does not mean total control. It is not automatic and may be disrupted."[102]

While gender institutions may contribute to reproducing the discourse of women as weak, as in the case of *wilaya* over women, where the law presumes the need for all women to be protected at the individual level; as I discussed, women have different ways of internalizing, reconciling, disrupting, or challenging the normative femininity. This means that there is not total submission to or utter rejection of normative femininity, rather women's perception of femininity is situated in relation to masculine institutions that construct, produce, and give legitimacy to normative femininity—such as law, religion, and other institutions that have further responsibilities in managing and organizing women's activities within the framework of normative femininity, like family, juridical institutions, and tribe. These institutions also play a role in relation to how women's femininity, to some extent, intersects with class, educational background, the existence of alternative formal and informal networks (like women's NGOs), and connection to or detachment from their tribe's power and structures.

The ways in which women understand and try to make sense of or reject normative femininity, or some aspects of it, are explained in relation

to three forms. The first form is women's compliance with normative femininity. This is based on the understanding of who has authority over them and their potential gains from the institutionalization of laws on *wilaya*, where their account of femininity is thus based on the same rationale and motives explained in *fiqh* literature, judges' perceptions, and customary tribal rules. This is partly related to these women's dependency, either financial or social, on male relatives to manage their affairs, as well as on the state's insufficient, or lack of, recognition of women as full citizens, where women's protection is only secured through family and kinship networks.

Therefore, women who rely greatly on male support, be it financial or social, and have internalized and submitted to male authority as a condition of their existence, tend to make more sense of normative femininity. These women's compliance with normative femininity resulted from a complex set of relations that are legally and religiously legitimized by laws on *wilaya*, and politically structured and managed by various institutions such as the family, the tribe, and the judiciary. The fear that women hold, as Sonbol (2003) puts it, is "in itself a source of instability, especially when what is feared or imagined is not only legally possible but occurs frequently to others."[103] These fears are, as Sonbol (2003) suggests, a "source of power in the hands of men who could make them a reality."[104]

I suggested in this chapter that the construction of femininity is often produced and constructed in relation to women's responses to the authority of men over them. When this authority is clearly defined in law and social practices, and when there is an absence or lack of alternatives and the state intervenes in protecting individual's interests, women think of femininity from within the broader context of legal, economic, and political structures. Thus, the sense of the Self differs among women based on their relations with multiple kinds of authorities, their positions within the institutions, their consciousness of consequences, available opportunities and alternatives, fear, and the danger imposed by the institutions that govern their activities. These factors are essential in looking at how women influence and are affected by normative femininity, and how, in turn, a woman engages in practices that contribute to the naturalized femininity or contest some parts of it.

The lack of alternatives, and indeed the state's deliberate policy of leaving women's issues to be managed by the family, implies that women have a limited choice in challenging the existing power structure. This is clearly manifested in the statistics on gender-based violence in the

Jordanian Population and Health Survey (2012), where 86.3 % of women who experienced violence only sought help from family members, and less than 2 % of women reported violence to state institutions, like police and health centers.[105]

The second form of femininity discussed in this chapter is the pragmatic form, which is a demonstration of how women practice and perceive normative femininity not in a fixed, static way but in a discrepant sense. At this level, women's pragmatic sense demonstrates that women's total departure from the normative perception of women is difficult in a context where the system of guardianship continues to exist. The pragmatic sense is a reflection of a woman either resisting some norms and accepting others or practicing non-traditional gender roles while at the same time accepting their "naturally inherited" dependent status. In this account, I also discussed how the change in women's traditional gender roles in Jordan has, on the one hand, opened the possibility for women to experience and engage in non-traditional roles and, on the other hand, also produced paradoxical and pragmatic modes of femininity. Women's contradictory, pragmatic form of femininity is a result of the understandings and attitudes produced through the combination of women's learnt incompetence in comparison to men and their practical experiences and achievements on an equal footing with men. The conception of the Self, then, becomes a combination of theory and practice. Hence, as I have shown, this paradoxical form of self-conception can be related to, in Foucault's words, "techniques of existence,"[106] where a disconnection of experience from established knowledge is an essential condition of survival.

The analysis of women's pragmatic embodiment of femininity also poses a question in relation to transformation of knowledge and women's changing positions. Several scholars have emphasized the significance of women's conflicting positions and perceptions of changing gender roles. Hoodfar (1997) posits that women's position within the household economy, and strategies of manipulation and negotiation, would ultimately lead to a change in gender ideologies. The case of pragmatic women in Jordan, on the contrary, shows that women can only stretch their gender roles to some extent, so long as they are not challenging normative gender identities and relationships. Consequently, while the change to gender roles might open the door for challenging gender hegemony at the individual level, it does not necessarily allow women to collectively and publicly challenge the gender orders that rely on certain notions of femininity and masculinity. There is a supportive environment for women

to engage in activities and roles that are traditionally defined for men as long as women learn the principles of obedience to male authority. This is also a manifestation of the ways in which women try to make sense of the existing order through finding or defining their own interests within that order.[107] This is in addition to reasons related to fear of unknown threats to their well-being and survival in cases where women have demonstrated perspectives not in line with the established order. I will discuss this matter further in Chaps. 4 and 5.

Exceptional and masculine women are the third central account, showing that there are women who managed to escape the normative sense of femininity. I divided women's attitudes in this account into two: the masculine account and the exceptional account. For the first, associating their sense of self within the powerful position of masculinity meant, for some women, that they could achieve more freedom and mobility, as they would be viewed as trustworthy. However, this association does not come without any contestations and attempts to return them to the "*ounotha* world." This process includes restrictions or sanctions, as in the case of Sana', who did not have the option of marriage unless she changed her personality.

For women who expressed a view of themselves as exceptional, their personalities were either attributed to masculinity or viewed outside of the category of men and women. In order to undermine their efforts to escape normative femininity but remain women, they have been alienated and kept as exceptions. Even when described as extraordinary humans, such description implied these women's disassociation from other women, ensuring their personalities do not challenge the normative notion of femininity or pose any threat to masculinity. One important point that may need further examination is the perception of men who are under the authority of women. While I addressed this issue briefly, as it appeared coincidently in my research, it is quite significant to see how men make sense of their masculine status under conditions that do not correspond with hegemonic masculinity, and how in turn that might open doors to challenge gender hegemony.

Consequently, the three forms can be seen as a result of the doxic mode of knowledge production. Normative femininity can only be sustained when it becomes self-evident, when women perceive it as a common sense. Thus, women's praxis and ideology is fundamental to the creation or rejection of the doxa. However, for Bourdieu, this does not mean that no tension exists between the state's ideology and those who are controlled by it. The three perceptions of women demonstrate the difficulty of arguing that women's sense of self is only generated through

the system of guardianship that limits their options to that of merely adhering to male power. Rather, the extent to which the domination structure is able to impose its own values and normative views on women's sense of self and views of femininity varies and is very much tied to material conditions and symbolic interests. The system of domination is not rigid and, thus, women's taken-position determines the extent of the doxic mode.

The symbolic work of constitution or consecration, which is necessary to creating a unified group, is more likely to succeed if the social agents on which such work is exerted are more inclined—due to their proximity in the space of social positions, as well as the dispositions and interests associated with those positions—to mutually recognize each other and recognize themselves in the same project.[108]

The three positions taken by women also cannot be understood in isolation from what Bourdieu calls "the sense of limits," commonly seen as the "sense of reality" and the ways in which this sense of reality or limits corresponds to the objectives of the structure of domination.[109] Here, it is crucial to understand that, in a system like guardianship, women recognize themselves in a variety doxic forms that neither completely correspond with the dominant classification of men and women nor mark a departure from it. The social conditions of domination, established sense of reality, and material and symbolic interests aim, on the one hand, to create a united vision among women but, on the other hand, result in the creation of divergent positions; under very restricted conditions, women are agents who situate and rework the system based on their own preferences and interests, meaning they can apprehend, reconcile, and even reject normative femininity rather than passively reproducing the very basis of their subordinate positions. This also suggests that as long as women are naturalized and normalized as legal minor subjects, who need protection, discipline, and male rationality, they have more or less chances to rework their femininity in a way that does not completely subvert the system but instead minimizes its effects and consequences on their lives.

Notes

1. Julia Choucair, 2006. "Illusive Reforms: Jordan's Stubborn Stability" Carnegie Endowment for International Peace: 7. The one-person-one-vote law was issued to limit the electoral success of Islamists in the 1989 elections; the law was amended, restricting each voter to elect only one candidate, regardless of how many seats are to be filled in each governorate.

    The law encouraged tribal candidates and undermined large parties: obliged to make one choice, the majority of voters choose the candidate selected by the tribe.

2. Interview with Sahar, September 2012, Amman.
3. Ibid.
4. Ibid.
5. Ibid.
6. Ibid.
7. Committee on the Elimination of Discrimination against Women, *Concluding comments of the Committee on the Elimination of Discrimination against Women*, Jordan, 39th session, 23 July 2007.
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Women's Everyday Tactics of Defiance and Compliance

Introduction

At the end of one of my days of fieldwork, Shireen, a journalist who joined me in some of the interviews in Jabal al Nadhif, one of the poorest areas in Amman, invited me to have a cup of coffee at her house in the area. When we arrived, there were several women sitting in the living room: Shireen's aunt, grandmother, mother, sisters, and sisters-in-law. Shireen introduced me to them and we started talking about my research. The ensuing discussion was so important I asked them if I could record it.

It was very interesting to see how, in the same family, women hold differing views about what a "proper woman" means and, consequently, what this entails in the practice of how women should behave, dress, speak, think, or do. Shireen's grandmother kept repeating that women in their family are very respectable and do not do anything without men's authorization: "Women are silly and can bring shame to the family so they need to be supervised."[1] Samar, the youngest sister, disagreed with her grandmother on some points, but also disagreed with Shireen's position that women are capable of protecting themselves and do not need a man's protection:

> Let's face it, we need men's protection. We do not live on our own in this society. You [directing herself to Shireen] are working hard and if my father decided to stop you from work then you would lose all of what you have achieved, so what is the point of doing this in the first place.[2]

Samar's words encapsulated the two important factors that some women take into consideration and determine whether women's everyday practices are in line with or against the rule of *wilaya*. First, the assumed fact that women are in need of men's protection; and second, that men have the authority to prevent women from working or making any other decision related to their own lives, and consequently women's established status is that of dependency in relation to men. It was also important to see the differences between Shireen and her sisters. Shireen, as the eldest sister, has more scope for movement than her sisters. But that is not the only reason why she holds such a position: as she explained to me, she challenges her father and brothers when it comes to issues related to her independence, which she defines as "my choices over marriage and work."[3]

Shireen went through very difficult times until her brothers and father accepted that her job requires being out late, conducting interviews at police stations or courts and participating in demonstrations. As for her sisters, their issues are totally different; for them, matters such as attending parties, going to the cinema, and ways of dressing are central. On the other hand, unlike Shireen, they find it appropriate for their father to decide on their marriages or for their brothers to decide on their jobs. Ahlam, another sister, mentioned that her brother asked her to leave her job and so she did: "He knows better than me. Men can figure each other out easily. When he met my director he felt something wrong about him. So I left work."[4] The perception of women's independence is viewed differently between Shireen and her sisters.

The next day I met Shireen, we continued our discussion of her sisters' views. She told me how she struggles to convince her sisters to do things in public rather than in secret:

> Whenever they wanted to go to party or cinema they tell my father they are with me visiting a friend, which I do not like. I threaten them to tell my father the truth but then I do not want to hurt them. They find it less of a headache to just hide things. Once my brother discovered that Ahlam was not at my aunt's house and she was with her friends. He hit her brutally. When I tried to prevent him from hitting her, he slapped me. My father got mad at him for slapping me but he did not try to stop him hitting Ahlam.[5]

Shireen's different position in the family than her sisters, as she explained to me, is due to the family's need to send her to study outside Amman, as she did not manage to secure a place at the Jordan University. Her father

also could not afford to send her to a private university. She is the eldest daughter and, therefore, the first one of the family to graduate. She was the first in the neighborhood to get high marks in the Twajihi's results (high school exams), which made her father very proud of her: "I lived four years in a girls' dorm, I guess they became used to the idea that I am not in the house and I am used to the idea of being on my own." She told me that her father once firmly said to her brother, when the latter was questioning her late hours at work, "She had lived in the desert [referring to the area where Shireen studied in the south of Jordan] on her own for four years. If she wanted to do something wrong, she would have done it at that time."[6]

I chose to start this chapter with Shireen's and her sisters' arguments, as I aim to examine women's everyday practices within the constructed notion of normative femininity and rules of *wilaya* over women. I choose the aspect of women's dependency that is addressed in *fiqh* literature, the JPSL, and judges' conceptions as a core aspect of normative femininity in order to examine how women live and experience this aspect in their daily lives. I discuss whether women's practices aim at reaching a state of independence that challenges the very basis of normative femininity and, thus, reconfigures the space within which they have been positioned, or if they attempt rather to simply undermine or survive control mechanisms. I also examine whether it is necessary for women to situate their practices in agreement with normative femininity, as well as whether some practices— while appearing to correspond with normative femininity—can instead subvert the normative and lead women to achieve an independent state.

Conceptualizing Women's Tactical Practices

"*Norms cannot be embodied without an action of a specific kind, and they cannot continue to enforce themselves without a continual action. It is in the thinking through of this action that change can happen, since we are acting all the time in the ways that we enact, repeat, appropriate and refuse the norms that decide our social ontology.*"—*Judith Butler, in* Agenda: Empowering Women for Gender Equality[7]

In this section, I show the changeable, overlapping, and ambivalent nature of everyday practices that incorporate styles of bargaining, accommodating, co-option, subverting, and secretive actions.[8] As I discussed

in the introductory chapter, it is not, by any means, possible to locate women's everyday practices within one theoretical framework. There are countless, variant practices discussed throughout women's narratives, which themselves vary from one woman to another. Some practices, like those of Shireen's sisters, take the discussion to Scott's (1990) analysis of the "infrapolitics of the powerless," which encompass forms of "hidden transcripts." These hidden, disguised everyday practices, as Scott posits, are the means by which the powerless can threaten the power without publically challenging it.[9] Some of the practices discussed, particularly in the context of the kinship system, touched on poor and tribal communities' reemphasis on and reproduction of the doxa; within such systems, women's abilities to push the limits of the unquestioned aspects of women's acceptable social practices are very restricted and, thus, these tactics reveal forms of internalization and accommodation of the family's and tribe's interests and desires. Other women's practices accentuate the "bargaining power"[10] that women develop and practice as both a strategy and tactic within and beyond family relationships. Women's bargaining strategies appear predominant in a context where multiple forms of domination exist and involve not only gender but also systems of kinship and class. This necessitates analyzing women's practices in relation to their position within different types of dominations, the power and opportunities available for them to gain power over life decisions,[11] and the material consequences and discipline mechanisms imposed on women who attempt to subvert the system. In discussing these practices, I make a distinction between practices that, on the one hand, have a solely tactical nature—that is, their aim is to cope with, survive, and trick the system and take advantage of a situation—and, on the other hand, practices that have a strategic character, even if appearing to be tactical or practiced in a "disguised form,"[12] and somewhat geared toward realizing strategies of independence.

In other words, I locate women's everyday practices within two sets of tactics: the first are single events aimed at merely surviving or reducing the effects of power and its control mechanisms; the second is a combination of practices directed at challenging and subverting control mechanisms, which can later materialize into a systematic strategy of resistance. By framing women's practices as tactics, I can explain some of the impasses and unresolved conceptual questions pertaining to the ambivalent and manipulative nature of women's practices. Explaining women's different tactics also has the advantage of detailing how women, who are meant to be dominated by the power of *wilaya* and the normative construction

of femininity, can also somehow make use of the structure and, on some occasions, redefine the constructed gender relationships.[13] Through examining women's tactics, I challenge the victimization/passivity account and aim to extend the discussion of women as agents and active subjects, while at the same time recognizing the context, limits and consequences that play a crucial role in women's situated practices within the power structure and order. Analyzing women's practices in terms of tactics also helps us to understand women's lived reality, as well as the material and symbolic consequences for women if they overtly resist power. This is particularly true in a context where, as I discuss in Chap. 5, public and direct resistance could lead to life imprisonment or death for a woman. In this chapter, I discuss and analyze women's tactic of soft, gentle means of surviving, coping, and, sometimes, contesting power without risking their lives or endangering their existing rights and freedoms. In Chap. 5, I discuss forms of women's direct and public resistance.

Women's Tactics and the Aspirations of Independence

Siham, who is 27 years old and working as an engineer in one of Dubai's big companies, told me:

> I could not sleep or eat for two weeks thinking of how I could present to my father that I want to apply for a job in Dubai. The idea of me travelling on my own was impossible so I had to find the right ways to convince my father.[14]

For Siham, the opportunity that a good job in Dubai offered was not only related to the job's salary. Siham thought of it as a way to experience living alone. She told me this is one of her dreams, and "maybe the most important one."[15] To make sure nothing went wrong, Siham first convinced her mother and then engaged her help in persuading her father to accept Siham's travel to Dubai. The plan was for Siham's mother to speak to her father first and tell him later that she did *istikharah*[16] and saw that travelling to Dubai was the best option for Siham. Siham is not religious. She thinks of herself as a *bent motahaderah*, a "modern girl," but she knows that her father has strong faith in religious rituals. She told me that her mother actually performed *istikharah* so as to not be dishonest.

Siham's tactics were determined in order to achieve her independence, which she defined as "being independent from family's interventions"[17]

in her life. With such a goal in mind, her tactics were well studied so that she could guarantee results without risking her status or position within the family, as she is an elder daughter with relative freedom of movement. Siham knew that she could not travel or make a work contract without her father's agreement. It seems that if such is justified in relation to the Islamic order and God's will, then women—like Siham—may have to use the same power order that restricts them to reach their ends; if, in the logic of *wilaya*, God ordered men to control women, then women have to find ways in which God stands on their side, which was the *istikhara* option in Siham's case. Therefore, her awareness of the law and her father's beliefs enabled Siham to find tactics that, while appearing to be from within, actually aimed at countering the system.

Siham's aim was to gain independence, but she selected tactics that did not challenge traditional norms. Freeman (2005) has shown that, in relation to Moroccan women's notion of freedom, women sometimes adhere to gender norms in order to not jeopardize their already obtained mobility and elude the negative consequences of their actions.[18] Siham, however, did not adhere to gender norms; rather, she used what was available to achieve her goals. She still does not believe that her tactics worked. She was visiting Jordan when I met her. It was only her first week there, but she could not wait to get back to Dubai:

> You know how it is when you live on your own. Although my father used to call me every day after work and ask me directly if I have made any mistakes, still, living and working in another country made my father less in control of my life. He tried to get me back to Jordan after six months of working in Dubai because he called twice and did not find me home on time. I told him if I would come back to Jordan, I would imprison myself at home and not work anymore; he answered me: "that would be better." He has not mention that to me after I told him so because my family are already used to the amount of money I am sending to them. My father is a retired man and I have two sisters at private universities, and two young brothers still at school, and you know how costly universities and schools are in Jordan.[19]

However, Siham did not stick with these tactics, she later moved from within the system to confrontational tactics, threatening to deprive the family of a good source of income. She is now more empowered and her salary makes a difference in the family's finances. The economic power she has, which she recognized, enabled her to not negotiate or seek her mother's intervention; rather, she used her financial support tactically to

continue enjoying an independent life. In this transformation, Siham's adherence to *wilaya* rules was a temporary tactic rather than a lifestyle or how she viewed herself, and is thus a practice from within the system.

Diane Baxter (2007), in her analysis of the notion of honor in Palestine, concludes that Palestinian women view the notion in relation to the society's values of honor, where they have not seen it as a set of controls but rather as a responsibility that, when practiced appropriately and "if fulfilled, (ideally) brings respect, stability, peace and honour to the family."[20] She suggests, "Subjectivity and agency are achieved within and are a reflection of structural, ideological, and experiential configurations, rather than as resistances to them."[21] She refutes the ways in which women are depicted in contradictory positions, as "powerful and subordinate, assertive and diffident."[22] This argument applies to other cases that I discuss later, but Siham was different. Her initial rejection of women as dependent impacted the way she tried to arrange matters in her life. This means that we cannot generalize about certain experiences of women. Even in cases when women appeared to adhere to the order of gender relations, they sometimes did so to minimize the constraints imposed upon them. For instance, Salam, also a middle-class working woman, told me: "I found a good way to deal with my family, I tell them nothing about my life. I pretend to agree with what they say, while I totally disagree."[23] Salam also has to perform some roles against her will:

> I accept to see women who come to see me for marriage purposes. I smile, talk to them but when they leave I always manage to find reasons to reject the marriage proposals. If I refuse to act this way my family will force me, they will think I have someone else in mind.[24]

Salam has a group of artists, men and women, with whom she meets regularly at some of the group's married couples' places or at art galleries.

> They are my chosen community, we do everything together, when I am with them I feel like living in a different world, no one judges me or accuses me of anything; we all had studied together and known each other well. When I leave the group I come back to reality and live within my family's wishes. This is the only way I can live peacefully. I do not like troubles.[25]

She told me that some of her friends think she must confront her family, as she is in her late twenties and has a good career and salary.

I think I can but I do not want to do that. My father is a kind man but very traditional, the way he thinks of women and what they should do is not going to change, so why should I bother to try?[26]

Salam is secretly challenging her family, although her family sees her as a very obedient daughter and submissive to their rules. Her tactics enabled her to avoid confrontation, particularly in relation to marriage, which for her is an essential matter:

I cannot imagine I am forced to marry a man not of my choice. Marriage for me is the only way to live my life freely. Up to now, I did not meet the person who I can be myself with, and until that happens I will continue to fake things with my family.[27]

The tactics of showing submission and practicing her independence secretly, which could be, as James Scott terms, "false compliance,"[28] is temporary for Salam until she finds a way out of the family's house. Her main goal is to live a life free of family interventions and to be able to mingle with her friends and go to cinemas and theaters. She is seeking independence, but it is hidden and postponed until she meets the right husband. Salam does not think of herself as dependent, she feels that she is very independent; however, Salam's stated limitations on achieving her independence are not related to her understanding of independence as limited, conditioned, or from a normative viewpoint, but are rather the product of consequences and challenges she might face if deciding to practice her activities publicly. Unlike Freeman's (2005) respondents, who talked about freedom with limitations defined in relation to their family's ties or gender norms, Salam's hidden and postponed independence is more related to a fear of losing mobility: as long as she knows how to get away with her activities, she does not aim to risk what she already has. She believes in her rights to move freely, decide in her choice of marriage, and choose her type of job but, at the same time, chooses a contradictory way of living that satisfies both her beliefs and her family's norms. Such contradictory practices of women are, as suggested by Abu Lughod (1990), related to complex and contradictory structures of power, particularly in cases where women live in communities that are tied to multiple and non-local systems.[29] In the case of Salam, the contradiction between how she looks at herself as independent and how her family views her necessitated living two styles of life. In her outside life, she has studied and had

friendships with men and women, and her job entails late working hours and travel within the country, which is an opportunity for her to engage in other personal activities. On the other hand, at her house she has to show obedience to her father and brothers and accept to sit with women who come to see her for marriage propositions.

For Salam, even negotiation could be a matter of risking what she already has. Therefore, she detaches herself from any discussion that could lead to dispute over her scope of activities and allows her brother to closely intervene in her life. For other women, negotiation was seen as a safe tactic. Rula, a young activist, stated: "Negotiation gives skills not just to negotiate your rights but also how to truly achieve them."[30] She told me how much time she spent negotiating with her father to allow her to participate in political activities at the university. She had to cover her head and give up makeup in order for her father to trust her going out with male youth: "I made a very difficult compromise between my feminine look and things I wanted to do."[31] To gain more trust, Rula had to use a "bargaining" tactic that empowered her at the expense of her sisters. To gain power as an elder daughter, who has power over her younger sisters, she had used her position to impose more restrictions on her sisters and censure their actions:

> It worked but I did terrible things to my sisters, I was my father's spy, telling him what they were doing. This put my sisters in so much trouble. I think I was still at a stage where I wanted to show my father that I am different and thus should have his trust.[32]

However, engaging in activism opened the doors for Rula to develop her capabilities and, in turn, change her views on women more broadly: "I realised not so long after my engagement with women's activism that I started to be confident and feel a real difference in myself."[33] Rula has certainly gained power through her bargaining approach, as her tactics later transformed into overt confrontation with her father's authority. She gave me an example of when he tried to prevent her from travelling and she threatened to leave the house:

> Of course, I would not have left but I knew this was the thing my father most feared. I had no choice at that stage, it was either I go back and continue what I used to do, or I move forward.

Interestingly enough, Rula's confrontation with her father worked. She told me that when she needs to travel now, she just informs her father a few days before:

> I have been through a very difficult time, particularly the few months after I took off the *hijab*, but I had to maintain my strength so my father did not take note of my inner contradictory feeling. I thought of surrendering several times.[34]

The shift in both Siham's and Rula's tactics occurred when they gained some resources of power. Shahin Gerami and Melodye Lehnerer (2001) similarly showed, in relation to Iranian women's strategies of negotiation, how women's knowledge of the system and available resources enables them to subvert the system in a way that undermines its impact on their lives.[35] However, the use of knowledge and resources interweave with other factors, such as the level of restricting measures, family affiliation with tribe, and the type of authority practiced over women, which may or may not allow women to subvert the system.

The three stories of Siham, Salam, and Rula, who are all working women and belong to the middle class, show how women use different tactics according to the situation. Siham's tactics were determined by her goal of achieving independence, and she was fully aware of her mother's influence on her father, her father's beliefs, and later his need for her salary. Therefore, Siham used tactics from within the system until she felt financially empowered to work against it: "When you practise freedom, and know what it means, it is so difficult to go back."[36] She also knew that her father had the ability to prevent her from travelling, so she tried not to confront him on what she called "superficial issues"[37]:

> My father still tries to show that he is in control of my behaviour. There is unimportant stuff, like not wearing tight jeans, or changing my hair colour, I am okay with that if it makes him satisfied. But when he asks me to meet people for marriage purposes or intervenes in anything related to my job, I do not accept it. He kind of knows his limitations now.[38]

Rula defined her and her father's limitations similarly. She has also moved from tactics aimed at minimizing her father's control over her movement—bargaining tactics—that came at the expense of her sisters to those aimed at achieving her independence. However, the enabling factors were different for Rula and Siham. While Rula also used the financial

tactic, the support she gained from the community of women's activists was what was most important for her. For Rula, women's activism was a social backup that replaced the family's social support:

> When I have any problem whether financially or socially, I do not inform my family. Actually I do not feel I need to let them know when I have people who can support me in more meaningful ways.[39]

Rula's activist community became a source of social security, a matter that is of great importance to women in Jordan. As I discussed in the previous chapters, the social security and welfare of individuals are determined by kinship and familial relationships rather than by the state. In this sense, women who confront their families know they must first secure alternative means of social support.

In the case of Salam, she did not try different tactics in different stages of her life, but used tactics as a "disguise to mask the reality of hidden struggle."[40] Her tactics also did not mean that she identified herself from within the system, as Phillips (2006) articulates, but instead that the ambivalent positions of the subject could provide a "limited form of agency."[41] However, such agency at the same time "can be used against the very strategic relations of power that authorize it."[42] Phillips elaborates this through the case of gay people's choice of revealing their sexual identity to certain groups: "Coming out among a group of close and liberal-minded friends might hold comparatively little risk, where coming out to fundamentalist relatives may hold considerably greater risk."[43] Similarly, the risks in Salam's case are greater than those faced by Rula or Siham; the authority over her is practiced not only by her father but also by her five brothers, three of whom are older than her and have a position of power the same as her father. Rula and Siham, on the other hand, are elder sisters with an age gap between them and their brothers:

> My brothers are well-educated and have good positions. However, when it comes to women they still have backward views. They think women should stay at home. If I refused to do anything they want or if they noticed that I am stepping out of line, they would force me to leave work.[44]

Therefore, when there is collective male authority, or as termed by Gallagher (2007) "collaborative male power,"[45] which is not only practiced by the father but also by brothers, cousins, and uncles, achieving

independence will be more difficult. The risks are also greater as, in such cases, it will be difficult to determine each one's responses to her actions. Therefore, achieving independence is tied to not merely the ability to confront power but also "the risks entailed by invoking it."[46]

Another point of difference between Salam and Rula's cases is that Salam's alternative social safety-net remains hidden due to the potential risks of publically announcing her hidden community, which she thinks of as a sort of illegitimate sphere. This community, then, became an added fear for her rather than a means of support. In Rula's case, on the other hand, the activist community is well known to her family and contributed by giving her social status as an activist for a cause of which she is very proud. This might lead one to conclude that women's public activities, which are not supervised or arranged under male rules, may contribute by giving women support that could modify the gender order, unlike hidden spaces that are more often used to shadow men's spaces, where women's resistance is not just invisible but also practiced under the terms and protection of men.[47]

In the three stories of Siham, Salam, and Rula, women all aimed to achieve independence. However, their differing tactics were determined by the differing conditions, fears, risks, and opportunities; thus, the outcomes of achieving their goals were distinct. Another point, in the case of Salam, is that achieving independence was identified as a goal, but the tactics were meant to keep her gains until she meets the right marriage partner. By this, gaining independence was tied to a "liberal" man who will "free her from family restrictions." Rula and Siham, while differing in their tactics, did not seek the support of other men to reach their ends or redefine what independence means. Their planned tactics—a powerful financial position and support from other members of the family, like Siham's mother—enabled them to confront male authority. By achieving independence at the levels of work, travel, and mobility, they confronted the dependent state of women that placed them in a secondary status under the justification of women's irrationality and family's interests. Indeed, in the case of Siham, she redefined her family's interests as being tied to her independent status. Both Rula and Siham's tactics, consequently, resulted in reaching a state of rejecting their position as subordinate and aims to retain their independence.

Tactics and the Prospect of Survival

In Jabel al Nadhif, I met Hana'a, a 48-year-old woman with four young children. I first thought that she was in her late fifties. It seemed that life had drawn all types of lines in her face and her soul seemed taken away. She barely smiles or laughs unless remembering something from the past. The Nadhif area is very populated and houses are very dense. The residents consider it a Palestinian refugee camp, as most people who live there are of Palestinian origin and moved to the area after being displaced from Palestine in 1948 and 1967. However, the United Nations Relief and Works Agency for Palestine (UNRAW) does not recognize it as a camp and, therefore, the area lacks both government and UNRAW facilities. People know each other very well and tell each other's stories openly. Secrets seemed to have no place there; one woman can tell the stories of all women in the neighborhood.

Hana'a is the eldest sister in her family. She has four sisters and one brother, whom she called *wahidna*, "our 'one and only.'" Her father is married to a second wife and lives in another city. She graduated from high school in 1984 and wanted to study nursing. In the 1980s, nursing was not a popular profession for women in Jordan. The government promoted it through giving free education and allowances for those who enrolled in the public nursing colleges. Hana'a applied and got a place at Al-Shobak College in the south of Jordan. Her father refused to allow her to go and instead told her to study the Arabic language at one of the colleges in Amman:

> I felt part of my dreams were taken away from me. Studying nursing meant that I would find a job directly after graduation. My mother used to work as a cleaner in the girls' school and her hands were dried out. I wanted to help her. My father is married to another woman and we only see him in times when we need a decision.[48]

While Hana'a was talking, she felt very hot and took off her headscarf. I commented on her hair, which is very unique: black and thick, with some natural waves. She replied, "It used to be my source of pride." So I asked her, "You did not wear the *hijab* before?" She replied, "No, I used to hate the *hijab*, I wore it ten years ago, just few months before I got married."[49] At that point, Hana'a started to describe her activities at school, college, and in the neighborhood. She told me how she used to be a leader, who everyone liked and admired. Since the age of 15, Hana'a was in a relationship

with a Bedouin boy, Hassan, from the neighborhood. Her relationship with him continued until she finished her college:

> He was not black, he was brown, but my father rejected him because of his colour and origin. He told me, "Bedouins have different values and traditions. It would be like throwing you in the street if I accepted this marriage." His family asked for my hand over ten times but my father told them on the last time, "You have no perfect pride here." His family forced him to marry another girl from the neighbourhood as a response to my father's rejection.

When Hana'a finished her college, it was when Saudi Arabia had started to recruit women to work as teachers. Hana'a applied and was accepted. She had to find a *mihram* (a direct blood male relative) to travel with her, as that was the condition of the Saudi embassy for completing her recruitment. She asked her uncle, who was very old, and he very willingly accepted to go with her. Her father was travelling at that time; when he came back, he refused for Hana'a to go to Saudi Arabia, and went to the embassy and asked for Hana'a's application to be canceled:

> This was the second time I saw my dreams falling apart. I saw women coming from Saudi Arabia with so many things, building their houses, supporting their brothers and sisters to continue education, while I was not allowed to do so. My mother was getting older, my brother was about to start university, we needed money and I needed to change our lives.[50]

Hana'a could not find a teaching job, despite undertaking several educational trainings to widen her job opportunities. Her neighbor was working as a guard for one of the institutions that cares for children with disabilities, and he secured a job for her as a caretaker. She worked there for six years and, when her brother finished university, she decided to leave the job and start work at a beauty salon: "I did not like that job, I was doing it so that I could support my brother to finish his studies."[51] At the age of 29, her marriage proposals started to decrease: "Actually, no one from the neighbourhood asked me for marriage, they all knew about my relationship with Hassan."[52] By the age of 35, three of Hana'a's sisters were already married and she was fed up with women whispering about her as a "spinster." An Egyptian man, who lived in the area, asked for her hand and she accepted. Her father refused, but she felt this was her last opportunity to get married. Also, her brother was a grown-up by this time

and was very supportive of her, so she took her decision and went to the *sharia* court with her brother and conducted the marriage.

> My father did not talk to me for years. I thought I did the right thing. I am not sure, actually. The man turned out to be very mean, so obsessed with collecting money. I live in fear he might leave one day for Egypt. My children are still so young. They do not have Jordanian nationality; he can take them away from me, or go to Egypt and leave us without support. I now live with the fear of losing my children.[53]

I left Hana'a's house thinking of how many women with opportunities to change their lives, similar to Hana'a, could not manage due to the combination of harsh living conditions and restrictions. While Hana'a had a great potential to make some changes in her life, her father's power of *wilaya* forbade her from realizing this. Her submission to her father's orders did not allow her to find the right tactics to face him until she was empowered by the presence of a supportive brother. She accepted her father's orders because, for Hana'a, losing her father was a matter that could jeopardize her family's status in the neighborhood: "We were all women with only one small brother, if my father stopped visiting us people would think we have no *dhahir* (back) to protect us."[54] Even if the man is invisible and does not exist in women's daily lives, nor does he provide for the family financially, the idea that he is somewhere and can intervene in matters of urgency, or that women are held responsible before their males, seems important for women. This is particularly acute in conditions when there is no other available support system, and when women's status is determined in relation to the male power in the family.

Hana'a looked at independence as something insignificant and not a priority, as she first had to think of her family, not herself. She described her practices in a relational manner, and in connection to her family's living conditions. What she wanted was very much tied to improving the living conditions of her family and helping her mother. She was very happy when she spoke of her four sisters' improved living conditions because of education and the support she gave to them. She was also very proud that her brother is a successful engineer and capable of supporting her and protecting her sisters.

Hana'a—as a leader at school who once, on the occasion of Palestinian Land Day, as she told me, mobilized other girls and managed to close the school so they could participate in the demonstration—was certainly

capable of challenging her father's power, particularly as he was not present in her life all the time. What undermined her capability to do so was the position of her family in the community and fear of being stigmatized as women living without men's protection. This is in addition to the brutal living conditions that placed her in a position to be family's savior. Such a burden resulted in Hana'a's tactics of surviving mechanisms of control. Therefore, as it was expressed by other women, gaining independence should not be at the expense of family ties and interests. This account is also reflected in Freeman's (2005) study of Morocco, where women's notion of freedom was constructed to accommodate family interests. This was also discussed in Chap. 3, where I argued how women's perception of the Self was developed in relation to their families' normative values of femininity and masculinity. Therefore, such identification necessitates tactics that do not undermine women's relationships with their family, tribes, and the community at large. It is also a tactic of bargaining with patriarchy in which women have "protection and security in exchange for submissiveness and propriety."[55]

As Freeman (2005) posited, the interconnectedness of individual women with family in Morocco did not undermine women's ability to have individual experiences and identities.[56] However, Hana'a's relational independence eliminated the possibility of confronting power until her brother took control of family issues. For other women, confronting power was done either through securing alternative means of support or when *wilaya* rules contradicted other relations, particularly with regard to depriving women of their children, as Elina's cased shows.

I met Elina on a cold day in Amman in January 2012. I was at the Jordanian Women's Union (JWU) interviewing women, when Elina entered with a police officer. All of her body was shaking and I could not figure out whether she was shaking due to cold or fear. A few days later, I went to the JWU's shelter and Elina was still there. I asked her if I could talk to her and she was very keen to speak. Elina came to the JWU with a police officer from the Family Protection Department. Earlier that day, Elina's father had planned for her to travel with him to Palestine. The father had arranged for Elina's marriage in her hometown of Hebron. She is divorced with three children, whom she did not want to leave behind. When she was at the King Hussein Bridge border checkpoint, Elina shouted to the police and asked for help. The police came and took her to a private room, where she told them of her father's intention. The police sympathized with Elina's story and took her back to Amman with her

father and two brothers. "I do not know where I got the courage to do that," said Elina. "I was frightened but I thought I will give it a try."[57] Elina fits the normative criteria of beauty: she is blonde, tall, and has blue eyes. She narrated:

> My beauty is my curse. I started to get marriage's proposals at the age of nine. At the age of 13, my father arranged my marriage to a Saudi guy. He was ugly and old. My father took it as a business opportunity. I told my father I did not want to marry him but he did not listen, so I attempted suicide by taking all of my grandmother's pills. The marriage was put off due to my mother and siblings' pressure on my father. A few months later, another marriage was arranged. This time the guy was handsome and had been working in the Gulf for a while, so he had money. I was happy to be engaged to him. I lived with the man for 15 years. He was a control freak. I could not go out unless he was with me. I was almost a prisoner in the house.[58]

Elina spent the 15 years trying to survive both her father's and husband's control. She tried to convince her father to allow her to divorce, but he refused. Elina mainly relied on her siblings' and mother's interventions each time she wanted to do something that her father and husband refused, such as attending vocational training for hair and beauty. "It was a life changing experience for me, mingling with other girls and doing something for myself, I wanted to do that because I knew at some point I would need to rely on myself."[59]

When her husband and father had a dispute over business, Elina took her father's side, and it was at that point her father agreed to take a case to the court and obtain a divorce for her. "I did not know that my father, within six months, would arrange a second marriage for me, otherwise I would have not asked for divorce. I wanted to stay with my kids." Elina was now very determined to rebel against her father. She decided to go to court and ask for custody of her children; she is also looking for a job. As she stated:

> I am not leaving here [the JWU shelter] unless I have secured some work and found a flat for my kids and me. I have saved some money with my mother that will allow me to start my life.

I am not sure what happened with Elina later, but it was obvious to me that she was not going back to the person she had been. Elina's actions of

attempted suicide, negotiation with her father, surviving her husband's abuse, and rebelling against her father's decision to arrange another marriage did not challenge her father's authority per se, but rather was challenging what Elina thought to be unfair. After already challenging her father, she started to think about how unfair this authority over her was, and thus questioned the entire concept of *wilaya* over women: "I was naïve. I thought the more obedient I was the more I would get the support of my father. I realise now that the more you give the more men want to take out of you."[60]

The tactics that Elina used for 15 years included spoiling her husband at times and ignoring him at others, crying whenever she saw her father to make him feel for her struggle, and convincing her husband to buy valuable objects that she kept with her mother and sold at times when her husband punished her and the children by not giving any money. Such tactics can be described, in words, as "discrete and carefully veiled acts of rebellion."[61] These tactics are similar to what Scott (1990) termed "infrapolitics of the subordinates."[62] At this level, as Scott posits, there are "a wide range of low profile forms of resistance that dare not to speak in their own name."[63] These are "everyday forms of resistance," which are not announced by the powerless but, instead, take place secretly or in a hidden domain. Scott's formula of "the more menacing the power the thicker is the mask"[64] assists us in understanding that the relationship between domination and subordination is dialectical instead of fixed. Even when power is excessive, subordinates do not submit entirely to the power but rather defer to it as long as it is present; what is done behind the power is different than that which is done in its presence. Scott then suggests that deference to power "is one of the consequences of a stratification" between those who give orders and those who receive them, and is "not its creator."[65]

In this sense, Elina was not submitting to her husband or father's authority but was trying to survive through these daily practices; furthermore, Elina did not clearly define or see these tactics as resistance, as she did not intend to confront her father or husband's authority, but was instead preparing herself for another stage of life, such as an opportunity for training in the beauty industry. Dwyer (1978) shows how women make logical sense of certain behaviors, such as a pilfering or sorcery:

> Women feel that those valuables give women a measure of security as well as means for fulfilling future material desires. Moreover, these protections, it is felt, must be kept available, for life with men, however content and giving those men might be at the moment, is deemed ever unsure.[66]

However, Elina was not just making sense of these practices, she also believed that one day she would need to survive on her own or return to her family, so she wanted to gain her family's support as well as secure herself financially. Elina's determination to confront her father has also become a goal due to the support she received from the JWU: "I know I have people beside me now."[67] While trying to explain her next steps, Elina told me:

> When I shouted to the police officer, I was petrified because I thought I am doing something wrong. I was terrified of what would happen to me after losing my dad and brothers. Knowing that there are people who can help me to go through this has certainly contained my fears. I know I have to face many things on my own later on, but at least now I know where to start.

Elina was also lucky to have resorted to police officers who sympathized with her case, which is not regular police procedure, as I show in Chap. 5, as some police officers take the side of the father or brothers rather than that of the woman raising the complaint. Elina's conditions—knowing that the police are with her and she has a place to stay and lawyers to help get custody of the children—are conditions of empowerment. I was fortunate to work with women during my time at the JWU and see how simple words and means of support might change women's lives. I never believed that we changed women's lives, but rather that the work we do encourages women to take action because they know they have support. In such conditions, women can seek alternatives to the social security of the family, as in the case of Rula. The fear of losing familial support begins to fade when women realize they can gain this support elsewhere.

In Hana'a's case, the unavailability of alternatives and limited choices of work are not only the result of the restrictions of the community and her father but also the limited work choices for Palestinian women in poor areas. The public administration's reform, which started in the early 1980s in Jordan, prioritized the recruitment of eastern Jordanians,[68] which meant opportunities for teaching at public schools were not open to Hana'a. The only other available opportunities were at private schools, which were more open to women from the upper middle-class with university degrees and English-language proficiency. These were the only available options for work, which Hana'a perceived as degrading her position and taking her toward the same destiny as that of her mother: "My mother was a cleaner. I became the caretaker of children with disabilities. It is the same

nature of work, just a different title. I have nothing against it but I studied to change our lives. It turned out that my education was not enough."[69]

The stories of Hana'a and Elina demonstrate the complexity of power relations and structural inequality. Living in such circumstances seems to deviate from identifying the source of such inequalities and oppressions.[70] Interestingly, some women in the area of Jabal al Nadhif expressed negative thoughts regarding Syrian refugee women, whose number started to increase in the country in 2012 due to the excessive use of weapons by the Syrian regime against the revolution. The negative attitudes toward Syrian refugees could be difficult to explain, particularly when it comes from people who have themselves experienced displacement and war. However, it can have some logic when explained in relation to how Syrian women, who are portrayed in Syrian dramas as perfect obedient housewives, are a source of threat to poor women in Jordan who live in insecure marriages, and when polygyny is used as a threat to women's social security and well-being. With the media propaganda about Syrian women's cheap dowers or availability for marriage, this becomes a pertinent threat for women in this area; thus, instead of challenging the system that places them in insecure positions, they have blamed Syrian women. This is in addition to the government's manipulative strategy that has systematically used refugees, whether Palestinian, Iraqi, or Syrian, as means of restricting freedom and deferring political and economic reforms.

Class, Tribe, and Gender in the Pursuing of Women's Independence

In Jordan, women's practices are determined not only within family relations but also within the larger tribal context. Sarah, an activist who comes from a poor family but is affiliated with a powerful tribe, told me of her response to the tribe's rejection of her marriage to a Christian man, who was ready to convert to Islam if the marriage proposal was accepted:

> My marriage became a national issue, everyone had a say except me or my parents, who were fine with my choice but could not challenge their tribe. It makes you question who you are not just in terms of your position as a woman, but also in regards to every single relation surrounding you.[71]

Suzie, a young woman with a postgraduate education, shared with me how she was raised on an equal footing with her brothers until the age

of 18. When at university, however, the family started to put restrictions on her movement and determine with whom she could associate. Suzie left the house for three days in order to force her family to stop interfering in her life: "I am a complete human. It was really irritating to see that my brother kept his freedom and can do whatever he wants and I have to come back home early and am not allowed to travel unless my brother is with me."[72] Suzie finished her master's degree in New York, where she had spent three years on her own.

> It was okay for my family to leave me in New York because it is normal for girls from my family to study abroad, but it was not okay for me to sleep over at my friend's place in Jordan. I never understood this dilemma; as a girl I have to make sure my reputation is not affected by the people I know or where I go inside Jordan, but when I am abroad nobody cares what I do.[73]

Among the rich, the social pressure involved in a family's decision to control its daughters' scope of activities is very significant, particularly when the family is well-affiliated or has strong connections with its tribe. In the case of Suzie, her father was very concerned with his tribe's potential reaction: what they would say and do if he allowed his daughter to behave freely. Suzie was frustrated by the fact that all her decisions entail having to think of people that she does not know or belong to. However, Suzie has never thought of searching for a job. She does not feel that she needs to work or be financially independent: "My father and brothers do not make me in need of anything. I have my credit cards and they feed into my bank account regularly. They are very generous."[74]

Suzie's views on women and tactics shift when it comes to financial responsibilities. She believes that independence is "women's freedom to make their own decisions," and at the same time she thinks, "[a] woman should be taken care of financially by her father and brothers."[75] Even when she was not allowed to marry the person of her choosing because he was not deemed suitable, she did not question this as a limitation to her independence, but rather understood her family's position:

> He was not from the same class. When my family refused to meet him I was very angry. Now, I understand why they did so; he would have never been able to meet my needs. My family protected me from the foolish decision I was about to make.[76]

The logic of Suzie's accounts of independence is related to the privileges she enjoys. On the one hand, she rejects *wilaya* over women in issues related to the lifestyle of the rich class, in terms of dressing, travelling, studying abroad, and mingling with friends until late at night. Yet, on the other hand, she accepts certain rules of *wilaya* over women, such as the need for male protection, and does not question the limitations on her decisions while financially dependent on her family. Indeed, she justifies the control over her marriage decisions as rational and aimed at protecting her from foolishness. The compromise she makes, based on her divergent position on independence, is a tactic involving obedience to the family on issues that do not endanger class interests, particularly in relation to marriage choices, in order to continue living and enjoying the privileges of the upper class, which does not restrict her movement, way of dressing, or activities as much. So, Suzie's tactics involved negotiated independence, and included compliance on both issues related to marriage—to preserve her class status—and other particular issues seen as part of class identity rather than women's equal position.

A differing example is that of Leila, who is from a very wealthy family. Leila welcomed me at her door by asking: "What do you mean you are doing research on *wilaya* over women?"[77] She found it difficult to comprehend that such a law exists in Jordan: "Is this something new or it has been around forever?"[78] Leila was raised as equal to her brothers. She continued her graduate and postgraduate education in London, and lived in Amman by herself. Her family understood her decision of not wanting to marry until she has an established career. She stated:

> I respect my brothers and father as long as they do not intervene in my life. I have my space and they respect that. Of course, I consult with my family on the important matters, but in the end I do what I think is suitable for me.[79]

Leila is from one of the very wealthy and powerful families in Jordan,[80] who all live in a very close community. Members of such families are rarely seen in public spaces, such as going to the passport department to have documents issued. Most of the time, there are people who perform services for them; so, Leila did not go herself to get a passport and was not asked about her father's approval. She has also not been actively aware of what problems women have in the country, apart from some issues: "I heard that women cannot pass their nationality to their kids. I am so against this, they should be able to do so."[81] Her family comes from Syrian origins, so she also has no tribal pressure on her.

In Leila's view of femininity: "Women may look different in terms of the way they dress, but certainly there are no other differences between men and women. I believe femininity is an identity of sex but not an identity of roles."[82] She has also acknowledged that part of her personality is related to the way she was raised to be self-dependent: "For my family to leave me in London at the age of 18, I learned to do everything by myself and experienced the essence of independence."[83] She also mentioned that she could not take the decision to leave her family home until she started to earn enough money: "It was not acceptable to tell my family I wanted to live on my own and ask them to support me financially."[84] Leila, despite her family's wealth, knew that her road to independence lay in a financially independent position. She did not think of her family's wealth as her own, rather she said: "What my father, husband, or brothers have are theirs, not mine, to be independent I had to find my own financial resources."

Leila, however, did not live away from her family's house. She was in one of the family's building on the same street. For her, it was the idea that she can afford to live on her own before getting married. When I asked Leila about how she met her husband, she answered: "Now you are going to question everything I have told you."[85] "Why do you think so?" I replied, and she continued:

> I am married to my cousin. It was not an arranged marriage. I think I have fallen for him. He was just coming from the USA with a PhD degree. He shared my values of a modern life. First, I did not like him much. My parents convinced me to go out with him. We were together around six months without an official engagement. Then we both decided to get engaged.[86]

Leila also mentioned that her family was in favor of her cousin because they are a small family and usually prefer endogamy for marriage. She stated that she could have refused if she did not like him, but she did. Of course, the fact that she is married to her cousin did not make me question her goal of achieving independence, but it certainly reveals many things about *wilaya* over women's practices in the rich class. As the family has an interest in keeping the wealth among its members without contradicting what Leila calls a "modern style" of living, they have to find ways other than forcing Leila to accept the marriage. What appeared to be a modern style is another way of practicing *wilaya* rules. Being well educated with an established career necessitated that Leila's consent to the marriage had to be taken into consideration. Suzie also mentioned that her family introduced her to

a man after months of rejecting the one of her choice, but it did not work out: "I guess he ran away from me. I was too free for him."[87]

Not all working women of the rich class share Leila's perception of independence, there were also views expressing that the work they perform is part of their prestigious status, covers their own expenses rather than contributing equally to the family's expenses, or is related to gaining an independent state. For instance, Diala, a working woman from the rich class, told me: "The money I get is for my extras. My husband takes care of all the family's expenses including mine."[88] Having a job is a tactic for Diala, not part of her conception of independence; it allows her to decide on expenses or financial matters for which her husband does not want to pay. She told me that her husband refused to hire another domestic worker, so she then had to pay the expenses and salary of the second worker: "If I was not working, I would not have the possibility to do things in my own way." Although Diala has an inheritance from her father, she had not asked for it and was waiting for her brothers to divide it. She thinks of her relationship with her brothers, who are very supportive of her, in a way that she is dependent on them socially and needs them in case there is conflict with her husband. Her silence on her share of the inheritance is, then, a tactic that maintains a good relationship with her brothers and protects her from being abused by her husband. Diala also expressed views on women's right to independence and making their own decisions, but also believes a woman should be protected and financially supported by her father, brothers, or husband.

Despite the fact that Suzie, Diala, and Leila come from the same class, they have divergent positions in relation to what independence means and involves, and thus use different tactics. Diala and Suzie placed more emphasis on recognizing practicalities related to the style of life associated with their class, as both of them negotiated independence through tactics that allowed them to live the upper-class lifestyle but did not aim to achieve independence from their families. Leila was concerned about her independence as a woman. Understanding that she is capable of independence and does not require men's protection, Leila managed to live independently. However, being part of a wealthy class meant that her actions were supported and did not dishonor her family, because she lives in a close community; the opposite may have been the case for middle and poorer classes, where relationships are more open and supervised by community members.

The levels of wealth and political power also differ for Suzie and Leila's families, which affected their lifestyles. In the case of Suzie, the family's tribal affiliation impacted some of her activities. Suzie's family comes from a tribe in the south of Jordan. Her father still has connections with his tribe, nominated himself twice for parliamentary elections and won, as his tribe supported him in the election. Therefore, he is very much in favor of keeping a low profile of Suzie's activities. Leila's family are very close to the royal family, and no tribal connections are needed to maintain the political power of the family. Being a "minority"[89] also detaches them from the community's supervision. Therefore, unlike Leila, Suzie's tactics were more focused on co-option and accommodation of class and tribal interests.

It was interesting to discover that women's tactics are sometimes decided upon in collaboration with family members. While the mother and sisters are most often the main supporters of ideas and tricks, in Suzie's case, her father and brothers helped her find tricks to escape the tribe's gossip, interventions, and negative statements. She told me how her father and brothers inform her when there are large tribal gatherings, of who will be there, what is the best code of dress, how she should be talking, and the way she should act. In this way, Suzie's father and brothers, who are caught between the "modern" style of their class and their tribe's ties, help her deceive the tribe by showing a false adherence to tribal traditions. However, this is not done in Suzie's best interests, but rather in the interests of her father, as keeping good ties with his tribe means that his daughter is not perceived negatively.

From the previous discussion, it is important to point out that, within the upper classes, women are closer to each other in relation to activities and lifestyles but could, at the same time, have divergent views of and different tactics to achieve independence, which certainly influences the level of independence they enjoy. Several women from the middle and lower classes shared Leila's ideas of women, but their positions did not allow them to reach the same level of experiencing independence. For instance, Reem, whose views I discussed in the previous chapter, tried to convince her family to allow her to rent an apartment with other women; their reaction was brutal, even escalating to the level of locking her at home.

Unlike Suzie and Diala, Shireen, Leila, Rula, and Siham have successfully managed to draw a line between issues that can be negotiated and those that are not up for negotiation or intervention, like the choice of job and marriage. These are presented by those women as "red lines."

However, living in a more open community than Leila, Rula, Siham, and Shireen sometimes had to take notice of things that are not acceptable. For instance, when Shireen is covering a story with a male colleague, she makes sure to wear her badge, or to travel by public transportation or the newspaper office's cars rather than private cars:

> One of my male neighbours once saw me with a male colleague, he came directly to my father and told him about it. My father turned him away but I have to make sure it does not happen again so I avoid placing my family in such awkward positions.[90]

Although Shireen, Leila, Rula, and Siham each represent a different social group, they have similar views and understandings of themselves as independent and reliable; they also all experience relatively limited practices of *wilaya* over them, or *wilaya* in another form in the case of Leila. The practices were limited because of how they thought of themselves as independent, capable personalities and how this thinking influenced their tactics of achieving independence and the tactics they used to make use of the opportunities available.

However, knowledge of the disciplinary methods and unknown consequences of their actions limited Shireen's and Salam's spaces and movements. The level of security women enjoy when deciding to take certain actions could influence their tactics. For Leila, in addition to the economic privileges and her understanding of herself as competent, her knowledge that her family's reaction to her actions would not be brutal or harsh, as well as the absence of community pressure, made it more possible for her to decide to live on her own until she got married. Therefore, it is not that "social class, education, and family's religious orientation informed women's strategies"[91]; it is rather women's perception of their independence, whether or not they make use of the opportunities within their class, the limitations placed by social and political powers, their ability to make use of available resources, and knowledge of the consequences and effects that informed women's practices of femininity in Jordan.

Conclusion

If femininity is a social position, as Connell (2000) suggests, and women's practices that embody the symbolic meaning of femininity are the effects of such a position, as well as work to reproduce the social position, then

tactics sometimes offer space for women to make use of these meanings in ways that can confirm or challenge normative femininity. At other times, however, tactics merely provide women with the techniques to eradicate, survive, or minimize the constraints and control mechanisms over them.

In this chapter, I have showed that women's everyday practices—particularly in relation to one of the core elements of normative femininity, women's established, dependent state—neither fully correspond to nor totally contradict the established knowledge about women's dependence, which is based on the viewpoint of gender differences. Rather, these practices sometimes matched and roamed outside the gender order simultaneously. The use of tactics to achieve independence—whether at the level of work, marriage, travel, or code of dress—is triggered by women's non-conformance with the idea that they are incompetent or not capable of determining what is best for themselves; they must employ tactics in a situation where their choices are administrated and sanctioned by state laws and the kinship system.

The redefinition of independence by some women, which shows their acceptance and/or rejection of particular aspects of normative femininity, also reveals that these women make choices that neither reject nor accept normative femininity altogether. In this sense, they reuse femininity in a way that is suitable for their situations, conditions, and interests, which shows, as Connell (1987) suggests, that there is an interaction between the configured space of the subjects, their social practices, and the material relations of social life. In the case of Jordan, the interaction also includes the legalized position of women and the established legal and customary control mechanisms.

If the significance of femininity lies in the ways it legitimizes and rationalizes women's subordinate positions and, consequently, regulates and coordinates women's social practices, women's tactics show that while this impacts women's understanding of themselves—in various ways, as I have shown in Chap. 3—it is not always capable of organizing and controlling women's lives in an orchestrated manner. Through some examples, I showed how women modify the meaning of dependency through their tactics to the extent that they obtained a relative degree of power over their lives. However, for some tactics it was necessary that such modification be appropriate for both women and those in the position of power. Nonetheless, while the modification is not entirely outside the normative understanding, it has in many ways influenced, shaken, and adjusted gender relationships and arrangements.

In a context like Jordan, where normative femininity is constructed in the law and has legalized control mechanisms that restrict women's movement and authorize men to be their guardians, some of women's everyday practices have to then be situated in a way that does not endanger their existence or risk the gains they already enjoy; this necessitates that such actions not pose any direct threat to the system of power. Women's tactics that make them appear contradictory and ambivalent, thus, relate to the interests of both women and those in the position of power. A pertinent point in this regard, as long as women's actions are situated in forms of tactics decided on from within the power structure, those in positions of authority could have an interest in turning a blind eye to these actions. Such interests might be financial; as in the case of Siham, her father's need for her income required that he minimize supervision over her daily activities.

None of my research participants stated that she has claimed her independence by publicly announcing a total detachment from her father's or brothers' authority. Rula—an activist who also holds a position of power within her family, as an elder daughter and financial provider—was able to turn her bargaining tactics into actions that confronted the authority of her father. However, as an activist myself, I experienced several times how women activists have a greater burden in situating their actions from within the system of power rather than in confrontation. This is because being a women's rights activist is a task that demands making compromises, sometimes, so as not to be perceived as exceptional or as an outsider; a perception that could jeopardize the work and disconnect activists from their constituencies. Therefore, the tactical character of women's everyday practices appears to resonate with both women and the political power of femininity. Such a tactical character also impacts the type of change and transformation women seek at either the individual or collective levels, which appear to be compromises.

In the majority of cases, women have managed to survive and enhance their lived conditions through tactics that either enabled them to keep their privileges or gain a negotiated independence. In these cases women have not challenged their positions as subordinates but tried to rework the system to their advantage. Dwyer (1976) argued that restrictions placed on Moroccan women by the family law entailed women's experiences being very much tied to men's wishes and values.[92] However, even in such situations, Dwyer suggested: "Women's narratives did not always fit neatly into one and only one category. Indeed, women changed strategy and reworked their plans as they strived to forge an identity."[93] I discussed that

women's tactics, whether hidden or visible, should not overlook the fact that there are women who live under excessively harsh power conditions, which forces them to take a shorter road to survival through submitting to male authority. Even under such conditions, one cannot label such women as "victims"; these women are surviving violence and authority and even surprised themselves with their occasional actions in certain situations, like in the case of Elina. For some women, postponing confrontation with authority is about seizing the right opportunity and momentum. Albeit some of those women maintained views of female dependency and protection from within hegemonic hierarchal gender relationships, their harsh conditions and restrictions resulted in their using tactics that undermined mechanisms of control whenever the possibility arose.

Nonetheless, women's everyday practices, as narrated by women, sometimes reach beyond time and seizing the right momentum. Some women's practices reflect a developed thinking to reach independence. The tactics of some women, who have reached a state of conflict with femininity, appear to be well thought through and not dependent mainly on time. The experience of developing tactics, for some women, led to a desire for achieving more; tactics for them are no longer related to opportunities, rather they find ways to make these opportunities available. This suggests that women's everyday practices do not remain tactical in character; they might turn to be strategic, particularly in cases when women seek to transform their social positions.

Class, education, and work appeared to be fundamental elements in empowering or disempowering women, as well as providing them with greater or lesser opportunities to escape normative femininity in their everyday practices. However, these elements, if not interlaced with women's self-conception as independent, would not necessarily result in practices that either challenge the order or reduce the mechanisms of control. Some educated, rich working women justified *wilaya* over women as a security mechanism and used it for the purpose of maintaining a powerful position within the marriage relationship. Diala's tactic of maintaining a good relationship with her brothers and waving her inheritance is influenced by her understanding of the need for male relatives' protection. While Leila's experience of independence ensured that she did not have to use tactics, her family had to find tactics to persuade Leila to marry her cousin. The interaction between women's class and the institution of tribe is also of significance. Women who belong to a tribe find themselves forced to follow their male family members' interests of keeping good ties with the tribe, rather than their own.

As the configured social space is very much linked to the structure of power, women's position within the power structure of the family, tribe, and class is of significance to the practiced tactic. For instance, elder daughters and workers have more opportunities to bargain and negotiate their spaces; however, being part of the power structure sometimes provides less possibilities for women to use tactics to roam outside of that same structure. For example, Shireen had a different view of herself but was able to manipulate and make use of the system less than her sisters. Women who are less visible or more distant from power structures have more chances to use tactics to experience new realities about themselves outside the framework of femininity. This is because when women—through education, position within the family, or financial support—take part in the structure of power, they are more supervised than others. In some cases, women place further restrictions on themselves in order to show that they are not posing a threat to the system. These calculations might be less pertinent for women with no power (position, money, "beauty," and so forth) and, thus, the chance to escape mechanisms of control could be greater.

The survival tactics, as I discussed, reveal that women do not always aim to resist, negotiate, or submit to the system; instead, some aim just to live it through tactics that allow them to minimize the mechanisms of control. These women's practices do not reflect any tensions with normative femininity, only with the mechanisms that sustain it. For some women, for example, wearing the *hijab* is a tactic that allows them to escape control over movement by making them less visible.[94] In this case, women do not think of what it means for a woman to wear the *hijab*, or whether the act reproduces normative femininity, what is of significance to them is how they can use one systemic control mechanism to minimize the effects of another. Interestingly enough, when women lessen the effects of some control mechanisms they may also reverse their tactics. Such was the case of Rula, who took off the *hijab* when she developed other tactics or when she reached, as she described, "a state of confidence and trust that allowed me to move freely."

However, by not owning means of survival on their own, some women's tactics could also be limited by their tie to opportunities, available resources, and coincidental events. When women have a limited possibility of using tactics, they could turn to merely submitting to the system and have less possibility "to push the limits of doxa."[95] Such was the case with Hana'a, who not only survived the system of power but also contributed

to its production; she empowered her brother to be the protector and take the role of the *wali*, despite the fact that she was the family's provider. Her perception of female dependency is influenced by women's vulnerability when living without a male presence. This vulnerability is compounded by her inability to make use of her education or own the resources that could enable her to change her position of power. However, lack of resources and opportunities could lead women to use unconcealed, "dangerous" tactics. This is the case for women in prison, which I address in the next chapter in my discussion of how women's limited options for maneuvering entails their overt challenge to mechanisms of control.

Notes

1. Shireen's grandmother in the group discussion with Shireen's family, April 2012, Amman.
2. Samar in the group discussion with Shireen's family, April 2012, Amman.
3. Shireen in the group discussion with Shireen's family, April 2012, Amman.
4. Ahlam in the group discussion with Shireen's family, April 2012, Amman.
5. Ibid.
6. Interview with Shireen, April, 2012, Amman.
7. Vasu Reddy and Judith Butler, 2004. "Troubling Genders, Subverting Identities: Interview with Judith Butler". *Agenda*: *Empowering Women for Gender Equality*, Vol. 18 (62), Sexuality in Africa: 115–123.
8. For the discussion of the style of women's everyday practices, see Kandiyoti (1988) on the patriarchal bargain as a strategy of how women survive and resist patriarchy. See Macleod (1992, 1991) on the choice of veiling for Egyptian women as a style of accommodating protest that is tied to women's ideological positions, state policies, and material conditions of women. See Abu Lughod (1990, 1986) on the hidden gathering of women and practices as a form of solidarity against male control.
9. Ibid.
10. Kandiyoti, 1988, 1998.
11. Kandiyoti, 1998.
12. Scott, James, 1990: xiii.
13. De Certeau, 1992, 1984.
14. Interview with Siham, June, 2012, Amman.
15. Ibid.
16. *Istikharah* is practiced when a person cannot decide on one of two choices. The person then prays and sleeps so God can choose the best course of action for them; the first thing that comes to their mind in the morning, or if they dream of one choice rather than another, it is then considered God's choice for that person.

17. Interview with Siham, 2012.
18. Amy Freeman, 2005. "Moral Geographies and Women Freedom" in *Geographies of Muslim Women: Gender, Religion, and Space*, edited by Ghazi Falah, Caroline Rose Nagel, The Guilford Press: 157.
19. Interview with Siham, 2012.
20. Diane Baxter, 2007. "Honor Thy Sister: Selfhood, Gender, and Agency in Palestinian Culture" *Anthropological Quarterly*, Vol. 80, No. 3 (Summer 2007), pp. 737–775: 766.
21. Ibid.: 739.
22. Ibid.: 766.
23. Interview with Salam, June, 2012, Amman.
24. Ibid.
25. Ibid.
26. Ibid.
27. Ibid.
28. Scott, 1990.
29. Lila Abu-Lughod, 1990. "The Romance of Resistance: Tracing Transformations of Power Through Bedouin Women" in *American Ethnologist*, Vol. 17, No. 1 (Feb., 1990), pp. 41–55.
30. Interview with Rula, January, 2012, Amman.
31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
35. Shahin Gerami and Melodye Lehnerer, 2001. "Agency and Household Diplomacy: Negotiating Fundamentalism" in *Gender and Society*, Vol. 15, No. 4 (Aug., 2001), pp. 556–573: 564.
36. Interview with Siham, 2012.
37. Ibid.
38. Ibid.
39. Interview with Rula, 2012.
40. Macleod, 1992: 553.
41. Kendall R Phillips, 1984. "Rhetorical Maneuvers: Subjectivity, Power, and Resistance" in *Philosophy and Rhetoric*, Volume 39, Number 4, 2006, Penn State University Press, pp. 310–332: 324.
42. Ibid.
43. Ibid.: 326.
44. Interview with Salam, 2012.
45. Sally K. Gallagher, 2007. "Agency, Resources, and Identity: Lower-Income Women's Experiences in Damascus" in *Gender and Society*, Vol. 21, No. 2 (Apr., 2007), pp. 227–249: 238.
46. Phillips, 2006: 326.

47. Abu-Lughod, 1985.
48. Interview with Hana'a, Amman, April 2012.
49. Interview with Hana'a, 2012.
50. Ibid.
51. Ibid.
52. Ibid.
53. Ibid.
54. Ibid.
55. Kandiyoti, 1988: 280.
56. Freeman, 2005: 157.
57. Interview with Elina, Amman, January, 2012.
58. Ibid.
59. Ibid.
60. Ibid.
61. Daisy Hilse Dwyer, 1978. "Ideologies of Sexual Inequality and Strategies for Change in Male-Female Relations" in *American Ethnologist*, Vol. 5, No. 2 (May 1978), pp. 227–240: 235.
62. James Scott, 1990. *Domination and the Art of Resistance*: *Hidden Transcripts*, Yale University Press: 17.
63. Scott, 1990: 17.
64. Ibid.: 23.
65. Ibid.: 24.
66. Dwyer, 1978: 235.
67. Interview with Elina, 2012.
68. Salam Al-Mahadin, 2004. "Jordanian Women in Education: Politics, Pedagogy and Gender Discourses" in *Feminist Review*, No. 78, Empirical Interrogations: Gender, 'Race' and Class, pp. 22–37.
69. Interview with Hana'a, 2012.
70. Macleod, 1992.
71. Interview with Sarah, 2012, Amman.
72. Interview with Suzie, November 2011, Amman.
73. Ibid.
74. Ibid.
75. Ibid.
76. Ibid.
77. Interview with Leila, August 2012, Amman.
78. Ibid.
79. Ibid.
80. I use family rather than tribe here as a literal translation of *ala'aleh*, which is much smaller than a tribe.
81. Interview with Leila, 2012.
82. Ibid.

83. Ibid.
84. Ibid.
85. Ibid.
86. Ibid.
87. Interview with Suzie, 2011.
88. Interview with Diala, June 2012.
89. 'Minority' is used in Jordan to describe families who came from origins
    other than Jordanian or Palestinian, like Syrians, or those of Circassian and
    Chechen origin, who were located around Amman by the Ottomans. They
    enjoy equal rights and are even privileged, making up an important part of
    the army and royal institutions, see Shireen Hunter, 2004, *Islam In Russia*:
    The Politics Of Identity And Security, M.E. Sharpe: 387.
90. Interview with Shireen, 2012.
91. Shahin and Lehnerer, 2001: 570.
92. Dwyer, 1978: 236.
93. Ibid.: 236.
94. Moors, 2003.
95. Kandiyoti, 1988: 144.

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Rebelling Against the System of *Wilaya*: Women "in Need of Correction and Rehabilitation"

INTRODUCTION

In 1996, the Jordanian Women's Union (JWU) launched its Social, Psychological, and Legal Support Hotline for women. A few days after advertising the hotline in the national newspapers, I received a call from a woman. Her voice was very low and shaking, and I could hardly hear what she was saying. She told me that she had been locked in the bathroom of her family's house for three years. The lawyer Mouna Zughbaba and I went and visited her the next day. Her mother did not allow us at first and said she was alone in the house. After we spent half an hour negotiating at the front door, she finally allowed us in. A few minutes later, a woman entered the room with a very short haircut that seemed to be snipped randomly, scars all over the face, and a bruised forehead. After her mother went to make us tea, I asked her if she was the one who called me, and she answered, "Yes, but I did not expect you to come." We spent ten minutes with her before her brother came and started shouting at us. He asked us to leave and so we did.

In those few minutes, Halah told us that three years before she had decided to get a divorce. Her family was against her decision but she had reached a stage where she could no longer stand life with her husband. She had been forced to marry him at the age of 14. Her husband also wanted to divorce but he was afraid of Halah's family, as her father is the head of the clan[1] and headmaster at the secondary school in the neighborhood, and her brothers are well educated and have powerful positions

within the clan. Halah and her ex-husband agreed that she would remain in the house with the children and not inform the family of their decision until after the *idda* period (the 90 days women have to wait before getting remarried—reasons for this include in case the husband decides to return and ensuring the woman is not pregnant). When they informed her family, her brothers came and took her back to the family house. Since then, Halah had remained locked in one of the bathrooms that the family used as storage. She was not allowed to see her four children or communicate with anyone. She had seen the advertisement for the women's hotline on the newspaper her mother used to wrap her food.

The second day, we wrote an official letter to Halah's father and sent it to his school. He came to see me the same day, carrying with him a report from a well-established psychiatrist in Jordan. The report stated that Halah was in an unstable mental condition and suffered from schizophrenia. We met the father and brothers several times, finally convincing them to release Halah from the bathroom. However, they continued to abuse her physically and verbally; Halah eventually jumped from the third floor when her family was asleep and went to one of her friends' houses. The next day she called me and I took her to the hospital, as one of her legs was broken. Halah insisted at that time that she did not want to reconcile with her family and wanted to return to her house and live with her children. Her family refused this and reported her absence to the police. After Halah left the hospital, her brothers followed us home; there was no place to hide her but on the hotline's premises, which was illegal as well as dangerous. Halah then decided to make a compromise with her family if they agreed to give her the basement and bring her children, a compromise that her family agreed to but did not implement. A few months later, Halah ran away again but this time during the *Eid* vacation, when the hotline was closed. The police caught her on the way to her friend's house and sent her to jail. We tried to free her from jail, but the administrative governor refused unless it was permitted by her father. A few months later, the family decided to get her out of jail. Halah called me from prison and said that her family was getting her released: "I am sure they are going to kill me this time." The lawyer Nour El-Emam and I ran to the administrative governor's office and tried to convince the governor to let us post bail for Halah, instead of her family. We tried to intervene but we had no official power. When Halah told the governor it was unsafe for her to go with her father and brothers, he looked at her and said: "Your father knows what is best for his family." Following her release, she was supposed to stay

with an uncle for a few weeks before going back to her family's house. We followed them to her uncle's house, but then they changed direction and took Halah directly to the family's house.

At the front door, her father was waiting and shot her with 23 bullets. He called the police and told them that he had cleansed his honor. Luckily, Halah had not been killed as all the bullets had lodged in her bones. Her father and brothers were sent to jail. When I visited Halah in the hospital, she told me with a big smile, "I have got another chance in life. I am not going to waste it." She decided to press charges against her father, and our JWU lawyer represented her in court. The family started to negotiate with Halah through us. Halah decided to drop the charges under the condition that she would never see any of her family members again. The father was released on bail a few days after the shooting, but her brothers were still in prison. The father agreed to Halah's condition. He told me, "She is a witch, I saw her flying when I was shooting, we can do nothing more for her." Halah left the hospital and we arranged for her to live temporarily in a room with an elderly lady. Later, she worked in a hospital as a cleaner and, soon after, got engaged to a nurse. A few months after, Halah and the nurse were married. We managed to reconnect her with her children, and she started seeing them on a weekly basis.

I met Halah again during my fieldwork in Jordan in the summer of 2012. It had been ten years since I had last spoken with her. She is still working in the hospital, but she was promoted few years ago to work in the registry department after gaining a college degree in administration. I met her not only to ask her permission to present her story in my research, but also because I wanted her voice in detail the process of jailing and release from prison. This is a process that encapsulates how the legal and social powers of *wilaya* over women are given priority over the safety and well-being of women. In this chapter, I argue that women's imprisonment in cases when they overtly reject family orders and authority is a measure of punishment and discipline, not just for women in prison but also for women in the country at large. That prison is the only place available to those who refuse to go back to their family homes sends a strong message of the significance of women's obedience and adherence to family's rules. Those who are imprisoned are then deliberately addressed as criminals of the social order, who need correction and discipline so the rules of male authority can be restored.

In this chapter, I examine the interconnection of *wilaya* over women with the state's masculine perceptions of women as in need of correction

and rehabilitation, and the plight of women's protection within the framework of male authority and the interests of family and community. I discuss several cases of women in the Women's Correction and Rehabilitation Centre/Jwaideh Jail, or what is known in Jordan as the place of "protective/safe custody," to examine the state's response to those who seek autonomous decisions related to marriage, divorce, inheritance rights, and mobility. I use women's stories to discuss, first, how they end up in the prison and when they resorted to overtly challenging their families and making potentially dangerous decisions. Second, I discuss the state's policies and procedures around the claim of women's protection. In the process, I shed light on how different state actors (police, judges, governors) respond to women's action of leaving their family's houses. Third, I address the issue of class and tribe in dealing with women who run away from their family's home.

REPRESENTATION OF WOMEN AND THE HONOR/SHAME COMPLEX

In my discussion of women prisoners in this chapter, who are mainly addressed within a framework of an honor/shame complex, I do not aim to engage in the discussion of honor and how it is conceived or contributes to the constructing of women's sexuality. Rather, I seek to add another voice to the growing critique of the explanation of cultural specificity in general and the honor/shame binary in particular, the critique of how the honor/shame binary in feminist literature has been conceptualized based on an extraordinarily fixed and limited orientalist approach.[2] This is because the analysis of the honor/shame binary is tied either to an ideological cultural explanation or the control of women's sexuality within Muslim contexts.[3] In the vision of honor as a cultural value, shame is assigned to women, while honor is an attribute of men.[4] The notion is, therefore, seen as a central part of the cultural reproduction of gender differences. Conceiving of honor in relation to Middle Eastern societies through an orientalist discourse "enables and compels one to see such values, not as mere ideas, ideals, superstructural ideologies or representations, but … as deeply embedded in a 'form of life,' or way of being in the world. This 'form of life,' however, is incredibly static."[5] The binary is used to represent a homogeneous, unitary, and biased culture of the region.

Challenging the ideological and political frameworks of orientalists, feminists have questioned these cultural explanations. Nadje Al-Ali (2008) challenges the neo-orientalist approach of cultural explanation by addressing that the main markers of difference in relation to the situation of Iraqi women are related to social class, place of origin, and political affiliations and not to cultural or religious boundaries.[6] Johnson et al.'s (2009) study of Palestinian marriage arrangements and celebrations show how "lived politics," rather than culture, impacts on the "symbolic, material, and social arrangements of marriage."[7]

Other approaches place more emphasis on the role of the state in perpetuating particular discriminatory practices against women under the claim of culture.[8] Beth Baron (2006) discusses how the legal changes made to articles related to crimes of "honor" in Egypt's penal code were implicated in the historical process of state building, change to political climate and circumstances, and colonialism. In relation to penalizing crimes of honor in Egypt, she argues:

> (The) Modern state had already moved the issue into the public domain, endeavouring to take over the guardianship of family honour from fathers, brothers, and (agnatic) uncles and cousins. Both efforts were an attempt to redraw communities of honour and shift loyalties to the state and/or nationalists.[9]

By this, Baron posits that the state did not challenge the notion of family honor but instead sought to enforce its role as the guardian of the nation.[10] Likewise, Abu Odeh discusses legal provisions in Jordan, Syria, and Egypt in relation to honor crimes, noting how state and nationalist elites aimed to give a traditional practice a modern face through legal procedures seen to be aimed at containing the practice. However, the state's "regulation and judicial practice [was] a response to the violence and the sexual practices; the resistant sexual types and practices being a response to the balance between the two types of violence, social and official."[11] By directing crimes toward the concept of honor and giving lenient sentences to killers, Abu Odeh suggests that the state ensured women's sexual practices were also punishable. Welchman and Hossain (2005) use a legal analysis to link "honor crimes" to the broader context of violence against women, with emphasis on the basis in law that encourages the practice. They also both question the orientalist approach of associating the crime with cultural aspects of "honor."

Consequently, I will add to the literature discussed in this chapter how the state's role in policing women's choices, which are made outside the guardianship system, perpetuates the notion of honor and female morality as the very basis of norms of authentic Jordanian identity; in turn, this founds the social and legal grounds for killing and jailing women under the claim of family "honor."

INTERVIEWING WOMEN IN THE PRISON

Interviews with women prisoners were arranged through Mukarram Odeh, the Director of JWU Aid Centre and Shelter. She organized the visits to the jail and joined me on my two visits. The decision of who to interview was made by the jail's director, who selected women for interviews based on the relevance of their cases to my subject. I had ensured the full consent of women to participate in the interviews and explained my research so as to ensure that the women were comfortable and willing to share their experiences. Mukarram was present during part of the interviews, as she thought it was a good opportunity for JWU to intervene in these cases. However, I made a clear distinction between my role as a researcher and Mukarram's role, so the interviews were not guided or influenced by expectations that I could meet. Therefore, Mukarram only joined in the end of each interview to discuss options and possibilities for intervention. The intervention of JWU in releasing women from the prison usually happens in collaboration with the prison's staff, a good number of whom have shown great sympathy with women incarcerated in the prison for protective reasons. They usually contact non-governmental organizations (NGOs) to assist these women's release from the prison.

When I visited the prison, there were 39 cases of women who were in the prison for protective reasons, of whom I interviewed seven. The deputy director of the prison described women who are in protective custody as "*sabaya zie el-ward* (young women like flowers). Most of them are innocents, have done nothing wrong, some of them *jad* (for real) are *banat a'lam o nas* (daughters of good families and tribes)." She, by this statement, informed us that the majority of women in the prison have neither committed any sexual acts nor were involved in any behavior deemed dishonorable, as women in the protective custody are usually portrayed in the media. She also indicated that not only poor women from underprivileged areas were in the prison but also women who belong to tribal communities.

The interviews in the prison were not as lengthy as other interviews, some only taking one hour or less. Although I was provided with an office where I talked to the women, it was not very private as from time to time the interviews were interrupted for various purposes and the environment of the prison in itself was a barrier to a free interview. However, I felt that women were very keen to share their experiences and disclose their stories. For some of them, I felt that telling their story was an opportunity to reflect on what had happened and how they wanted to move forward, as they were hoping to leave the prison. But being in the prison, for some other women, seemed to kill every hope they have had in life and they were so desperate to the extent that they were not interested in JWU's intervention to release them.

State Sanctions over Women Seeking Autonomy

Deniz Kandiyoti (1991) argues that in a context where the state deliberately uses local patronage networks and sectarian competitions in its distributive system, citizens turn to their primary solidarities for two reasons: first, to protect themselves, and second, to compensate for the unequal treatment of citizens and the ineffective administration of citizen's affairs. This compensation is usually performed and manifested through men's control over women and "reinforces the strangle-hold of communities over their women, whose roles as boundary markers become heightened."[12]

In these systems, women make use of the opportunities available and adopt accommodating and bargaining strategies as a result of a lack of alternative support systems, apart from family and kinship groups.[13] In Chap. 4, I discussed how women use various tactics to challenge, survive, and accommodate the value system and restrictions imposed on them. I argued that, although some women have used tactics to gain autonomy, they have done so in ways that have not risked or endangered the freedoms already gained. In all the cases I presented in Chap. 4, regardless of adopted tactic, women were aware of the family structure and hierarchy through which their tactics were intended to keep the lines of communication open with their families. In the context of Jordan, and elsewhere in the region, this is not optional but obligatory due the social and legal authority over women given to family and kinship groupings by the state.

> When the state is incapable or unwilling to represent the interests of society's members, the importance of family and kinship relations is inflated. Consequently, any challenges to patriarchal authority in the domestic sphere—including but not limited to challenges to the use of violence—can be construed as threatening to the family as an institution.[14]

Awareness that certain acts are punishable and have negative consequences on their daily lives leads women to realize tactics from within given spaces and options. While they sometimes try to create their own spaces and options, this does not come without cost. Some costs mentioned by women are related to the way they dress, the choice of work and activities they engage in, contributing to the family finances, being falsely obedient, and bribing their brothers. However, when women fail to achieve certain autonomous decisions, particularly those related to marriage, divorce, and inheritance rights, they may resort to more risky forms of challenging their family's orders. The most common form of challenge is running away from home.

The majority of women who run away from home use this as a pressure tool to force their family to reverse their decisions. Most of the time, women seek the assistance of tribal leaders, relatives, neighbors, or close friends of the family. In some other cases, women hide with friends who are unknown to their families. If the destiny of a woman is unknown or no reconciliation has been reached through those who are mediating, the family usually reports the woman's absence to the police. When caught, women are asked to return to their families' houses. In cases where women refuse, the police refer the case to the administrative governor, who places them in jail with the justification of protecting them from the threat of their family.

The legal basis for these procedures is related to the administrative detention provisions, specifically Law No. 7 of the Crime Prevention Law of 1954, which provides powers to the police to make arrests.[15] This law bypasses all legal procedures, as the governor may order administrative detention against any person who may be "about to commit a crime or assist in its commission," those who "habitually" steal, shelter thieves, or hide stolen goods, and anyone who, if remaining at liberty, would constitute a "danger to the people."[16] The law does not specifically authorize placing women in protective custody, but governors have nevertheless used it for decades to detain women.[17] Thus, under this law, perpetrators who are presumably about to commit a crime are left free, while women

are imprisoned "for their own protection." As a 2009 Human Rights Watch (HRW) report concluded, "Governors stand the principles of justice on their head by punishing the victims instead of prosecuting those responsible for such threats."[18]

For administrative detainees to be released from jail, a guarantor is required. Ironically, a woman in protective custody can only be bailed out by her guardian, who can act as her guarantor. Typically, this guarantor is the one who is involved in the threats that led to her detention. "To insist that the same male family members who threatened the woman with violence be the only acceptable guarantors to secure a woman's release is to seal her fate of indefinite detention or expose her to violence upon her release."[19] This issue clearly manifests the choice of jailing women as not about protection but rather as related to preserving the family's decision over the woman's destiny. When the legal guardian is the only one who can bail a woman out of jail, or keep her there, this demonstrates the state's involvement in legitimizing violence against women through the intertwined alliance between state and patriarchy, as women are trapped between the two.

These procedures regularly take place regardless of women's choice or whether the threat of murder or violence exists. Jihan, a 25-year-old woman who had been in prison for three months, told me:

> I told the governor, there is no threat if he allowed me to stay at my [maternal] uncle's house, but because my father did not want me to go back to my uncle's the governor sent me to jail. I know my family. They will not kill me. I did not do anything wrong to be killed. I just did not want to live with my father and his wife. They wanted me to marry my stepmother's brother.[20]

Jihan's parents were divorced when she was ten years old. Her mother remarried and traveled with her new husband to Saudi Arabia. Since then, Jihan has lived with her father and stepmother. She ran away when they wanted to force her into marriage. She went to her maternal uncle's house, who refused to give her back to her father. The father reported her absence and the police apprehended her. Despite the fact she was at her uncle's house, the police sent her for a forensic virginity test, a procedure that, although it has no basis in the law, is performed on any woman reported to have left home without her family's permission, even if her absence was for a matter of hours. The virginity test is performed to ensure that women did not engage in any sexual relationships

during their absence from home. It is designed to keep women's moral-ity in check, as well as to question their moral behavior. When I asked Halah what she remembers and how she was surviving her experience, I was surprised to see that her experience of the virginity test was more horrific than the shooting: "My body was invaded. I felt very cold. I still shake when I remember that horrible moment."[21] Halah, as a previously married woman, was not supposed to have a virginity test, but the test was performed to check if she was sexually active during her absence from the house.

Both procedures of detaining women in the name of protection and virginity testing, as Shahnaz Khan (2003) argue in relation to detaining women under *zina* (adultery) laws in Pakistan, are examples of the state's power to regulate the morality of women who do not comply with male authority, which as Khan states, "contributes to the growing incidence of state-sanctioned violence against women."[22] By performing virginity tests, state officials aim to divert attention away from perpetrators and give a "valid" reason for incarcerating women as due to the threat from their families. It is also a matter that relates to how women who do not comply with male authority are perceived by the state as immoral and, therefore, need to be checked and punished.

When women are found not to be virgins or to have been sexually active during their absence from home, the result is that they either stay in prison for the rest of their lives[23] or could be killed when their family bails them out of prison. Therefore, this procedure aims to find grounds for women's murder or imprisonment when they challenge the power delegated by the state to male members of the family.

The other option available for women to be released from detention is marriage. Governors have been known to suggest marriage to unknown men.[24] Lawyer Elham el-Showa told me that the men suggested are usually either old and in need of care or are married to more than one woman and wish to take advantage of the cheap dower of women in prison.[25] Interestingly enough, when a woman proposes to the governor to marry a man of her choice, the governor, as I will show shortly in the case of Khawlah, can reject this offer unless the guardian's approval is guaranteed. The pertinent point then is that a woman cannot decide on her fate and her choices are limited to those decided upon by family and state authorities. Marriage here is a practice of punishment and cleansing, and therefore women's choices are not considered.

Punishment Under the Name of Protection

By failing to protect women from crimes or abuses, the state defines the notion of protection according to the normative framework of gender order that favors protecting family and kinship relations over women's interests and protection. This brings us back to the issue of interests and protection discussed by judges in Chap. 2, which are part of the motives that judges raised in relation to *wilaya* over women. If *wilaya* provisions are meant to protect women and their interests, then how would incarcerating women in the prison do so? The connection between women's interests and their protection, on the one hand, and imprisonment of women on the other, was explained by Sheikh Muhammad Al-Naimat, who reasoned that women cannot be left without male supervision, no other options are available for those women; those who run away are risking negating the community's values, and if left unpunished, those women could influence others negatively:

> What else can one do when you find a woman running away from home, not just doing so but also refuses to go back with her family. The governor in this case is placed in a very vexed position. He cannot let her out there in the street doing whatever she wishes. More dangerously, other women might follow her example. If this happens what morals are then left for us? Families have to react outside of state's jurisdiction, which will increase crimes in the country.[26]

The issue of protection stems from the state's interests of preserving the rights of male members of the family to supervise and manage the affairs of their women. Therefore, women who fail to adhere to their family's orders should be punished. Again, incarcerating women in the prison, as Sheikh Naimat argued, is also used as a security measure for the community through which women are kept obedient, a sword of discipline and punishment. When asked why they were sent to jail, several women stated the governor and police officers told them it was due to their immoral behavior. Jihan told me that the governor said to her, "You are either crazy or a bad woman to leave your father's house without his permission."

The state policy of punishing women who step outside its normative framework is commonly practiced in the region. Hoodfar and Ghoreishian (2012) argue, in relation to morality policing in Iran and Saudi Arabia, that state authorities are angered not by actions that are seen as against

religious norms, such as driving in the case of Saudi women and women's claiming public spaces in Iran, but rather it is the "civil disobedience" nature of these actions that angers them. The imprisonment of Manal al-Sharif by morality police, after she posted a YouTube video of herself driving, was due to the fact that her act was seen by authorities as "deliberately inciting civil disobedience" and "inciting other women Saudi women to drive cars."[27] Hoodfar and Ghoreishian, therefore, argue that women who are defined as minor legal subjects of these states are restricted from the public sphere by morality policing. By performing such actions against women, states keep women entrenched in their minor positions and, when women step outside of these positions, morality policing provides the means to punish and return women to their prescribed spaces. More importantly, morality policing aims to contain the practice by making it a punishable offense, so other women do not follow in the footsteps of disobedient women.[28]

In Jordan, there is no institution of morality policing per se, but the state deliberately maintains particular laws to restrict the freedom and mobility of its citizens. For instance, under Article 320 of the Penal Law, which criminalizes "flagrant acts of public modesty,"[29] women who are found alone in public at night or in the company of men who are not relatives can be imprisoned without their families reporting their absence to the police.[30] Thus, the state gives itself the authority to monitor and protect the normative standards of women's modesty and chastity on behalf of the family. It also regulates women's behavior within the public sphere, as a woman walking at night in the street or mingling with male friends would be seen as violating the public modesty.

While these incidents are not punished on as large a scale as in Saudi Arabia and Iran, the existence of such a law and its usage in some cases not only allows the conservative authority of the police and criminal investigators to impose restrictions on women's liberty and mobility but also places women in situations that can lead to excessive forms of violence by their families or life imprisonment by the state. Also of great importance is that these cases depend totally on the officers' subjectivities and their perceptions of public decency and women's modesty, and are therefore arbitrary. As Hala Ahed, the legal advisor of JWU said, "Some police officers may see a woman holding hands with her boyfriend as a normal act while others would pursue a case, as according to their mentality this is improper behaviour."[31]

Sheikh Naimat, who deals with these cases when women of powerful tribes are involved, explained the rationale behind such police practices as being based on the fraternal relationship of man to woman in the community:

> When a policeman notices that a girl is publically performing a shameful act, he puts himself in the shoes of her brothers or father. We are a conservative community. Police officers know that real men would not accept their daughters to be in a car with a stranger or walk at night with her boyfriend. They have to do something about it. I have dealt with several cases where women were found in the cars with strangers or were with unrelated men in isolated places. The police engaged me so I could talk to the girl and solve the problem. Sometimes, we solved the problem without informing the family but we usually make sure that the girl realises the consequences of her actions.[32]

Regardless of whether women were sent to jail based on the law on prevention of crime or under the Jordanian Penal Code, these cases demonstrate that women's choices are meant to be supervised and monitored by male family members. If male members are not present, state officials then act on their behalf and in accordance with the normative perception of what and how a woman should be and act.

Similar to Khan's (2003) finding regarding *zina* cases and Hooria Hyat Khan's (2012) on "honor crime" cases in Pakistan, my data support the view that many women incarcerated for their own protection are not in prison because of any sexual misconduct; their families alleged sexual misconduct to have them jailed when they challenged the family's authority.[33] Hooria Khan concludes that when morality is preoccupied with "the maintenance of male authority" that "engenders mechanisms of control to keep women subordinate,"[34] the court and police also "seem to valorize men's status as custodians of women"[35]; hence, "the *zina* laws were promulgated to help bring about a just and moral society in Pakistan."[36]

The main reason for the imprisonment of Halah, Jihan, and many other women I interviewed and worked with is that they were not being obedient enough to the men in their families. Women's non-compliance with male authority is also found by Khan (2003) to be the main reason for incarcerating women in prisons in Pakistan. Likewise, as in the state of Pakistan presented by Khan (2003) and Hooria Khan (2012), the Jordanian state treated issues related to women's choice in matters of divorce, marriage, and mobility from the perspective that these rights clash with female

modesty and family's rights to preserving their honor. In this way, the state uses "honor crimes" as a disguise to escape its responsibilities to protect women and treat them as equal citizens, rather than as minor subjects. Shahnaz Khan (2003) concludes that the "state's treatment of the *zina* victims puts into question the nation's commitment to protect the interests of all its citizens. … The nation needs morality, and women and lower-class citizens are sacrificed to provide a moral face for the nation."[37]

At the end of 1996, JWU held a conference on the administrative detention of women in prison, in which I presented Halah's case and those of other women prisoners. Several judges, policymakers, police officers, and civil society representatives attended the conference. The audience's responses varied from accusations of fabrication to the inability to believe that women were incarcerated in the prison for reasons other than those of sexual misconduct. The JWU's demand was for the government to establish a safe place for women survivors of violence and to release women who are detained and awaiting their guardians' permission to leave jail. The issue seized the attention of national and international media. However, it was mainly focused on the state's claim of protecting women under the threat of killing in the name of "family honor."

By linking the issue of female administrative detainees to family "honor," the media, some scholars from the West, and some activists encapsulated issues facing women in the prison in particular, and women in Jordan in general, under the issue of "honor crimes," thereby embracing the state's version of the story. The "honor crimes" issue has also been discussed in feminist literature, albeit the focus was merely in relation to female sexuality.[38]

The state has legitimized the action of imprisoning women by entangling it with the notion of honor. By doing so, women in the jail have been twice stigmatized: once by being in jail in the first place and a second time by being denounced on their alleged sexual misconduct. Regardless of the reasons for which women were imprisoned, treating their cases as part of the umbrella issue of "honor crimes" complicates their release, places them in more vulnerable positions, and also draws attention away from the state's involvement in protecting male authority over women. Furthermore, when simple decisions of marriage and divorce have such brutal implications on women's lives, women in the country are left with no option but to either adhere to male authority or find ways to exercise their choices through "bargaining" or "accommodating protests."

Among women activists I interviewed, one of the issues raised was the continuing incarceration of women who run away from home, excluding them from the mandate of the national shelter established in 2007 to protect women survivors of violence. Nadia Shamrouk, the General Director of JWU, told me:

> The government is not serious in finding a solution for those women because it does not see them as victims but rather criminals of the social values. Women who run away from home, according to the state's logic, are to be punished for their act of leaving their family's house. The police officers, judges, and governors fear to treat those women in a just way because each one of them perceives women generally as his daughters, wife, sisters, and thus turns the law to serve his interests of keeping women as a family and state property.[39]

Excluding women who run away from home from the services of the national shelter, the Family Reconciliation House, is thus related to the state's policies of keeping those women away from other women, lest they spread a rebellious contagion. It poses a public threat to a masculine state as well as a personal threat to male officials dealing with the cases. Halah told me that the police officer who took her from the governor's office to the prison said, "If you were my daughter, I would have gotten rid of you before you reached the prison."[40] Rama, whose story I present shortly, had also been told by the governor, "If your brothers were real men, I would not have seen you here for a third time. You should rot in the prison this time so you become an example." Officials, therefore, personalize their decisions so as to guarantee that "their women" would not be influenced by or replicate such risky acts. Several discriminatory laws against women, whether family, penal, administrative, or civil, enable state officials to find ways to enforce punishments for women's attempts to gain autonomy over their lives. Therefore, provisions for *wilaya* over women, whether explicitly or implicitly embedded in Jordanian laws and the practices of state officials, sum up the relation between women and the state, the gendered nature of punishment, and the role of the state's criminal punishment in the subordination of women and control over their lives and scope of activity.

Lisa Hajjar (2004), in her discussion of state power, Islam, and domestic violence, argues that the idea that a man has the right to punish and discipline female family members is part of "the tactics … to maintain

order at home and in society at large."[41] Therefore, she concludes that without calling into question the legal and social structures of male authority, domestic violence against women will continue to be the norm: "Seeking means of ameliorating the problem of domestic violence entails challenges and changes to the ways in which such authority is legitimated and enforced."[42] Therefore, male authority and female obedience, when legalized by the state, creates conditions that enable men to enforce their will on matters of marriage, divorce, and any other decision related to women's lives.[43]

In Need of Correction: "Witches," "Dangerous," and "Crazy" Women

Though Halah's story ultimately had a "happy ending," many women are not so fortunate. Most women I met said that it was as if their lives ended the day they were sent to prison. The stigma associated with being imprisoned suggests that women must have done something shameful to themselves, their families, and the community at large. Even though they are in the prison for reasons of "protection," the idea that a woman needs to be protected from her family in the first place questions a woman's morals rather than condemns the acts of perpetrators. According to this logic, a family would not threaten their daughter unless there was a "valid" reason.

Some of the reasons addressed in the literature for the killing or imprisonment of women are those related to controlling women's sexuality. However, in the context of Jordan, the immediate reason for a woman's killing or imprisonment could be as simple as refusing to adhere to the family's code of dress, initiating divorce without familial consent, refusing to marry, a desire to continue studies, or being sexually abused by a male family member or friend. Anissa Hélie (2012) argues that control over women's choices of marriage, divorce, and work is less recognized in feminist literature than control of women's sexuality in Muslim contexts. These choices are women's means of challenging established norms and, accordingly, a woman's modesty is perceived in relation to whether her actions challenge these norms, not merely to the exercising of her sexual rights.[44]

The problems related by the seven women I interviewed in the prison, and the four who had previously been imprisoned, were not related to sexual misconduct. However, most of these women told me that their

families had described them as "uncontrollable," "crazy," and "tomboy" since they were little girls. These traits challenge the normative perception of femininity. Control over those women seems to be more brutal than that over those who conform to normative femininity. Therefore, women's actions do not merely determine how the family responds, but rather responses are amplified when these acts are associated with characteristics that challenge the basic perception of a woman and how she should walk, talk, or behave.

In the Foucauldian sense, those "dangerous" women challenge the "regularity practices" and the established knowledge of femininity as receptacles for masculine completeness. As I argued in Chap. 3, training women to behave in a feminine style, which shows shyness, fragility, and incapacity, constructs the assigned attributes of femininity on the one hand and the means to legitimize male authority over women on the other. Connell (2006) posits that the production of feminine and masculine symbols is a "semiotic approach" of treating men and women as objects in order to normalize gender differences.[45] In the process of normalization, the subject is turned into an object of the semiotic knowledge, which creates the divergent behavior of men and women.[46]

When a woman fails to perform or contradicts the semiotic knowledge, she is then perceived as a dangerous subject, who needs correction and rehabilitation. The process of correction in the case of women prisoners takes place in a collaborative sense between family, tribe, and the state, in which the latter is a "willing partner in the families' desire to control their women."[47] As Khan suggests: "This process also helps to criminalise an already impoverished female population" (Khan, 2003: 94). Halah's case is a good example here, as she told me how her family's inability to control her sport activities started her troubles:

> I dreamt of being a gymnast. My father once saw me standing upside down on my head. He shouted to my mother "look at what you have raised!" I was beaten so many times because I used to run in the street, not walk, or because I used to hit boys who harassed me. I kept doing sports at school secretly. One day my father knew I was in a sports competition. It was the day I was dropped out of school. A few months later my marriage was arranged.[48]

Halah represented a challenge for her family. Her engagement in sports gave her confidence and a strong personality. The fear of a woman like

Halah is the fear of change to the structure of power. In terms of gender norms, it is men's fear of losing the advantages associated with owning power and authority. When men's confidence is only articulated through the ways they manage and control women's behavior, then losing such a privilege would certainly contribute to redetermining what masculinity and femininity both entail, which might in turn disturb the state's control over its subjects. It is here that the institutional laws of *wilaya* over women come into agreement with the patriarchal interests of preserving the masculine/feminine divide. These laws institutionalize the power over females' activities, so not only can women not escape the position of subordination, they can also be punished for embracing different ideals than those attributed to them.

Rama is another example of a woman who was perceived as rebellious from very early in life. I heard about Rama when I visited the prison for the first time. The guards admired her very much, though she was causing them so much trouble and mobilizing other women against the prison's policies. Rama was "the prison's *mokhtar* (leader of a clan or neighbourhood)" as one the guards stated. Rama was bailed out of jail by the Sisterhood is Global Institute (SIGI) a few days before I visited the prison. Lawyers of SIGI arranged for her to stay at the JWU shelter. I met her at the JWU shelter before the police caught her and sent her back to the prison for the third time. Rama considers herself a "permanent resident of the prison"; she had been in and out of the prison for the last five years.

Rama's story began when she turned 12. Her mother and brothers suddenly began to restrict her movement and appearance. Rama hated that she had to go home directly after school and not engage in any school activities. She told me that she, unlike her other sisters, refused to do whatever her mother and brothers told her: "For whatever reason, I was rebellious." On several occasions, her family prevented her from going to school as punishment for her disobedience: "When my brothers used to hit me, I used to hit them back. I never accepted their mistreatment. I had never let them see my tears, I used to piss them off with a smile."[49]

When she was in her last year of school, a man proposed to her and she agreed only to escape her family's restrictions and abuse. Her husband was well educated and allowed her to finish her school and enroll at the university. She had only studied one term at the University of Jordan's business school when her brothers forced her to leave the university, threatening to take her back home if she continued to attend classes. She said: "I lost respect for my husband after this. He was not a real man. If he

was, he would have been able to protect me from my brothers. He kept saying he could not do anything against my brothers' will."

Rama's family kept supervising her movements and activities. Whenever they suspected she was not staying home or was mingling with women they did not approve of, they would come, beat her, and threaten to take her back to their home. Once, she was coming home with her friends and her two children from the Dead Sea at night. Her mother and brothers were waiting for her at her house and started interrogating her; when she asked them to leave, one of her brothers hit her. She went to the hospital with a broken hand and wanted to report the incident but her sisters convinced her not to do so. They took her from the hospital, locked her in the house, and forced her husband to divorce her. "My husband was very weak. I also wanted a divorce because what was the point of being married to someone who could not protect you?"[50] After the divorce, her family arranged for Rama to go to Saudi Arabia and live with her older brother. When Rama learned of their intention, she ran away from the house. Her ex-husband financially supported her; she rented a room, started looking for a job, and agreed with her ex-husband to take the two children when she was settled. However, in less than a month, the police caught her and sent her to prison. This was Rama's first experience in prison:

> It was so harsh to see yourself ending up in a prison for doing nothing. The governor would not listen to me he just kept repeating to me the question: if I wanted to go to the prison or to accept going back with my brothers. I did not want to go back home with them. I told the governor I could support myself and my ex-husband would give money to live with my kids. He asked my brothers if they were okay with that, when my brother said no, the governor referred me to the jail.[51]

Rama's ex-husband used his connections and bailed her out of prison, after which she spent three months out of jail without her family's knowledge. When her family discovered that she was out of prison, they again reported her absence and the same cycle was repeated at the governor's office. She was bailed out again by the Sisterhood is Global Institute, lawyers and social workers started to work on her case, and she was sent to the JWU shelter and stayed for a month. Rama was so hopeful that this time things could be different. However, as she told me, her family refused to cooperate with SIGI unless Rama was back with them at home, an option totally rejected by Rama. Her brothers reported her absence again

and she was returned to prison after getting caught with one of her friends at night. SIGI, JWU, and some of Rama's friends tried to post her bail, but this time she did want to leave and refused any further attempts for her release. The second time I met her in the prison, she told me: "Life here is easier. My biggest worry is not to run out of cigarettes. No fear of police to catch me, or my brothers to beat me. Less headache, honestly."[52]

Rama was certain that her brothers would not kill her if she had been allowed to live on her own. She stated that all of her brothers have good positions at work, children, and fairly stable lives. They would not endanger all of this to kill her: "All they wanted is to punish me. Not just for running out, but for my personality and who I am." Rama is 28 years old, and divorced with two children. She thinks if the governor had not sent her to the prison the first time, she could have found work and lived away from her family's interference.

Rama's punishment was not related to any reason other than defying her family's perception of what a woman should do and how she should behave. Rama and Halah's personal traits did not match normative femininity and the values assigned to them as female. Their strategies of overtly resisting their family's order also did not encapsulate the performance of a "good" woman. When a woman challenges the established norms openly, at the levels of both knowledge and practice, she is then seen to pose a greater risk to the masculine state's harmony and interests.

From women's narratives, it was notable how regularly families and state officials describe them as witches, crazy, and dangerous; such is necessary to maintain a particular conception of women who step outside the system's framework, as well as to justify their abuse under the mantra of correction and discipline.

Tribe and Class Arrangements in the Case of Runaway Women

The detention of women for reasons of protection not only raises specific issues about the legitimacy of their imprisonment but also that incarcerated women have lost their liberty not as legitimately imposed punishments for a crime but for reasons intended to uphold a broader collective interest. As judges described, the communal interest is related to the harmony of the tribe and community, and therefore women's defying normative perceptions of femininity is rendered as a punishable act by the state in order to keep families and tribes in control of their women. This, in turn, maintains a kind of power for the tribe that operates collaboratively with the state.

I met Khawlah in the prison on her third day there. Two days prior, she had gone to court to complain about her father's refusal to conclude her marriage to a man with whom she was in a relationship. Khawlah was weeping and crying with one question: "Why am I here?"[53] Khawlah is 38 and, according to the 2010 Jordanian personal status law, she was eligible to conclude the marriage on her own and did require a case. However, Khawlah was advised by a judge to seek the help of the Bureau judge Sheikh Muhammed Naimat, whose mandate I addressed in Chap. 2.

In Khawlah's case, Sheikh Naimat could not do anything. He knew that her father's refusal was due to a historical issue between Khawlah's tribe and her boyfriend Ibrahim's tribe. He said, "You know how it is. We cannot interfere in issues of marriage when the interest of the tribe is at stake."[54] Sheikh Naimat was about to call the governor for a consult when a car full of men arrived at his place. They were Khawlah's cousins. Sheikh Naimat called the police, who directly referred Khawlah to the governor and then to the jail, under the justification of protection.

During my interview with Khawlah, she kept repeating the same question: "Why am I here? I am going to lose my job." Khawlah is a nurse at one of Amman's private hospitals. She works to supports her mother and siblings, as her father left when they were very young and she raised her brothers and sisters. "My father has no right to object to my marriage. He has never been there for me. I have not seen him for a long time. He usually visits us when he needs money." Khawlah kept screaming and crying. I promised to follow her case; I met Sheikh Naimat, and later her boyfriend Ibrahim, together with a lawyer from the JWU.

"The story of Khawlah is not a unique case," Sheikh Naimat said:

> I have dealt with several cases like this. Some women had to leave the country, others accused themselves of having sex and losing their virginity to their boyfriends in order to force the family to conclude their marriages. When they did such a thing, women knew they might lose their lives but they had to try.[55]

However, the case of Khawlah is particularly difficult for Sheikh Mohammed because the two tribes had signed an agreement not to intermarry or have any trade or business relations. This goes back to the beginning of the twentieth century, as I learned from Ibrahim and Sheikh Mohammed. Khawlah was astonished when she found out about this issue from her father: "If my great-grandfather had an issue with Ibrahim's

great-grandfather a hundred years ago, shall we stick to an outdated agreement? This does not make sense."[56]

During Khawlah's imprisonment, Ibrahim tried to find ways to secure her release. He told me that he went to the Supreme Council of the Shari'a Court, laid down at the door of *Qadi Al-Quda* (the Chief Justice)—"a practice for Bedouins when they make a request from someone"—and did not get up until Ahmed Hilayel, the *Qadi al-Quda*, told him that his demands would be met. Sheikh Hilayel issued a request for the Sweileh Shari'a Court to instruct the prison director to allow the marriage in the jail, if Khawlah accepted. However, the Sweileh Shari'a Court did not respond to the letter and ignored Ibrahim's request. Sheikh Muhammed Naimat told me the "*shari'a* court could not do such a thing. Khawlah's tribe will declare war on the judges who would dare to do this."

In my interview with Sheikh Fadi Alawaishh, I asked about cases like Khawlah. He explained that Islamic *shari'a* does not operate in isolation from the social context: "We have to consider tradition and kinship ties when we deal with issues of marriage and divorce." This statement confirms that Islamic rules have been adapted to serve the interests of the tribes and family at the expense of women; it is more authoritative when these rules are associated with God rather than tribes.

Before leaving Amman, I called Ibrahim to check on the situation. He told me that a lawyer managed to involve a powerful Sheikh from the south of Jordan who was going to take Khawlah out of jail and arbitrate a solution between the tribes. Khawlah's shouting and screaming still rings in my ears. "The whole system failed Khawlah,"[57] JWU lawyer Elham Al-Showa said. "Our hands are tied. We are afraid to get Khawlah out of jail and then fail to protect her." Khawlah refused the claims of protection when the policewoman told her that the governor was protecting her from her cousins: "This is not protection, this is a punishment. What am I being punished for?"[58]

The interconnected relationship of state, tribal, and family guardianship over women is the answer to Khawlah's question of "Why am I here?" Rather, laws on women's affairs are used as a political tool to reinforce male authority over women and, in turn, perpetuate the state's political order through maintaining a stable relationship with the tribes at the expense of women. It is the space given to tribes to practice an authoritarian role, when all other roles related to the politics of the state are taken away.

In closed tribal communities, guardianship is not merely practiced by fathers, brothers, or grandfathers; it is, rather, decided by the sheikh of the tribe. The father or the closest male guardians are sometimes merely implementers of the sheikhs' decisions on marriage and divorce. Women's relation with state institutions is thus determined and managed through the tribe and family members. This is also encouraged by state officials' practices, as some judges told me that they must ask for the father's permission when a woman from an influential tribe asks for a divorce. This is not a legal requirement, but as Judge Arabyiat stated:

> We have to ensure that a woman's decision is not going to cause a conflict between tribes. Women are not always rational in their decisions and sometimes they ask for divorces for silly reasons. So by consulting the father before accepting the case, we protect women from themselves and maintain a good relation between the tribes, which in turn preserves the harmony of our community as a whole.[59]

There are several problems with this reasoning. First, even though a woman has the right to file a case for divorce, when she belongs to a tribe it becomes necessary to check how her decision might affect tribal relations. This means there is a divergence in the legal procedures according to the tribal status of the woman in question. This, again, confirms the willingness of state officials to partner with families and tribes in controlling women.[60] Second, the harmony of the tribe is given priority over women's interests. Khawlah's case demonstrates how insignificant a woman's choice and life can be when tribal interests are at stake. As Mounira Charrad ([1990]) posits in relation to tribal and state formation in Algeria and Morocco:

Whatever the particular pattern governing marriage ties, the control of women was necessary for the maintenance of community cohesion … the law provides a basis for social control and is meant to imprint on social dynamics a given rhythm and direction.[61]

However, the position of Khawlah's family within the tribe also significantly impacted the ways in which judges, governor, and the tribal judge Sheikh Naimat dealt with her case. As she is from a poor and less influential family within the tribe, the tribe's interference in her case was higher than when those involving women from rich or influential families. So, within the tribe, there is also a hierarchy that impacts the ways in which women's decision of marriage and divorce are dealt with. For instance,

Sahar's decisions to divorce, continue living independently, and mingle with friends freely are certainly influenced by her status as a woman from a rich tribal family, as well as the position of her family within the tribe. Her family has an influential and powerful political position within the state's structure. Therefore, the limitations imposed on divorced women, such as loss of freedom of movement, are not applicable in Sahar's case due to the tribe's influence over women's affairs when they belong to rich and influential families.

In this sense, acts of traveling alone or mingling and partying with men do not pose a threat to society's perceived norms of morality, as long as they are relegated to a particular class. By differentiating what morality means and whether a woman's act is punishable, tribes and the state do not simply maintain gender power relations but also maintain the class and tribal structure and hierarchy within society. So, what is deemed to be the protection of society's morals seems to only be applicable to particular women. These women, who are supposed to protect public morality, are usually more disadvantaged both socially and economically. Therefore, the insubstantiality of women's position and applications of procedures of punishment also ensue from the vulnerability of their social and tribal positions.

Conclusion

In this chapter, I showed how male authority is protected by different state policies and procedures and that the claim of protecting women is more an intent to punish, correct, and rehabilitate those who step outside the gender order and structure. I argued that when women challenge the status quo by demonstrating traits and behavior that counter normative femininity, disciplinary procedures such as virginity tests, morality checks, and administrative detention are the state's mechanisms to supervise and perpetuate men's authority over women. Women, through these provisions and procedures, are identified as dangerous and in need of correction. Accordingly, they are not only punished but also used as a warning to other women who might follow in their footsteps. Within this context, women's protection is meant to normalize gender, tribe, and class arrangements and perceptions, within the framework of masculine state interests.

Hajjar (2004) concludes that for the state to construe women's seeking protection as violating the principle of male authority, which is deemed as enshrined in Islamic laws, it uses Islam to prevent women from seeking its

protection.[63] However, as I have shown in this chapter, masculine states use whatever means at their disposal to control women, whether through *shari'a*, penal codes, or administrative procedures not established for women in the first place, but such states have gendered these procedures and laws through claims of preserving honor and protecting modesty. Although these laws and procedures are meant to protect the social order by controlling women, in the case of Jordan, the state has also left space for tribes to deal with cases of women runaways, domestic violence, or women found with strangers in accordance with the best interests of the tribes and customary laws, as I showed in the case of Khawlah and other women.

Through the case of women in prison, I showed how most cases have no relation to a so-called dishonorable act, which is usually of a sexual nature. Rather, women are imprisoned for making choices related to divorce, education, rejecting a marriage proposal, and indeed even for simpler reasons, such as a woman's choice of female friends. My findings suggest that the insubordinate nature of a woman's actions within the guardianship system forms the basis of the legal procedures that justify either the killing or incarceration of women, instead of the commonly discussed reason of controlling women's sexuality.[64] The state uses women's sexual behavior to justify legal procedures biased toward honor and morality; in so doing, the state validates both its punishment of women who rebel against the system and its cooperation with the perpetrators.

The virginity tests performed on Jordanian women who run away from home, even for a couple of hours, show that the state places itself in a position to perform a morality check on those women. Running away or disobeying their families acquires such women the label of sinful and immoral, even if they are found "not guilty" of the moral claim. Ayse Parla (2001), in her discussion of virginity tests in Turkey, suggests that the state intensifies its use of such weapons in times of disruption to the official construction, which are effected through the everyday practices of women who challenge the state:

> It seems to me to be more than coincidental that the frequency and the violence of the virginity exams at the hands of state officials intensified with the emergence of the feminist movement of the post-1980s. This is not to say that the exams are a direct response to the movement. Nevertheless, they are, I believe, at least in part, an expression of state anxiety during a time of shifting norms and a retort to the bolder attitudes of women who are re-claiming bodies other than those sanctioned by the official ideology.[65]

I argue, similarly, that such exams are the state's mechanism to correct women's "disobedient" behavior and limit their capacity to escape the guardianship system. Virginity tests are a symbolic mechanism by which the state reinforces its surveillance of those who step outside the collective consensus. They are, as Parla clearly puts it, "emblematic of the incorporation of the preoccupation with women's modesty, previously enforced primarily through kinship networks, into the mechanisms of surveillance deployed by the modern state."[66]

Morality checks, virginity exams, and incarcerating women in prison are "disciplinary techniques" that, as Foucault suggests, are essentially meant to "correct those who do not conform to the established norms and power."[67] These techniques, as I discussed through women's narratives of jailing procedures, also seek to categorize women into two groups: those who are able to carry their tasks of conforming to the normative femininity established by the guardianship system and those who are punished because they did not attain the required performance level of normative femininity. Those women are not only punished but also categorized as risky, dangerous, witches, and crazy. Hence, the act of non-conforming is punishable, a matter that is enforced precisely in the legal procedures dealing with women who object to or reject their family's control.

The case of women prisoners in Jordan confirms the necessity of building linkages between the masculine state's epistemology of women, how such an epistemology is institutionally embedded, and the ways in which women become aware of the consequences of challenging the state's masculine perceptions of women.

The limited options women have to maneuver, as I have shown, entails that those women overtly challenge mechanisms of control. As the imprisonment of women, who reject a particular order of family or tribe, is usually a collaborative decision made between state authorities, tribal leaders, and family members, the imprisonment is both a disciplining method for those who challenged the system and a lesson for other women. Indeed, the sentence of two Saudi activists on 15 June 2013, who tried to help a woman who faced a two-year travel ban escape her abusive husband, included the statement: "This is for other women not to repeat such acts."[68] Women are, therefore, made aware of disciplining procedures in order for hegemonic practices to be sustained and controlled.

Under provisions related to the protection of public modesty, state officials can imprison women found to be in the street at night or mingling

with male friends during the day. At the same time, women who use their cars to travel at night, or meet friends at expensive restaurants, are not subject to the same police practices. Some of the women who ran away from home could not afford anything but very cheap hotels, which are usually subject to monitoring and police surveillance, making it easier for the police to make an arrest even when the family did not report the woman's absence. However, cases of women who could afford to pay for expensive accommodation showed that such women do not face the same fate, as police would usually not invade these places without authorization. It is not only being from a wealthy family that makes police interference less likely, but also the police's perception of women's mobility, living alone, and mingling with men as normal acts within the richer classes. By such duplicitous perceptions, women's morals are judged based on their class rather than their actions. This leaves us an unavoidable question: is it mostly poor women who are expected to embody the deemed national honor and morals? In addition, does punishing women from poorer classes serve as a tool for disciplining women from other classes?

It was devastating to see some women had reached a state where it was no longer important for them to try to leave jail. While Mukarram was explaining to a woman what the JWU could do to get her released, the woman replied: "Okay, you try, and let me know what will happen with you. Not that I am not hopeful, but it is not important any more if I leave or stay." I was looking at her face and thinking of how one could reach such a state, where prison equates to freedom, and whether women could feel freer in such a place than in the outside world. I did not have the chance to observe life in the jail, as we were only permitted to be in the outside offices, which are separated from the cells and the facilities of the jail. But from women's description of the prison experience, they seemed to survive it and make sense of it as a space that is not under the control of their families. As Eman described: "to be in the prison is to be in a place where you only have to determine what to say or do, no one tells you that is right or wrong, even if someone does, they do not have the right to punish you." This raises the question: can the prison experience, intended to correct or rehabilitate women's behavior, actually transform women to thinking outside the system? If so, can prison have the exact opposite result than what is intended?

Notes

1. Palestinians usually use *al-hamouleh* (clan), which is different from *al-qabileh* (tribe), used by Jordanians.
2. Rosemary J. Coombe, 1990. "Barren Ground: Re-Conceiving Honour and Shame in the Field of Mediterranean Ethnography" in *Anthropologica*, Vol. 32, No. 2 (1990), pp. 221–238 and Zeba Crook, "Honor, Shame, and Social Status Revisited" in *Journal of Biblical Literature*, Vol. 128, No. 3 (Fall 2009), pp. 591–611.
3. Ibid.
4. Unni Wikan, 1984, "Shame and Honour: A Contestable Pair", in *Man*, Vol. 19, No. 4 (Dec., 1984), pp. 635–652.
5. Ibid.: 224.
6. Nadje Al-Ali, 2008. "Iraqi Women and Gender Relations: Redefining Difference", in *British Journal of Middle Eastern Studies*, 35:3, pp. 405–418.
7. Penny Johnson, Lamis Abu Nahleh, & Annelies Moors, 2009. "Weddings and War: Marriage Arrangements and Celebrations in Two Palestinian Intifadas" in *Journal of Middle East Women's Studies*, Volume 5, Number 3 (Fall 2009), pp. 11–35.
8. Carla Makhlouf Obermeyer, 2000. "Sexuality in Morocco: Changing Context and Contested Domain" in *Culture*, *Health* & *Sexuality* Vol. 2, No. 3 (Jul.–Sep., 2000), pp. 239–254.
9. Beth Baron, 2006. "Women, Honour, and the State: Evidence from Egypt" in *Middle Eastern Studies* Vol. 42, No. 1, 1–20 (January 2006): 15.
10. Ibid.
11. Lama Abu Odeh, 2010. "Honor Killings and the Construction of Gender in Arab Societies" in *The American Journal of Comparative Law*, Vol. 58, issue No. 4 (Fall 2010), pp. 911–952: 912.
12. Deniz Kandiyoti, 1991. *Women*, *Islam*, *and the State*, ed. Temple University Press: 13–4.
13. Kandiyoti 1988; Abu Lughod 1985, 1990; Macleod 1992; and others.
14. Hijjar, 2004: 31.
15. Catherine Warrick, 2005. "The Vanishing Victim: Criminal Law and Gender in Jordan" in *Law* & *Society Review*, Vol. 39, No. 2 (Jun. 2005), pp. 315–348; Warrick, 2009.
16. Human Rights Watch, 2009, "Guests of the Governor", Human Rights Watch Report. See also Warrick, 2005, p. 343 for more explanations of the law.
17. HRW report, 2009: 10.
18. Ibid.: 2.
19. Ibid.: 3.
20. Interview with Jihan, Jwaidah prison in Amman, March 2012.

21. Interview with Halah in Amman, June 2012.
22. Ibid.: 77.
23. The Human Rights Watch's (2009) report indicated that HRW knew of cases where women remained confined in detention for more than 10 years.
24. HRW report, 2009: 3.
25. Interview with lawyer Elham el-Showa, March 2009, Amman.
26. Interview with Sheikh Naimat, 2012, Amman.
27. Homa Hoodfar and Ana Ghoreishian, 2012. "Morality Policing and the Public Sphere: Women Reclaiming their Bodies and their Rights" in *Sexuality in Muslim Contexts: Restrictions and Resistance*, edited by Anissa Hélie and Homa Hoodfar, Zed Books: 246.
28. Ibid.
29. Article 320 of the 1960 Penal Law stipulates: "Anyone who acts in contrary to modesty or contrary to the signal showed modesty in a public place or in the community or in a can with it, those who were in a public place that he sees it, shall be punished by imprisonment for a term not exceeding six months or a fine not exceeding fifty dinars."
30. HRW report, 2009: 10.
31. Interview with Hala Ahed, 2012.
32. Interview with Sheikh Naimat, Amman, 2012.
33. Shahnaz Khan, 2003, "'Zina' and the Moral Regulation of Pakistani Women" in *Feminist Review*, No. 75, Identities, pp. 75–100: 77.
34. Hooria Hayat Khan, 2012. "Moral Panic: The Criminalisation of Sexuality in Pakistan" in *Sexuality in Muslim Contexts: Restrictions and Resistance*, edited by Anissa Hélie and Homa Hoodfar, Zed Books: 93.
35. Ibid.
36. Ibid.
37. Khan, 2003: 88.
38. Janine A. Clark, 2003. "'Honor Crimes' and the International Spotlight on Jordan" in *Middle East Report*, No. 229 (Winter 2003), pp. 38–41. See also Fadia Faqir, 2001; Warrick, 2005; Clark, 2003.
39. Interview with Nadia Shamroukh, Director of JWU, Amman, 2012.
40. Interview with Halah, 2012.
41. Lisa Hajjar, 2004. "Religion, State Power, and Domestic Violence in Muslim Societies: A Framework for Comparative Analysis" in *Law & Social Inquiry*, Vol. 29, No. 1 (Winter 2004), pp. 1–38: 3.
42. Hajjar, 2004: 8.
43. Ibid.: 12.
44. Anissa Hélie, 2012. "Policing Gender, Sexuality and 'Muslimness'" in *Sexuality in Muslim Contexts: Restrictions and Resistance*, edited by Anissa Hélie and Homa Hoodfar, Zed Books, p. 4.

45. R. W. Connell, 2006. *Masculinities*, Polity Press, 2nd edition: 50.
46. Ibid.: 50.
47. Khan, 2003: 94.
48. Interview with Halah, August 2012, Amman.
49. Interview with Rama, March 2012, JWU shelter, Amman.
50. Interview with Rama, March 2012.
51. Ibid.
52. Interview with Rama, August 2012, Jwaidah Prison.
53. Interview with Khawlah, March 2012, in Jwaideh Prison.
54. Interview with Sheikh Naimat, 2012.
55. Ibid.
56. Interview with Khawlah, 2012.
57. Interview with Lawyer Elham el-Showa, 2012.
58. Interview with Khawlah, 2012.
59. Interview with Judge Arabiyat, 2012.
60. Shahrazad Khan, 2008: 94.
61. Mounira Charrad, 1990. "State and Gender in the Maghrib" in *Middle East Report*, No. 163, North Africa Faces the 1990s (Mar.–Apr., 1990), pp. 19–24: 21.
62. Interview with Sahar, June 2012, Amman.
63. Hajjar, 2004: 27.
64. Fadia Faqir, 2001."Intrafamily Femicide in Defence of Honour: The Case of Jordan" in *Third World Quarterly*, Vol. 22, No. 1 (Feb. 2001), pp. 65–82.
65. Ayse Parla, 2001. "The 'Honor' of the State: Virginity Examinations in Turkey" in *Feminist Studies*, Vol. 27, No. 1 (Spring 2001), pp. 65–88: 76.
66. Ibid.
67. Michel Foucault, 1977. *Discipline and Punish*: *The Birth of the Prison*, translated by Alan Sheridan, Vintage: 178.
68. Saudi Women's Rights Blog. 2013. Court of Appeal ruled in favor of the District Court and sentenced two activists Huwaider and Fawzia Layouni ten months and prevented them from traveling for two years. Accessed December 31, 2013. http://saudiwomenrights.wordpress.com/category/ أخبار-و-مقابلات

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Conclusion: State, Gendered Power of Guardianship, and the Potential for Change

INTRODUCTION

In July 2007, I took part in the NGO delegation to present Jordan's CEDAW shadow report to the 39th session of the CEDAW Committee. In the formal session with the official Jordanian delegation and CEDAW members, the Jordanian representative opened his statement by saying, "Let me tell you about Jordanian women. I will do so through introducing you to my women: my mother, my wife, and my daughter." The representative, who was serving as the Minister of State at that time, went on to describe his mother's, wife's, and daughter's high level of education and free movement inside and outside the country. For him, women in his family represented women in the country; thus he saw Jordan as fulfilling its obligation under CEDAW. He ended his statement by saying, "Please allow me to welcome my students, the women sitting in the back," referring to the women activists of the NGO delegation.

His expression of "my women" in denoting his mother, wife, and daughter was very striking. Despite the efforts he made to show how independent they were and the level of freedom they enjoyed, this expression shows that regardless of the position of a woman in the family, whether she is a mother, a daughter, or a sister, she is deemed to be a follower or dependent of a man. The minister also found a way to relegate the same dependent status upon activist women when he pointed to us as his students. While there was one delegate whom he had taught at university,

several other women were actually older than him in age and well-known activists and politicians in the country.

The minister's expressions of "my women" and "my students" reflect men's attitudes and state rhetoric of guardianship of men over women. For the same reason, the official report to CEDAW put the responsibility for such attitudes on Jordanian society, which was described in the report as "patriarchal in nature and women play a secondary role compared to men in family and in society."[1] The effect of this statement is to suggest that women's subordination is rooted in and perpetuated by culture and that the state has no power over society's values and traditions. The statement of "patriarchal in nature" meant to also show that a change in women's status is not possible, because patriarchy reflects the order of nature—presumed to be a superpower that operates outside the state's power and structure—rather than a manifestation of the order of gender politics within the state's institutional setting.

I argued in this book that the state's institutionalization of the concept of *wilaya* in the Jordanian personal status laws (JPSL) has a reproductive role in constituting women as subordinate to men and defining their gender identities and roles. In this sense, discrimination against women and inequality in Jordan are treated as based on the state's political project, which uses the concept of *wilaya* in the law, fundamentally conceptualizing women as dependent minor subjects and placing them under the protection and control of men. Consequently, I suggested that, rather than a legal provision, which implies the authority of a male guardian to conclude the marriage of a female relative, *wilaya* over women is a wide-ranging, dynamic, multi-stranded state discourse that constructs and reproduces the normative notions of femininity and masculinity.

The discussion of different debates in Jordan in relation to women's rights to mobility, pass their nationality to their children, or obtain a passport without male approval consisted of three arguments: that these rights are a "threat to religion," a "threat to national harmony," and a "threat to national identity." These arguments are very much related to the justification of *wilaya* over women, as the role of the guardian is to ensure that women are obeying the rules of the family and tribe and pose no threat to the unity and harmony of Jordanian society. The role of the guardian in such debates is assumed to be broader than controlling women's choice of marriage; rather, it is emphasized as key to preserving an authentic Jordanian identity. But why are women, and not men, seen as posing a threat to national identity? Why are women, who are portrayed as the

mothers of the nation in the national narrative, Othered in the nationality law, dealt with as foreigners, and deemed irrational and guided by emotions rather than logic in the JPSL?

The aforementioned questions, as I discussed earlier, would not be answerable without an analysis that considers the historical and political processes of Jordan's state building, the effects of colonialism, and a Western discourse of the sex difference model. Also, one must consider the state's alliance with both internal and external conservatisms—be it of tribes, religious groups, political parties, or through the links with conservative neighboring countries, particularly the Gulf states—as well as the mediating role that Jordan still plays between the West and the region, specifically pertaining to the Palestinian question. The position of Jordan as a state dependent on foreign funding means that its economic stability is managed externally; this position has made political and social stability in the country of great importance to the regime, as this is how it maintains its power and existence. Such social and political stability is played out in alliances with tribes and Islamic parties, on the one hand, and control of political opposition and civil society groups, on the other. Such alliances have resulted in the marginalization of individuals' rights and freedoms in favor of empowering tribes and conservative groups in the country. The internal alliance of state, tribe, and Islamic parties is a reflection of the interests and views of the state's external alliance with conservative nations and political powers, be it at the regional or at the global level. Therefore, Jordan's position on women's rights, as I have argued, cannot solely be examined as based on internal powers and structures; this position is also the result of Jordan's place within global capital and political agendas.

On the other hand, a lack of resources in the country has required that the regime invest in people's education. Women and men have benefited greatly from such policies. The level of education women enjoy in the country is the highest in the region; the literacy rate among both men and women has reached 96 %, and more women than men hold a bachelor's degree. However, the percentage of female unemployment in 2013 was 76.6 %, as compared with 24.4 % for male unemployment. While women occupy different types of jobs, their percentage is still much higher in those seen as "feminized" jobs, such as teaching, nursing, and providing social welfare services. The progress made at the levels of education and employment has not, as a consequence, challenged women's status in the national narrative, laws, and state policies towards women. Rather,

the state has organized the division of labor between men and women in different institutions in a way that corresponds with the dichotomy of femininity and masculinity.

In revisiting her approach in "Bargaining with Patriarchy," Kandiyoti (1994) discussed the significance of understanding that masculinity is hegemonic in a given time and place through involving the examination of various patriarchal institutions that reproduce strategies for subordinating women.[2] Therefore, studying the ways through which women's gender identity is produced necessitates looking at how different masculine state institutions (religion, family, law, kinship, media, states' public administration, etc.) intersect, cooperate, and function to reproduce and maintain notions of masculinity and femininity within the gender, class, and political orders.[3] In this light, and when the state controls and manages these institutions, its role remains relevant in any attempt to understand how the construction of normative femininity in the law works to legitimate operations and procedural methods in order to control women's abilities to develop capacities and roles outside of the status quo.

The consideration of the historical and political trajectories of the Jordanian state, despite not being examined in depth in this book, is meant to address the relevance of the state as a gender regime in the analysis of how the masculine and feminine selves are constructed and reproduced in a specific context. I have aimed to add to the literature and arguments of scholars—such as Kandiyoti (1987, 1991), Al-Ali (2008), Charrad (2000, 2001a, 2001b), and Al-Rasheed (2013)—who studied different contexts in which the state and its web of internal and external forces and relations is central to understanding the politics of gender in the Middle East, rather than a cultural or religious explanation for the continued marginalization of women and their rights. For this book, what is particularly relevant is the state's adoption of the system of guardianship over women.

Within the state's system of guardianship, I made three central points: first, that the systematic inclusion of provisions of *wilaya* over women serves as a construct of normative femininity; second, that there is a relationship between how women perceive male authority and the perception of the Self from within, through, or outside the normative construction of femininity; and third, the ambiguity and contradictory state of women's everyday practices is related to the tactical nature of these practices, which are informed by available options, opportunities, and the potential of escaping the system without being sanctioned or punished. The detailed case studies of women prisoners showed that the tactical

nature of women's practices is not optional but rather tied to the system of guardianship and state protection of male authority over women. These cases illustrate the established control mechanisms the state uses to police women's choices of marriage, divorce, education, and work and sanction any attempt of free choice made outside the system of guardianship.

The Law as a Construct of Femininity

The linkage made between the established male authority in provisions of *wilaya* over women and normative femininity uncovered the mechanisms by which construction of women's sense of the Self operates through a well-defined set of laws and disciplining procedures.[4] In the second chapter, I examined provisions of *wilaya* in the JPSL, first through studying different Islamic schools of thought's interpretation of *wilaya*, particularly the Hanafi and Maliki schools, as these schools of thought are dominant in the Muslim family law of Jordan. I underlined how different interpretations of *wilaya* over women have informed the basis for the dichotomy of femininity and masculinity, and thus established normative femininity in *fiqh* literature in opposition to masculinity. In examining the different interpretations of *wilaya* over women in various Islamic schools of thought, I concluded that—despite their differing standpoints pertaining to *wilaya* over women—all schools agree in principle on the necessity of maintaining men's authority over women on the grounds of their weak and irrational nature. Consequently, highlighting the divergence in interpretations of *wilaya* over women in *fiqh* literature cannot achieve egalitarianism in the PSLs, as the basis of the examined interpretations is a woman's need for men's protection and supervision due to the naturalization of women's bodies and minds as different from men.

Muslim family laws have undergone several reforms since the 1990s in both Arab and non-Arab contexts.[5] Laws that have constructed responsibility, however, as I discussed in Chap. 2, have not been open to contestation and changes. This is because Muslim family laws are divided into two categories of provisions: first, those with goals that serve to inform other provisions and establish gender norms related to femininity; second, those that define rights and gender roles, which have been challenged and amended. In relation to the first, Welchman (2011) terms *wilaya* and *qiwama* (husband's legal authority) provisions in the Muslim family laws as "legal postulates" that "inform areas of law without being specifically invoked as the basis for a particular provision."[6] Moors (1995) also terms

laws related to dower and property rights in Palestine as "gender constructs," where she emphasizes the role of the legal system in defining women as "protected dependents,"[7] which constructs and produces gender differences between men and women.[8]

I discussed how judges of Amman's *shari'a* courts have issued rulings based on the understanding that *wilaya* over women is a required protection mechanism due to women's deemed lack of reason and rationality. Such cases show that provisions of *wilaya* over women in law and practice conceptualize a fixed model of femininity with an idealized image of women as weak, dependent, and incompetent, as well as regulate the acceptable gender roles that suit such a model. By defining normative aspects of femininity and masculinity and establishing roles, provisions of *wilaya* over women determine the ways in which gender relationships function within the larger gender order and hierarchy. Thus, *wilaya* over women provisions are treated in this book as the main pillars of the construction and reproduction of normative femininity; they are key to the maintenance of gender hierarchy through the roles assigned to men as guardians and protectors of women.

I discussed in this book that the use of *shari'a* as a source for legislating women's rights limits these rights to how each state understands or interprets religious rules; such rights are also implemented in accordance with the state's deemed national interests. The discussion of some legal cases of *wilaya* over women in the courts, with contradictory procedures and inconsistency at the level of practice between law, tribe, and religion, revealed that protecting the interests of family, tribe, and class is a higher priority for the state than preserving religious values or the rule of law in the country.

The trajectory of the *khul'* (divorce initiated by women) article in the JPSL is one example of how state legal institutions reverse rights given to women in family law if these rights are found to impact marital relationships and the understanding of masculinity and femininity. In 2010, the government amended the JPSL; one of the changes involved the removal of the provision for *khul'*, which was added in 2001 as an amendment to the 1976 law.[9] However, in the 2010 JPSL, two options remained for women to initiate a divorce based on *khul'*. The first option is the "consensual *khul'*,"[10] where a woman and man agree to initiate divorce by using *khul'*. However, a woman's choice is no longer as central, as it was in the removed article of *khul'*, to initiating a divorce.[11] The second article is *talaq al-iftada'*, or "divorce by ransom," where a woman has to pay

a ransom if she wants to get a divorce without her husband's agreement. One reason given for the changes and removal of the *khul'* article was that *khul'* jeopardizes the reputation of a woman and her daughters. As *qadi al-qudah* (Chief Islamic Justice) Ahmed Hilayel said: "We felt that it would be hard for the daughter of a mother who divorced herself from her father via the *khul'* law to be called the daughter of such a parent. It is socially damaging to the daughter."[12]

In recalling the debate around *khul'* in Jordan, which lasted around ten years, the main issue was the use of the word "*khul'*"—the noun form of the verb *khala'a*, which means "removal of something entirely." Women who used the article to obtain a divorce were stigmatized and looked upon as "bad women." Men who were divorced by the *khul'* article were seen as weak. In one of the conferences held to discuss the JPSL at the Jordanian Women's Union, I was facilitating a discussion with judges and lawyers. A *shari'a* judge stated: "*Khul'* is against our traditions. The man is the head of the house. When he is divorced by his wife rather than him initiating the divorce of his wife, things are turned upside down." Indeed, the judge meant that the man is no longer in charge of the woman and responsible for her actions. Women's active choice of initiating divorce challenged the perceptions of decision-making in marital relationships. Masculinity was perceived as under threat, and this potential danger was circumvented by ensuring men's active choice through the "agreeable *khul'*."

This example, and others discussed throughout the book, illustrates that perceptions of men and women in the law are highly significant. It also shows that in dealing with women, the legal system differentiates between women who should have an active choice in divorce and those who should not, based either on their class or tribe. The article related to *talaq al-iftada'* has retained active choice for those women who can afford to pay ransom, while others have to make compromises to reach an "agreeable *khul'*" or spend years waiting for the court to issue a divorce verdict. This example also begs the question: can efforts to amend or change these laws from within Islamic *shari'a* and the framework of the existing gender order reach the aspiration of equality between men and women?

In the introduction of this book, I showed how a masculine state works in collaboration with other institutions to give power, founding legitimate operations and procedural methods for institutions such as family and tribe to manage, produce, and construct normative femininity and masculinity. I argued that there is an institutional knowledge produced through the conceptualization of women in the law as minor dependent subjects.

This discourse strategically uses the division of gender difference that values masculinity at the expense of femininity. The reconstructed valuation of masculinity and the devaluation of femininity, in turn, is used to justify the need for women's protection to preserve the interests of the family, tribe, and state from the irrational decisions women are presumed to make. The construction of the ideal feminine in laws on *wilaya* is politically reproduced, normalized, and naturalized in relation to *fitrah* or *tabia'h* in order to restrict the possibility for women to push back against the limits of doxa and the "common sense," accepted social and legal aspects of femininity and guardianship.

The continuous and varying efforts to naturalize the ideal feminine as something that women are born with—such does not need to be learnt, as it strives from "nature not culture"[13]—and the weight given to supervise, manage, and control women's sense of themselves are all continual processes to retain masculine privileges through, what Kandiyoti terms, "masculinist restoration"[14] that:

> Comes into play at the point when patriarchy-as-usual is no longer fully secure, and requires higher levels of coercion and the deployment of more varied ideological state apparatuses to ensure its reproduction. The recourse to violence (or the condoning of violence) points not to the routine functioning of patriarchy or the resurgence of traditionalism, but to its threatened demise at a point when notions of female subordination are no longer securely hegemonic.

The legislation of normative femininity is to ensure that aspects of femininity remain subordinate.[15] Masculinist restoration might then be a mechanism of patriarchy and a continuous process through which women are constructed as the subordinate "Other." In the case of *wilaya* over women, the principle of women's dependence is established, where a woman as a person is defined through her guardian and not her individual Self. Women's sense of the idealized feminine is then constructed and situated in relation to and through the interplay of two types of institutions: institutions that construct and give legitimacy to hegemonic femininity, like law and religion, and institutions that reproduce, manage, and organize women's roles within the framework of normative femininity, such as family, juridical institutions, economic entities, and tribes. The role of these institutions in how women view themselves in relation to hegemonic femininity also, to some extent, intersects with women's class,

educational background, the existence of alternative formal and informal networks (like women's NGOs), and connection to or detachment from their tribe's power and structure.

Manifold Forms of Femininity

Moors ([1995](#)) argued, in her study on Palestinian women's property rights, that the changing perceptions of manhood and womanhood have an effect on the ways in which property rights in Palestinian society are perceived by women.[16] Likewise, in my research, women defined their rights in relation to how they perceive and conceive of femininity. However, women's femininity or sense of womanhood appeared to be produced in relation to women's interpretation of and responses to the male authority they experienced within a web of relationships and institutional settings. By this, I suggest that the realization of rights is based on the understanding of the Self from within, through, or against normative femininity, which is largely impacted by women's attitudes towards male authority. Such attitudes are developed within a system where male authority is protected and maintained by institutions of law, religion, state political and economic institutions, and tribe. These institutions play an intersectional role of constructing, reproducing, and organizing gender identities and roles.

In Chap. [3](#), I examined women's perceptions of the Self in light of how femininity is constructed in *wilaya* provisions in the Jordanian family laws. I argued that women's understanding of male authority over them impacted the ways in which they embraced a complex combination of compliance, accommodation, and resistance. While normative femininity implies a fixed model of what a woman is and should do—as well as that women are unable to see femininity, in the Gramscian sense, except from within the gender norms and order—women's differing attitudes towards male authority that are developed within the changing social and political contexts reveal, however, that different accounts of femininity can exist but such has not resulted in an absolute rejection of or resistance to normative femininity. Consequently, I argued that as long as femininity is naturalized and normalized in a way that depicts women as legal minor subjects, who need protection, discipline, and male rationality, women remain in a state of reworking their femininity so as to not totally subvert the system; instead, they conform to it in order to minimize its effects and applications on their lives.

This process of reworking femininity within the system of *wilaya* necessitates that women either fully or partially accept, in Bourdieu's sense, the natural, unspoken, and unthinkable of the taken-for-granted position of women's dependency and irrationality. In the system of *wilaya*, absolute rejection or overt resistance could have a high cost, which means that all forms of femininity embraced by women have to embody a form of doxic mode, in one way or another, be it utter compliance or a convoluted combination of accepting certain aspects of normative femininity and rejecting others.

Through several empirical examples pertaining to how women view femininity, I categorized women's views into three accounts: first, compliance with normative femininity; second, a discrepancy between "saying and doing" femininity, where what women do differs from what they believe; and third, the exceptional or masculine sense of the Self. I concluded, in Chap. 3, that there are a variety of interpretations of normative femininity that reflect, in the first account, forms of internalization and compliance with the normative gender order by accommodating the interests and desires of families and tribes. In this account, women's internalization of and compliance with normative femininity differed in terms of their attitudes and understandings of male authority in either specific or general terms. It was not the norm that women viewed themselves as incompetent or appreciated the rationality of masculinity; it was, for some women, only understood in this way when they thought of what femininity means in relation to the persons of authority, who are mainly seen as fathers and brothers. Women who viewed their capacities in relation to men's capacities generally tended to internalize and contribute to maintaining normative femininity. For those women, as I discussed, *wilaya* is a security measure that protects their interests, as they view women as inherently weak and in need of protection. For other women, who reject some aspects of *wilaya* but accept others, femininity is still perceived in a normative sense, as it is articulated in relation to family and tribal interests; thus, women's understandings of the Self depend on their web of relationships. The larger the domination and the stronger the linkage between different institutions of family and tribe, the more women internalized and conformed to normative femininity. In this account, women's fear of losing or risking tribal and family ties and support required a normative identification of the Self in a subordinate position to masculinity.

The pragmatic sense of femininity, on the other hand, depicts a complex combination of rejecting some aspects of femininity and internalizing

others. In this second account, a pragmatic sense of femininity appeared largely among my research participants who were wealthy, well educated, and working. The experience and knowledge women develop through their achievements in education and positions in the public sphere contradicts what they experience in both public and private institutions as women. For instance, some participants who occupy high positions, such as judges, lawyers, doctors, and engineers, shared experiences of being unable to give parental consent—in the absence of their husband—for their children to undergo surgery, to obtain a passport for themselves or children, to travel, or to raise a divorce case in the court unless authorized by their guardians. Thus, the pragmatic mode of femininity reflects Jordan's complex entanglement of neo-liberal "double-speak" policies of the "instrumentalization of women's rights"[17]: women's education, political participation, and economic engagement are encouraged and promoted as universal human rights while, at the same time, the existing gender norms in relation to family and tribal relationships are accommodated.[18] Jordan's dual position, which I discussed in Chap. 1, is tied to the country's reliance on the external aid of Western and Gulf states and international organizations—such as the International Monetary Fund and World Bank—to survive economically and the internal support of the tribes and Islamic parties to maintain its legitimacy.[19] As is the case with other authoritarian regimes in the region—such as those of Egypt, Tunisia, and Iraq, which were viewed as examples of "state feminism"[20]—double-speak policies brought some positive change for women's rights; however, these roles do not alter the profoundly unjust gender order, they merely enlarge some areas of maneuvering for women.

Such a deliberate policy challenges the conception of some states, who have some progressive policies towards women in education or the workforce, as "feminist regimes," or that the state is working toward feminizing its policies. Rather, as far as progress is deemed to be made from within the masculine ideology of the state and its economic and political interests in mainstreaming perceptions of normative femininity and masculinity in the law, it cannot be considered genuine progress. As Connell reminds us, it is not only the number of men in state institutions that makes it masculine, it is rather the ideology and masculinized policies and laws within the state's different institutional settings.

The third account—the masculine and exceptional sense—embodies a form of non-compliance with normative femininity; however, it has yet to reflect a total departure from the normative gender script. Masculine

women disassociate themselves from femininity altogether, embracing a masculine sense of the Self. Interestingly enough, these women could not understand their capabilities outside the normative framework of femininity and masculinity. By identifying more closely with masculinity than femininity, they could make better sense of their capabilities. In other words, some women experience a high level of confidence while, at the same time, living in a system that views women as generally weak; this, inevitably, creates some crisis of self-conception. Some of my research participants expressed feelings such as "I am an exception," "My personality has not had anything to do with *ounotha* (femininity)," and "My personality is that of a man not a woman." These expressions reflect that some women are able to escape the normative construction of their behavior and roles, but only when it is understood as exceptional and closer to masculinity rather than femininity.

Some experiences of women feminist activists show that even when women escape normative femininity in their self-conception, and do not perceive themselves as exceptional, they are treated as exceptional and extraordinary within their communities. In some such cases, women have even been alienated and perceived outside the categories of men and women, particularly when they have a position of authority over men. This alienation is meant to make sense of both the differing personalities of those women and the authority they have; they neither fit the fixed model of femininity nor does their authority correspond to the normative roles of women. Alienation is, thus, one of the domination strategies aimed at separating those women as exceptions and making "sense" of their authority over other women or men, which could prevent other women from following their example or changing their perceptions towards women's abilities and capabilities.

The forms of femininity interplay with women's different power, class, education, and tribal positions. This means that women can develop different accounts of femininity, but the construction or self-positioning of women—who either covertly or overtly resist or challenge normative femininity—as pragmatic, exceptional, or masculine does not inevitably entail questioning the processes of classification and differentiation of assumed male authority and female subordination. Ultimately, the existence of different forms of femininity shows that, as Terry Eagleton stated, "There are presumably different kinds of legitimation, all the way from an absolute internalization of ruling ideas to a more pragmatic or sceptical acceptance."[21]

I have used the intersection of women's social class, education, working status, and tribal affiliation in this research to address the ways in which the *wilaya* system impacts women's experiences and understandings of femininity in a variety of contradictory and changeable ways. My intention is not to categorize or assume a particular set of attitudes and practices among women based on class, education, working status, or tribe. In fact, multiple accounts of femininity depicting various forms of doxa—be it compliance, pragmatic, or exceptional—were expressed by women from different classes and education levels. There was not a unified account specific to women from a certain class. However, I have also addressed that tribal and class affiliation change the ways in which the *wilaya* system is understood and experienced by women. Poor women and those who live in close tribal communities live under stricter conditions of *wilaya* than women of wealthy and diverse communities. For poor and tribal women, attempting to define the Self outside the normative framework runs the risk of more severe social consequences; resisting normativity could entail losing one's freedom of mobility, movement, and life, as I discussed in Chap. 5. Wealthy women, and those with high level of education and good positions at work, could have more options; they might have the possibility to experience and translate *wilaya* differently, as well as to modify, to some extent, gender normative roles. However, such does not necessarily or imperatively transform or alter the fundamentally iniquitous gender ideologies and scripts; rather, it creates paradoxical and ambiguous modes of femininity.

Nonetheless, as Connell posits in relation to how hegemonic masculinity aims to subordinate men who do not fit its criteria, ambiguity, and paradoxical modes "in gender processes may be important to recognise as a mechanism of hegemony."[22] In the case of femininity, the exceptional and pragmatic modes, which embody an internalization of some aspects of the assumed position, could be manifestations of the failure to reproduce femininity as a fixed model that constructs all women as weak and dependent. Consequently, the existence of multiple forms of femininity, as well as women's view of themselves within changing socio-political conditions, challenges the cultural explanation of women's subordination made either by the state—as a justification for its policies—or by the orientalist thought regarding women's position in the region. Such a multiplicity, albeit embodied in different forms of doxic modes, also challenges femininity as a fixed status, provides women different ways to escape aspects of this status, and allows different meanings of femininity. Although women's

differing and contradictory views of femininity have not been transformative at the level of gender ideology, as Kandiyoti (2003) rightly put it with regard to men's ambiguous practices of masculinity, they "may give rise to both defensive masculinist discourse and a genuine desire for contestation and change."[23] The existence of different modes of doxa illustrates a desire to question women's taken-for-granted position. This could be necessary to altering, changing, and realizing a state of contestation, and maybe a denunciation of normative femininity altogether.

Tactics in the Everyday Life of Femininity

In the process of writing this conclusion, I received a message from one of my research participants on Facebook. She wrote: "I wanted to inform you of my good news. I moved out of my family's house and rented my own apartment." I was very surprised to hear her news and responded, "How did you manage to do so?" She replied: "I always do whatever I want to do. I just had to figure out how and the right moment for it." Her reply summarized two important arguments in describing women's everyday practices in Jordan as tactical in nature. The first argument tackles how women live under the system of male authority and survive the restrictions imposed on them without being passive subordinate subjects, rather than whether their efforts are successful or why they try to escape or accommodate male authority. There are different reasons why women may challenge or accommodate male authority, but these reasons do not necessarily involve their classification in the categories of either resistant or submissive.

Kandiyoti (1998) argued: "women's attachment to and stake in certain forms of patriarchal arrangements may derive neither from false consciousness, nor conscious collusion but from an actual stake in certain positions of power available to them."[24] This is clearly manifested in the case of wealthy women, who are caught between the hardships they experience in relation to choices of marriage and divorce and the privileges they enjoy as members of a wealthy class in relation to their "modern" lifestyle. It is not that they totally internalize or unconsciously comply with the naturalized, accepted social practices for women, but more that they make sense of these practices based on a calculation of interests, which makes them conform and accommodate class and tribe interests rather than protest against gender norms.

Waiting for the right moment or opportunity, as Saba stated, means that women may accept practices that appear to be in line with male domination and authority. If these practices were merely analyzed as they appear on the surface, then the conclusion would be that women either submit to male authority or are ambivalent and accommodate cultural values. When I interviewed Saba, I could not guess that she would be able, or have the desire, to undertake such a move. This is precisely what the tactic does. It creates surprises since it usually works underneath the order, making use of the order without publicly challenging it.[25] In so many instances, the tactical nature of women's everyday practices was the result of fear, as the consequences of directly and publicly challenging male authority can be severely negative. Some of the consequences described by women are being locked at home, being forced to drop out of school or university, being beaten, or facing threats of killing. All of these consequences place women in insecure positions and inevitably prevent women from taking actions that might lead to such punishments. These consequences are not imaginary; rather, in the Foucauldian sense, they are the disciplinary methods that determine the scale of control exercised over women. When the scale of control, with its varying methods, is socially accepted and backed by provisions of *wilaya* that legitimize the disciplining of women and produces practices of obedience, disciplinary methods then serve to maintain the "general formula of domination"[26] over women. Women then have to find ways to achieve their own ends and, at the same time, escape disciplinary methods.

The case of women prisoners, consequently, opens the door to more closely examining women's attitudes and perceptions of femininity, as well as practices of challenging male authority. The cases encapsulate the social and legal conditions through which women choose to perform a certain role within a context where male authority is not just legalized but also supervised and protected by the state's laws and enforcement mechanisms. This case also necessitates that we not see women merely as unthinking subjects, who unconsciously or consciously reproduce and contribute to their own subordination; rather, women are very aware and conscious of the symbolic and material threats and consequences. The choice between overt resistance and compliance sometimes involves a choice between life and death, freedom and imprisonment. When a personal decision—such as divorce and marriage—becomes a threat to women's whole existence, women are left to participate in their life's decisions only through "the manipulation of norms and conventions to promote their interests."[27]

The need for violence against and punishment of women who step outside the normative framework means that femininity, as it is conceived, has been contested, compromised, and resisted by women, a danger that required mechanisms of control and disciplinary measures to be established in order for normative femininity to be enacted without contestation. The case of women prisoners is an example of the methods that the state uses to protect the system of *wilaya*. The state's role in policing women's choices made outside the guardianship system perpetuates the notion of honor and female morality as the very basis of authentic Jordanian identity, which in turn founds the social and legal grounds for the killing and jailing of women under the claim of family "honor." The claim of preserving morality and honor is undermined when one analyzes state officials' differing responses to women based on class and tribal affiliation.

Women's tactics—bargaining, false compliance, deception, bribing younger brothers, secretive relationships, and so forth—appear to be a way in which they test the limits of reality and the possibility of destabilizing it without risking their lives. The more women's tactics succeed in disrupting some aspects of the sense of reality, the greater they build a cumulative understanding of how the system of punishment and discipline can be reworked for their own advantages and ends. In this respect, women are rational agents not only trying to make the most of their boundaries, in most cases, but also can, in few cases, succeed in rewriting their gender roles. While these tactics do not fundamentally alter gender ideologies at the collective level, in some cases they materialized into strategies of resistance to realize autonomy; in other cases, they merely expanded or protected some areas of maneuvering and freedoms. However, the realization of autonomy in the context of a *wilaya* system that naturalizes women as weak and dependent, and within the limits set by the institutions of law, religion, family, and tribe, does not necessarily lead to or produce substantial, long-term change regarding, and indeed among, women. Regardless of whether they challenge the normative gender order or maintain it, these tactics depict the "practical failure" of the *wilaya* system and its vicious disciplinary methods in garnering women's absolute compliance.

Notes

1. JNCW, 2007. *Jordan combined third and fourth reports to the Committee on the Elimination of All Forms of Discrimination Against Women,* Article 5, Paragraph 56: 21.
2. Deniz Kandiyoti, 1994. "The Paradoxes of Masculinity: Some Thoughts on Segregated Societies" in *Dislocating Masculinity: Comparative Ethnographies,* edited by Andrea Cornwall and Nancy Lindisfarne, 196–212. Routledge: 212: 199.
3. Ibid.
4. Gramsci, 1971; Connell and Messerschmidt, 2005: 838.
5. See among others on reforms related to Muslim family laws: Welchman, 2007, 2012; Moors, 1995; Larsen et al., 2013.
6. Welchman, 2011: 2.
7. Annelies Moors, 1995. *Women, Property and Islam: Palestinian Experiences 1920–1990,* Cambridge University Press: 91.
8. Moors, 1995.
9. Welchman, 2011: 2.
10. Law of Personal Status, Law No. 36 of 2010, *Official Gazette* no.5061 page 5809 of 17 October 2010.
11. Welchman, 2011.
12. Cited in Welchman, 2011: 5.
13. Sherry B. Ortner, 1972, "Is Female to Male as Nature Is to Culture?" *Feminist Studies,* Vol. 1, No. 2 (Autumn 1972), pp. 5–31.
14. Deniz Kandiyoti, 2013. "Fear and Fury: Women and post-revolutionary violence" published on Open Democracy, accessed 15 December 2013, http://www.opendemocracy.net/5050/deniz-kandiyoti/fear-and-fury-women-and-post-revolutionary-violence
15. Ibid.
16. Moors, 1995: 253.
17. Deniz Kandiyoti, 2011. "Disentangling Religion and Politics: Whither Gender Equality?" in *IDS* Bulletin, Volume 42, Number 1, (January 2011): 12
18. Ibid.: 11
19. Massad, 2001; see also Sherry R. Lowrance, 1998, "After Beijing: Political Liberalization and the Women's Movement in Jordan" in *Middle Eastern Studies,* Vol. 34, No. 3 (Jul., 1998), pp. 83–102.
20. Al-Ali, 2008; Mervat F. Hatem, 'Political Liberalization, Gender, and the State', in Rex Brynen, Bahgat Korany and Paul Noble (eds.), *Political Liberalization and Democratization in the Arab World,* Lynne Rienner, 1995: 1–87. In relation to the state and Islamic parties see Mansoor Moaddel, 2002, "Religion and the State: The Singularity of the Jordanian Religious Experience" in *International Journal of Politics, Culture, and Society,* Vol. 15, No. 4 (Summer 2002), pp. 527–568.

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21. Pierre Bourdieu and terry Eagleton, 1992. "Doxa and Common Life". *New Left Review*, 199, 111–121: 114.
22. Connell and Messerschmidt, 2005: 838–846
23. Kandiyoti, 1994: 212.
24. Kandiyoti, 1998: 143.
25. De Certeau, 1984.
26. Michel Foucault, 1977. *Discipline and Punish*: 136–137.
27. Homa Hoodfar, 1998. "In the Absence of Legal Equity: Mahr and Marriage Negotiation in Egyptian Low Income Communities" in *The Arab Studies Journal*, Vol. 6/7, No. 2/1 (Fall 1998/Spring 1999), pp. 98–111: 109.

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