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The Shame of Preserving Honor: Why Honor Killings Still Plague the Hashemite Kingdom of Jordan in the 21st Century

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CLAREMONT McKENNA COLLEGE

**THE SHAME OF PRESERVING HONOR:
WHY HONOR KILLINGS STILL PLAGUE THE HASHEMITE KINGDOM OF
JORDAN IN THE 21ST CENTURY**

SUBMITTED TO

PROFESSOR EDWARD HALEY

AND

DEAN GREGORY HESS

BY

KRYSTEN HARTMAN

FOR

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Introduction

Late in the evening of August 11, 2009, a sixteen-year-old girl was at home in Amman, Jordan when she heard a man storm through the front door. This was the last sound she ever heard, as the man proceeded to shoot her in the head nine times. She was murdered because her family had discovered that she was raped. Her rapists were her older cousins. To rid the family of the shame they felt because of what they perceived to be the girl's sexual indiscretion, an uncle decided to murder her. Six months earlier, on February 26, 2009, a sixteen-year-old boy attacked his twenty-five-year-old divorced sister and strangled her to death using the cord of a cell phone charger. Why? Her family claimed that she had previously been seen with a male stranger, which was an act that allegedly disgraced the family. And on March 22, 2009, a father elicited the help of his two teenage sons to beat his young daughter to death. The girl had been caught wearing makeup the day before by her uncle and the family needed to restore their honor. As if these killings were not horrifying enough, consider the fact that every one of the murderers walked away free, without punishment.

These three murders were not isolated events. They are part of the decades-old phenomenon of honor killings, which have been occurring at a horrifying rate in the Hashemite Kingdom of Jordan in recent years. The previous cases are only three examples of the almost twenty honor crimes that occurred in Jordan in 2009, as reported by the Information and Research Center of the King Hussein Foundation.¹ The male family members murdered their daughter or sister to restore what they claimed was tainted honor from the woman's perceived sexual indiscretion or behavior that strayed from what they expected to be female norms. Yet

¹ Yusuf Mansur, Musa Shteivi and Nermeen Murad, "The Economic Underpinnings of Honor Crimes in Jordan," *Information and Research Center, King Hussein Foundation*, October 2009.

there was nothing noble or respectable about these killings in the name of honor. They were all atrocious, extreme and absolutely shocking.

Human Rights Watch, an international non-governmental organization, defines honor crimes as “acts of violence, usually murder, committed by male family members against female family members who are held to have brought dishonor upon the family”.² Some of the acts that are considered to destroy the honor of a family include “refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce—even from an abusive husband—or (allegedly) committing adultery”.³ For saving a family’s honor, murderers in Jordan typically receive light, if any, punishments. Honor killings have been steadily increasing in the Middle East since 1989 and this trend is attributed to both the increase in the number of killings the increase in the number of official reports of these incidents.⁴ The increases are closely related to the relationship between the new development of modernity in the nation and the unwavering patriarchy of the family structure.

Honor crimes vary in occurrence across the Middle East and even throughout the world. They are not unique to or associated directly with Islam, nor are Western countries immune to these atrocities—cases have occurred in nations such as the United States and the United Kingdom. Within the Middle East, however, these killings have been particularly prevalent in Jordan, a country that is often considered to be one of the more modern in the Middle East. In Jordan, honor crimes make up one-third of the violent deaths⁵ and three-quarters of women killed for honor were murdered by their brothers.⁶ There are approximately 15 to 20 honor

² Lubna Nimry, “Crimes of Honor in Jordan and the Arab World”, *Women’s United Nations Report Network*, June, 2009.

³ Nimry, “Crimes of Honor in Jordan and the Arab World”.

⁴ Phyllis Chesler, “Worldwide Trends in Honor Killings,” *Middle East Quarterly*, Spring 2010, pp. 3-11.

⁵ Alasdair Souissi, “Women challenged ‘honor’ killings,” *The Christian Science Monitor*, March 2005, <http://www.csmonitor.com/2005/0302/p15s01-wome.html> (accessed September 25, 2010).

⁶ “Facts & Figures on Violence against Women” *United Nations Development Fund for Women (UNIFEM)*, February 2007, http://www.unifem.org/campaigns/trust_fund_10th_anniversary/facts_figures.php?page=4 (accessed September 29, 2010).

crimes per year in Jordan.⁷ The data surrounding these crimes is often difficult to analyze because of the great number of honor killings that occur, but are never reported. This thesis will base inferences and conclusions only on the official data, but it is important to note that the numbers related to honor killings are likely much higher. The United Nations Population Fund's "State of World Population 2000" report estimates there to be 5000 honor killings worldwide each year.⁸ That number translates to approximately 13 women murdered in the name of honor *per day*. Again, there are likely many more women who die at the hands of "honor" every day, but there are no official reports to date to support this notion.

The attention toward honor crimes has increased significantly in recent years through a variety of paradigms and theoretical frameworks. Scholars like Syed Kamran Mirza try to explain honor crimes through Islam and claim them to be most problematic as a phenomenon among Muslims.⁹ This can be quickly discredited, however, by citing references to the Qur'an, which includes no passages in support of violence against women, and the easily discernable fact that honor killings transcend religious barriers. Other scholars have framed honor killings as simply cases of domestic violence, noting that these happen worldwide and that honor killings are not unique in this sense because deaths from domestic violence or violence against women occur regularly.¹⁰ This theory also can be discounted because in most cases of domestic violence, the abuser does not cite the "preservation of honor" as the motive, if there is any motive at all.

⁷ "Jordan's honor crimes correlated with poverty", *Stop Honour Killings*, June 2010, <http://www.stophonourkillings.com/?q=node/4700> (accessed September 25, 2010).

⁸ "Ending Violence Against Women and Girls," *United Nations Population Fund*, <http://www.unfpa.org/swp/2000/english/ch03.html> (accessed September 29, 2010).

⁹ Syed Kamran Mirza, "Honor Killing is Absolutely Islamic," *Islam Watch*, July 2005.

¹⁰ "Muslim wife burned to death in Chicago: lessons for Muslims," *Sound Vision*, August 2000, <http://www.soundvision.com/info/domesticviolence/shahpara1.asp> (accessed October 20, 2010).

One theory that does help to explain honor killings in Jordan is modernization theory. Jordan has made great political and social progress during its stride toward modernization, yet it still suffers from severe instances of honor killings. Jordan has become modern in the sense of an increase of women's involvement in the political progress, the growth of media freedom and the creation of community organizations working for social causes, and it would be expected that the more growth a country makes towards modernization, the lower the likelihood would be of violence against women.

Unfortunately, the modernization progress has not been enough for Jordan to escape the upward trends in honor killings because of the longstanding patriarchal structure of families in Jordan. Family is so important in this country that the National Charter includes a section that states "the family is the principal block of society. It is the natural environment for the rearing, education and personality growth of the individual. The official and popular institutions of the state must provide for the formation, cohesion and well-being of the family. They must assist it in the task of providing future generations with a sound upbringing".¹¹ The family, one of the most important and respected institutions in this and other Middle Eastern, Arab and Muslim cultures, has remained relatively unchanged in its patriarchal structure despite the progress of modernization in other sectors. The divide between the ideals and values of this type of family and those of a modern society have created tension and a setting for violence and conflict. Author Fatima Mernissi noted this disconnect and asked "Why does patriarchy assume the guise of legality in Arab countries, whereas in the developed countries it is acknowledged that its very structure is incompatible with the aspirations of democracy?"¹²

¹¹ *The Jordanian National Charter*, 1990, Chapter five, article three, <http://www.kinghussein.gov.jo/archive.html>, (accessed November 11, 2010).

¹² David Ghahim, *Gender and Violence in the Middle East*, (Westport: Praeger Publishers, 2009), 217.

Further investigation of modernization theory also shows that a country must develop economically before it can leave behind the hold of patriarchy and traditional values. The first chapter of this thesis will explain the progress Jordan has made to modernize and the steps it has taken to become a more developed nation. The second chapter, however, will show why the country's growth has been incomplete and argue for the importance of economic development in order for the country to truly become modern and move beyond the patriarchal structure that supports honor crimes. This chapter will also show the correlation between the stagnant economy and the prevalence of honor killings, which happen to have extreme economic underpinnings. The third chapter will first explain the concept of the detaining women who are at risk from family threats or violence. The second part of this chapter will argue for how Jordan could quickly fix some of its economic problems by eliminating this ineffective program and reappropriating its funds to economic growth or employment programs. Chapter Four will provide an overview of the Jordanian Penal Code that perpetuates honor crimes and explains how these laws must also be amended in order for the country to move towards complete modernization and away from the dominance of the patriarchal family and honor killings. Finally, the conclusion will make recommendations for how Jordan can take steps eliminate these crimes, modernize in a more complete manner and finally leave honor killings to history.

Chapter One: Jordan's Path Toward Modernization

The indication of a modern society is often considered to be the point where there is a clear separation between the present and the traditions of the past. The modernization of a country is difficult to assess as there are many indications of this status, including developments through industrialization, urbanization, hygenization and politicization.¹³ The growth of a nation is measurable through quantifiable data such as the number of hospitals, the number of factories, increases in urban populations or an enlargement of foreign organizations or embassies in the country.¹⁴ One of the more popular applications of modernization theory suggests that a society can make progress through “political development, economic growth, social mobilization with cultural rationalization, psychic mobilization and international transformation”.¹⁵ These changes allow for a society to reach new achievements and became a more active power in the international realm. The theory makes no reference to the maintenance of a patriarchal family, which is partly why Jordan has failed to completely modernize and continues to be plagued by the traditionalist notions of honor killings. Scholar Wolfgang Zapf notes that two of the main components of a country undergoing the process of modernization first include attempts to bridge the gap between the developed nations and those that are less developed and second the effort a society makes to deal with new internal challenges that evolve as the country modernizes.¹⁶ But without steering away from the patriarchal structure of the family, Jordan will continue to suffer from the prolongation of traditional values, including the preservation of a family's honor through honor crimes.

¹³ Ilan Pappé, *The Modern Middle East*, (New York: Routledge, 2005), 3.

¹⁴ Pappé, *The Modern Middle East*, 3.

¹⁵ Wolfgang Zapf, “Modernization Theory and the Non-Western World” (paper presented at the conference “Comparing Processes of Modernization”, University of Potsdam, Germany, December 15-21, 2003).

¹⁶ Zapf, “Modernization Theory and the Non-Western World”.

Most of the countries in the Middle East find themselves today at a crossroads of a traditionalist past and a modern future, without any indication as to how long this transitional phase may last. According to Ilan Pappé, the start of the region's path to modernization can be traced to Napoleon Bonaparte's invasion of Egypt in 1798 and the associated introduction of military technologies from Europe.¹⁷ These were later followed by revolutions in the educational and agrarian spheres. Eventually, World War I brought about European settlers in the region, which quickened the pace of development because they acted as "agents of modernization".¹⁸ In the twentieth century, urbanization and population growth were also indicators of modernization in the Middle East. The population in the Middle East increased from 80 million in 1950 to 135 million in 1970 to 240 million in 1990 and stands at approximately 350 million people today, in 2010.¹⁹ As their traditions weakened, people left the countryside and migrated to the cities in a search for a better life.²⁰ The city provided job opportunities and served as the center of political rule. The political arena in Jordan in particular has seen much progress—Jordan is a hereditary monarchy, but there is a cabinet, a Parliament and other branches to provide checks on power.²¹ Furthermore, there is now universal suffrage at eighteen years of age²² and a quota was established in 2003 to designate six Parliament seats specifically to women.²³ The status and role of women is often another factor that can define a country in terms of modernization. Equality for all is a major step for becoming a developed and modern nation; a country that effectively and truthfully integrates women into society is in essence more modern than its

¹⁷ Pappé, *The Modern Middle East*.

¹⁸ Pappé, *The Modern Middle East*.

¹⁹ Pappé, *The Modern Middle East*.

²⁰ Pappé, *The Modern Middle East*.

²¹ "The World Factbook: Jordan," *Central Intelligence Agency*, October 2010, <https://www.cia.gov/library/publications/the-world-factbook/geos/jo.html> (accessed October 18, 2010).

²² "The World Factbook: Jordan," *Central Intelligence Agency*.

²³ Margaret Pettygrove, "Obstacles to Women's Political Empowerment in Jordan: Family, Islam, and Patriarchal Gender Roles," *SIT Jordan*, May 2006.

counterparts where inequality among the genders still runs rampant. Women in Jordan have, however, made particular strides in attaining more rights and thus impacting the modernity of their country and region. The National Committee for Women Affairs was organized in 1992 and has worked to support women's rights and ensure they are represented in international arenas and are involved in the country's political and social processes.²⁴ Within the binds of the patriarchal family, though, women are not encouraged to be active members of society and decisions are typically made by male family members who dominate and exert control in the home.

Valentine Moghadam explains the concept of a "neopatriarchal society" in his book *Modernizing Women: Gender and Social Change in the Middle East*, defining this type of society as a "result of the collision of tradition and modernity in the context of oil-based dependent capitalism and....limited industrialization."²⁵ Moghadam dates the beginning of the reform of the patriarchal family to the end of the nineteenth century, when he identified transformations in the laws surrounding marriage, polygamy, divorce, inheritance and child custody, all of which sought to better the status of women. The evolution of laws surrounding the rights and social positions of women also impacted modernization because the state can change an ingrained attitude toward women by amending old or instituting new laws to create a sense of a modernized patriarchy. The women of the Middle East today have better chances of taking advantage of marrying later in life, attaining higher education, receiving more formal-sector employment, creating smaller families and having more decision-making power.²⁶

²⁴ Mansur, Shteivi and Murad, "The Economic Underpinnings of Honor Crimes in Jordan".

²⁵ Valentine Moghadam, *Modernizing Women: Gender & Social Change in the Middle East*, (Boulder: Lynne Rienner Publishers, 2003).

²⁶ Moghadam, *Modernizing Women: Gender & Social Change in the Middle East*.

The achievements Jordan has made in the social and political sectors would suggest that there should be less honor crimes if the country had developed into a more modern state, especially in terms of women's rights. The actual occurrences of violence against women have in fact been increasing, which requires a consideration in the next chapter of other factors that are preventing Jordan from becoming fully modern and putting an end to honor killings.

Chapter Two: Impediments to Modernization

Jordan's economy is one sector that has prevented the country from fully modernizing and thus has allowed for the maintenance of the patriarchal family, which supports honor killings. British sociologist Anthony Giddens elaborated on the belief of W.W. Rostow, economic adviser to John F. Kennedy, that economic growth was of the utmost importance to a developing nation, arguing that people in low-income countries are unable to strengthen their economy if they continue to esteem traditional values.²⁷ Despite its progress toward modernization through politics or technology, the economic strain in Jordan is blocking the country from steering away from its patriarchal traditions, which support honor killings, and becoming a fully modern state.

The stagnation of the Jordanian economy can be traced back for several decades, as the country first suffered a blow in the late 1980s when oil prices greatly dropped and forced the country into an economic depression. The Gulf crisis through Iraq's invasion and occupation of Kuwait from 1990-1991 also contributed to a decline in the Jordanian economy.²⁸ A lack of economic progress in the short term would not seem particularly concerning to author Ilan Pappé, who noted that "as for any traditional society on the way to modernity, there [are] ups and downs, periods of progression and stagnation".²⁹ But for over thirty years now, the Jordanian economy has failed to advance and is fostering the occurrence of honor killings because it prevents the country from truly embracing modernity.

²⁷ Anthony Giddens, *Sociology*, (Malden: Polity Press, 2006), 408.

²⁸ Ilan Pappé, *The Modern Middle East*, (New York: Routledge, 2005), 3.

²⁹ Pappé, *The Modern Middle East*, 5.

Jordan also suffers immensely from a lack of natural resources, including water and oil, which has forced the country to be dependent on foreign aid.³⁰ King Abdullah II has made strides for the country's economic growth since he ascended to the throne in 1999, but the progress has been minimal at best. The CIA estimated the 2009 GDP per capita to be \$5,200, which ranks Jordan as 143rd in the world.³¹ The GDP real growth rate has dropped from a 2007 estimate of 6.6 percent to 3.1 percent in 2009.³² The country is also currently experiencing a growth in unemployment, having risen from 12.6 percent to 13.5 percent over the course of 2008 to 2009.³³ Unofficial estimates, however, place the unemployment level in Jordan at about 30 percent. The unemployment rate has officially remained in the 12-15 percent range for the past ten years, and scholar Yusuf Mansur points out three causes for this phenomenon in his article "Why Jordanians Aren't Working". Firstly, Mansur notes that Jordan's citizens are not actively searching for jobs because there is a lack of information provided by the government and it is difficult for many to physically look for jobs because of the inadequate public transportation system. Mansur's second point was that there is a large number of guest workers taking the jobs in the country, driving the Jordanians who will and can work to find opportunities in other Gulf countries. Finally, Mansur notes that the structure of the Jordanian family directly impacts employment. The design of both the tight-knit nuclear and extended families allow Jordanians to rely on familial support through food, shelter or handouts, which perpetuates unemployment.³⁴

Beyond unemployment, poverty is another contributing factor to the trouble Jordan is currently experiencing. In 2006, thirteen percent of the 6.4 million people living in Jordan were

³⁰ "The World Factbook: Jordan," *Central Intelligence Agency*, October 2010, <https://www.cia.gov/library/publications/the-world-factbook/geos/jo.html> (accessed October 18, 2010).

³¹ "The World Factbook: Jordan," *Central Intelligence Agency*.

³² "The World Factbook: Jordan," *Central Intelligence Agency*.

³³ "The World Factbook: Jordan," *Central Intelligence Agency*.

³⁴ Yusuf Mansur, "Why Jordanians Aren't Working," *The Jordan Times*, October 2010.

living below the poverty line of JD 46.3 per person per month,³⁵ which converts to the equivalent of approximately \$65 per person per month. For a family of six, the estimate is JD278 per month,³⁶ or about \$392 per month. Poverty is widespread throughout the country, but the highest rate is found in the Mafraq Governorate, where 23 percent of the region's citizens are poor.³⁷ Misconceptions about the prevalence of poverty arise, however, because over a third of the population lives in the capital city of Amman, which means that a greater *number* of poor people exist in Amman (almost 560,000 people), but the actual percentage of poverty in this region is only 9.4 percent.³⁸ The effects of poverty are widespread; it has been clearly proven that the poor have fewer chances for employment, have a greater risk of dropping out of the labor force and have much lower earning potential than their wealthier counterparts.³⁹

The Jordanians are stuck in a backwards economy, and in the face of a poor economic environment, honor becomes increasingly more important as this begins to serve as one of the only sources of pride for the family. The patriarchal family is associated with intergenerational wealth flows, so movement out of the family's longstanding financial status is rare. Thus these economic conditions provide for the circumstances for a greater number of honor crimes to occur and indicate a strong correlation between poverty and honor killings, which had previously been associated just with social or cultural factors in other analyses.⁴⁰ The Information and Research Centre (IRC) of the King Hussein Foundation, under the direction of Nermeen Murad, led a study to evaluate the cases of honor crimes from 2000 to 2009. They found that of the 102 official crimes reported during these years, the profile of the murderer is typically very similar, and is closely related to the financial position of the family.

³⁵ Mansur, Shteivi and Murad, "The Economic Underpinnings of Honor Crimes in Jordan".

³⁶ Mansur, Shteivi and Murad, "The Economic Underpinnings of Honor Crimes in Jordan".

³⁷ Mansur, Shteivi and Murad, "The Economic Underpinnings of Honor Crimes in Jordan".

³⁸ Mansur, Shteivi and Murad, "The Economic Underpinnings of Honor Crimes in Jordan".

³⁹ Mansur, Shteivi and Murad, "The Economic Underpinnings of Honor Crimes in Jordan".

The IRC reported that of the perpetrators, 66 percent were poor, and of the female victims, 73 percent were considered to be at an economic disadvantage. 76 percent of the perpetrators in this study were the brothers of the victims, the majority of them being under the age of 30. There was a 92 percent possibility that he did not have a university or college education. It was also three times more likely that the murderer was unemployed and half of them were married, meaning that they had a greater economic burden of supporting either a wife or family than did their single counterparts. The 66 percent of the perpetrators that were classified as poor are living in a country where about 33 percent of the population lives around the poverty line of JD 46.3 per person month and 13 percent of the population lives under this mark.⁴¹

The IRC hypothesized that brothers were most often the killers in cases of honor crimes because of the low opportunity costs for them to commit the murder. Brothers have little to lose from killing a sister in the name of honor, especially compared to the father, who has to support the family and may face more severe consequences as punishment.⁴² Oftentimes, a young son has less to lose in terms of his finances or career than would his father, because he would not yet have had the opportunity to establish himself. Many times, there is also the benefit for a poor family beyond the restoration of honor in that they will no longer have to support an additional female member of the family who has been unable to attain an education, work or otherwise contribute to the family's growth. The law encourages juveniles to commit the killing, as youth are typically put into rehabilitation centers and their records will not reflect the crime, whereas adults may face a prison sentence.⁴³ The particular punishments and reprimands that perpetrators

⁴¹ Mansur, Shteivi and Murad, "The Economic Underpinnings of Honor Crimes in Jordan".

⁴² Mansur, Shteivi and Murad, "The Economic Underpinnings of Honor Crimes in Jordan".

⁴³ Lubna Nimry, "Crimes of Honor in Jordan and the Arab World," *Women's United Nations Report Network*, June 2009.

face for committing an honor crime will be further analyzed in the next chapter through an examination of the laws in Jordan that apply to honor killings.

In 2006, Jordan developed a National Agenda to address some of the economic, social and political challenges in the country on a ten-year plan. With the goal of reforming flawed institutions, the National Agenda was to initiate new government policies to make improvements in areas where the country was faltering. In the National Agenda, Jordan's current (2007-2012) socio-economic focus includes eliminating structural unemployment, encouraging labor-intensive and export-oriented industries and restructuring the education system. The plans for the years 2013 to 2017 include the goal to "remove all forms of discrimination against women in society" and "promote capital intensive industries".⁴⁴ To expand on this, the National Agenda lists the phase of 2018 and onwards as focusing on becoming a "world-class competitor in the global knowledge economy".⁴⁵ The National Agenda acknowledges the Jordanian government has failed with its past attempts to implement previous economic reform programs and thus includes detailed features on implementation, commitment and accountability to ensure that this framework has a much more successful future. Given how closely related economic troubles and poverty are to honor killings, if the National Agenda can be effectively carried out, Jordan will stand in an excellent position to develop economically and reach the desired level of modernization that would guide the people away from the traditional values of patriarchy that support honor killings.

⁴⁴ "National Agenda: The Jordan we strive for, 2006-2015," <http://www.nationalagenda.jo/> (accessed November 1, 2010).

⁴⁵ "National Agenda: The Jordan we strive for, 2006-2015".

Chapter Three: Jordanian Penal Code

The Hashemite Kingdom of Jordan utilizes a complex legal and judiciary system that draws on many historical sources—it was developed from the rule of the Ottoman Empire and is modeled off of French rule.⁴⁶ The current legal system is based on the Jordanian Constitution and the Court Establishment Law of 1951 and incorporates Islamic and ecclesiastical laws under some circumstances.⁴⁷ After the Fourth World Conference on Women in Beijing in 1995, the topics of gender and women’s rights became more widely discussed and addressed in Jordan.⁴⁸ Political and social pushes for recognizing the legal status of women and ensuring their equality grew and led to the establishment of more rights for women. Despite the religious notions of gender disparities, the political and legal arenas in Jordan have made attempts to eliminate the inequity.

One of the greatest movements to push for women’s equality and to further the public’s acknowledgement of violence against women, and especially honor crimes, was the development of the National Jordanian Campaign to Eliminate So-called Crimes of Honour in 1999.⁴⁹ The campaign called for signatures on a petition that stressed the importance of eliminating the laws surrounding honor crimes, particularly Article 340, which provided perpetrators of honor crimes with the opportunity to receive much more lenient penalties.⁵⁰ When it was first created, article 340 originally stated that “he who surprises his wife or one of his [female] *mahrams* (‘unlawfuls’) in the act of committing unlawful sexual intercourse with somebody and kills, wounds or injures one or both of them, shall benefit from the exonerating/exempting excuse

⁴⁶ “The World Factbook: Jordan,” *Central Intelligence Agency*, October 2010, <https://www.cia.gov/library/publications/the-world-factbook/geos/jo.html> (accessed October 18, 2010).

⁴⁷ “Jordanian Legal System,” *Embassy of the United States: Amman, Jordan*, http://jordan.usembassy.gov/acs_jordanian_legal_system.html (accessed November 2, 2010)

⁴⁸ Sara Hossain and Lynn Welchman, *Honour*, (New York: Zed Books, 2005), 200.

⁴⁹ Hossain and Welchman, *Honour*, 200.

⁵⁰ Hossain and Welchman, *Honour*, 201.

(*'udhr muhill*)'.⁵¹ Another clause furthered this idea: "he who surprises his wife or one of his ascendants or descendants or siblings with another in an unlawful bed, and kills or wounds or injures one or both of them, shall benefit from the mitigating excuse (*'udhr mukhaffaf*)".⁵² The first part of this article allowed for a man to benefit from a reduction in penalty, should he kill his wife or female relative whom he found in an adulterous position, in order to preserve his family's honor. The second clause of Article 340 gave the man the opportunity to receive a reduced penalty if the court granted him an extenuating excuse for the murder.

This article has been under much speculation since its inception and there have been repeated attempts by civil society organizations to amend this law.⁵³ The National Jordanian Campaign to Eliminate So-called Crimes of Honour fought endlessly at the break of the millennium to revise Article 340. They succeeded in changing the article to providing only a reduction in penalty, as it does today, instead of a complete exemption from penalty, which is how the article was originally worded.⁵⁴ Other Jordanian women's rights and human rights groups pushed for changes in Article 340, and eventually the article was revised to the following:

1. Whosoever surprises his wife or one of his ascendants or descendants in the crime of adultery or in an unlawful bed, and kills her immediately or kills the person committing adultery with her or kills both of them or attacks her or both of them in an assault that leads to death or wounding or injury or permanent disability, shall benefit from the mitigating excuse.
2. The wife shall benefit from the same excuse if she surprises her husband in the crime of adultery or in an unlawful bed in the marital home and kills him immediately or

⁵¹ Hossain and Welchman, *Honour*, 201.

⁵² Hossain and Welchman, *Honour*, 201.

⁵³ Hossain and Welchman, *Honour*, 200.

⁵⁴ "Honoring the Killers: Justice Denied for 'Honor' Crimes in Jordan," *Human Rights Watch*, April 2004, http://www.hrw.org/reports/2004/jordan0404/4.htm#_ftnref59 (accessed October 12, 2010)

kills the woman with whom he is committing adultery or kills both of them or attacks him or both of them in an assault that leads to death or wounding or injury or permanent disability.

3. The right of lawful defence shall not be permitted in regard to the person who benefits from this excuse, nor shall the provisions of ‘aggravated circumstances’ apply.⁵⁵

The major amendment made to this law was that it now allowed women to benefit from the same reductions in penalty should they discover their husbands in an adulterous position and kill or attack him or the other woman.

Even more controversial than Article 340 has been Article 98 of the Penal Code. This article holds that “whosoever commits a crime in a state of extreme rage resulting from an unrightful [*ghayr muhiqq*] and dangerous act on the part of the victim shall benefit from the mitigating/extenuating excuse”.⁵⁶ This article provides more flexibility for the perpetrator, who could see the punishment for a felony reduced by half and reduce the penalty for other crimes that mandate a minimum of a three-year prison sentence to a one-year prison term.⁵⁷ Article 98 is often referred to as the “fit of fury” clause, a term made popular by Lama Abu Odeh in the late 1990s.⁵⁸ This became a common reference to the article because the wording allows for the granting of concessions to the accused if they claim to have committed a crime under extreme anger, or a “fit of fury”.

The main problem with this law is the leniency with which it can be applied based on the circumstances. The time period for which a person can claim to have committed a crime in a

⁵⁵ Hossain and Welchman, *Honour*, 203.

⁵⁶ Hossain and Welchman, *Honour*, 203.

⁵⁷ Hossain and Welchman, *Honour*, 204.

⁵⁸ Hossain and Welchman, *Honour*, 204.

state of rage is not defined, and thus can be determined by the courts as they see fit. The Court of Cassation of Jordan addressed this confusion in Case No. 213 in 2004, finding that the fit of fury must “have a severe impact on the accused, leading in that moment to him being deprived of any sense or perception, as well as of self-restraint, and thus becoming incapable of controlling himself”.⁵⁹ Even with this modification Article 98, there were still instances of men who would make claims of having been under extreme anger for upwards of two weeks and the Court still referenced Article 98 to grant exceptions to punishment.⁶⁰ Another flaw in Article 98 is that an “unrightful and dangerous act” is an unclear classification for what the victim must have done in order to apply the mitigating excuse to the perpetrator. What do dangerous or unrightful mean? Does this clause also apply to a suspicion of a woman being engaged these types of behavior? The lack of detail on the wording of Article 98 leads it being applied to a wide range of cases of honor crimes in Jordan and resultantly allowing far too many killers to walk freely after serving minimal sentences.

Beyond Articles 340 and 98, the Jordanian law further encourages honor crimes because it provides better circumstances for juveniles to commit the killings as opposed to elder members of the family. Although it is clear that adults benefit from reductions in prison sentences for committing honor killings, youth face consequences that are infinitely more lenient than the already soft punishments assigned to adults. When juveniles are found guilty of killing a female relative to preserve the family’s honor, they are typically put into rehabilitation centers without any marks on their records.⁶¹ The design of the laws that better protect younger men from punishment for committing honor crimes evolved from the Royal Committee for Judicial

⁵⁹ Hossain and Welchman , *Honour*, 205.

⁶⁰ Hossain and Welchman , *Honour*, 205.

⁶¹ Lubna Nimry, “Crimes of Honor in Jordan and the Arab World,” *Women’s United Nations Report Network*, June 2009.

Reform, which was formed in 2001 to evaluate the effectiveness of the juvenile justice system and improve the processes.⁶²

Aside from the leniency in penalties, a brother may be motivated to kill his sister in order to absorb her inheritance. Patriarchal societies typically would account less for daughters in terms of inheritance, but whatever may have been promised to the female children could be redistributed to the males if the daughter was to be out of the picture. This relates again to the relationship between financial or economic circumstances and honor crimes. Beyond restoring the honor of a family, an honor crime can restructure the planned inheritances and restore this to the male members of the family. Brothers and younger male family members would have a more direct motivation to commit the murder if they knew it would benefit them.

⁶² “The Juvenile Justice Reform Programme in Jordan,” *Ministry of Planning and International Cooperation*, December 2005, http://www.mop.gov.jo/pages.php?menu_id=113&local_type=1&local_id=84 &local_details=1&local_details1= (accessed November 2, 2010).

Chapter Four: “Protecting” Women

In the past few years, one of the most interesting reactions to honor killings has developed in Jordan. Its aim was to provide security to women who were victims of honor crimes or at-risk. In a strange way, placing women in protective custody may accomplish this goal, but it also perpetuates the problem of violence against women because of the poor conditions at many of the facilities and because it becomes much harder for women to reintegrate into society when, or if, they are released. Juwaida Women’s Correctional and Rehabilitation Centre hosts both women who have committed crimes and those who are potential victims. In July of 2003, an investigation by Human Rights Watch found that there were 97 women who were at Juwaida as administrative detainees.⁶³ And of the 153 inmates at the Amman Women’s Prison, 40 of them are there under protective custody.⁶⁴ It is an interesting combination and though both are suffering, the women who are sent to the facility because of the threats to their lives from their own families have much more to lose. They lose their freedom, they lose their potential to achieve their goals and they are uprooted from the lives they are accustomed to—all of this is done by force, not choice.⁶⁵ Given that Jordan’s economy is experiencing such trouble right now, the Jordanian government could do well to eliminate these problematic programs and direct the money that supports them towards actually stimulating the economy or creating jobs.

Jordan’s rationale for this program streams from the Crime Prevention Law, which was enacted in 1954.⁶⁶ The law allows for the governor in the Ministry of Interior to order the detention (for a one year period) of anyone whom he determines to pose a threat or be a potential

⁶³ Human Rights Watch. *Honoring the Killers: Justice Denied for ‘Honor’ Crimes in Jordan*, April 2004, <http://www.hrw.org/en/node/12141/section/1> (accessed November 1, 2010).

⁶⁴ Francine Pickup et al., *Ending Violence Against Women: A Challenge for Development and Humanitarian Work* (London: Oxfam GB, 2001), 161.

⁶⁵ Christoph Wilcke and Farida Deif, Human Rights Watch, *Guests of the Governor: Administrative Detention Undermines the Rule of Law in Jordan*, (New York: Human Rights Watch, 2009), 10-11.

⁶⁶ Human Rights Watch. *Universal Periodic Review Submission: Jordan*, September 2008, http://lib.ohchr.org/UPR/HRW_JOR_UPR_S4_2009_HumanRightsWatch_upr.pdf (accessed October 30, 2010).

“danger to the public” and cannot present monetary guarantees.⁶⁷ It is not necessary for the governor to reference any evidence of a crime that had previously been committed or provide evidence of one that is in progress in order to detain an individual.⁶⁸ The governor also has the power to determine the monetary assurances, which are typically set in the range of JD 10,000 to JD 50,000.⁶⁹

The Crime Prevention Law has recently been extended to detain women and girls who the governor determines to be in danger of becoming a victim of an honor killing or other abuse. This is a wrongful application of the law, which truly only allows for the detention of people who pose a threat to society. The lives of these women are disrupted and they are detained to be held in protective custody, sometimes for years on end. They can only be released if a male family member will sponsor her and can provide realistic evidence that he and the family will not harm the woman.⁷⁰

Not only is detaining women under the Crime Prevention Law illegal, it also has not proven to be an effective method for decreasing honor crimes. As the Human Rights Watch report “Guests of the Governor” notes, “jailing women threatened with violence is a failed and perverse attempt to combat one crime by perpetrating another”.⁷¹ The intent of this detention is noble, but its application is incorrectly practiced because the women are the victims, not the ones who pose a threat to society. The male perpetrators, or those who show evidence of potentially committing an honor killing, should be the ones detained. Instead, dozens of women are sent to prison centers each year in order to “protect” them.

⁶⁷ Human Rights Watch. *Universal Periodic Review Submission: Jordan*.

⁶⁸ Human Rights Watch. *Universal Periodic Review Submission: Jordan*.

⁶⁹ Human Rights Watch. *Universal Periodic Review Submission: Jordan*.

⁷⁰ Human Rights Watch. *Universal Periodic Review Submission: Jordan*.

⁷¹ Wilcke and Deif, *Guests of the Governor: Administrative Detention Undermines the Rule of Law in Jordan*, 11.

The consequences of detaining women with the goal of saving them from becoming victims of honor killings are extreme and actually threaten the growth of Jordanian society. Twenty-seven year old Azza S. asks “Why are we treated this way?...So I have a risk from my family? So what? What right do they [the government] have to keep people in prison until they die? I’m miserable here. What’s the solution? My three brothers who threatened me don’t even live in Jordan anymore”.⁷² Other detained women expressed similar sentiments, and added that remaining in prison has made it impossible for them to imagine re-integrating into society. Aisha E., 48, has been at Juwaida since 1987 and voiced her frustration to Human Rights Watch, proclaiming that “since 1987 until now, I’ve been outside for one day. I went into the car to the governor’s office and back. That’s it. I don’t know anything about the world”.⁷³ These women are being deprived of their personal rights, but society is also being deprived from what they could contribute if the system was restructured to better serve the needs of the women while protecting them from the potential danger of their family. The failure of the prison to release the women after a certain time period is rooted in the fact that new governors enter the position every few years and are thus not knowledgeable about every case.⁷⁴ They do not review the history of each woman’s case and thus women remain detained in prison for years longer than is necessary for their protection from an isolated indication of violence from their families.⁷⁵

This approach to fending off honor crimes is far from successful, but programs that differ slightly, such as those at the Dar al Wifaq Center and the Family Reconciliation Center (FRC), established by the Ministry of Social Development, have proven to be more effective. In 2007, the government opened the Wifaq Center, which was designed to protect women and children

⁷² Wilcke and Deif, *Guests of the Governor: Administrative Detention Undermines the Rule of Law in Jordan*, 14.

⁷³ Wilcke and Deif, *Guests of the Governor: Administrative Detention Undermines the Rule of Law in Jordan*, 15.

⁷⁴ Wilcke and Deif, *Guests of the Governor: Administrative Detention Undermines the Rule of Law in Jordan*, 15.

⁷⁵ Wilcke and Deif, *Guests of the Governor: Administrative Detention Undermines the Rule of Law in Jordan*, 15.

from harm.⁷⁶ The FRC and Wifaq Center provides women and their children with a safe space, where they can remain for a period of up to six months.⁷⁷ These centers provide counseling and temporary shelter to women who have been abused or are at risk of violence. The staff continues to check on the women and their families for another four to six month time period following their release from the FRC.⁷⁸

The Wifaq Center and FRC are places that can provide women with the resources and safety they need, but authorities often manipulate women into thinking they will be brought to places like Wifaq to protect them from violence, but in fact they are brought directly to jail and detained under poor conditions. Basma K., 21, expressed her frustration at being stuck in Juwaida Women's Prison, saying that "[the authorities] said they would take me to Dar al-Wifaq [the government-run center] but they tricked me. They brought me here [Juwaida]. I saw the sign outside the prison but they said they were just bringing me here for some paperwork...On what basis are they keeping me here? I told them that my family was still posing a threat. I wouldn't have said that if I knew I would be in jail...Death is better than being in prison".⁷⁹ Basma had run away from home and after being evicted from the abandoned building she was sleeping in, she found a woman who allowed her to sleep in her home. The woman's husband, however, called the police on Basma, who then took her to Juwaida.⁸⁰ Basma will only be released when the governor determines her family is no longer a threat to her and if a male family member comes to the prison and agrees to be responsible for her if she is released.⁸¹ She

⁷⁶ Hani Hazaimah, "Women's Rights Improving, But Obstacles Remain," *The Jordan Times*, March 4, 2010.

⁷⁷ Rana Hussein, "New Centre Provides Lifeline for Abused Women," *The Jordan Times*, February 25, 2007.

⁷⁸ Hussein, "New Centre Provides Lifeline for Abused Women".

⁷⁹ Wilcke and Deif, *Guests of the Governor: Administrative Detention Undermines the Rule of Law in Jordan*, 16.

⁸⁰ Wilcke and Deif, *Guests of the Governor: Administrative Detention Undermines the Rule of Law in Jordan*, 16.

⁸¹ Human Rights Watch, *Honoring the Killers: Justice Denied for 'Honor' Crimes in Jordan*.

is unlikely to see this fate, however, as she still wonders, years after her initial arrest, “Why didn’t my father come to release me? Maybe he left me here to discipline me”.⁸²

The challenges Basma, and other Jordanian women like her, face in prison are no better or worse than those they face in their supposedly “free” society. Yet detaining these women in an effort to protect them only propels the problems associated with the patriarchal society that leads to honor killings. The longer the women remain in prison, the less able they are to re-integrate into their communities because their absence has prevented them from growing professionally or academically. They are thus at an even greater disadvantage to contribute to the economy, which could further perpetuate the occurrence of honor killings. As it has been shown that honor killings 66 percent of those who committed honor crimes are poor, living below the poverty line of JD46.3 per person per month, honor crimes are closely tied to economic and financial factors.⁸³ If a woman is unable to contribute to her family from working, she could be at a greater risk of becoming a victim of an honor killing if she is seen as a financial burden to the family. Furthermore, the elimination of these detainment programs could allow for the government to spend the money it uses to support the prisons in other areas to decrease poverty and stimulate the economy.

⁸² Wilcke and Deif, *Guests of the Governor: Administrative Detention Undermines the Rule of Law in Jordan*, 16.

⁸³ Mansur, Shteivi and Murad, “The Economic Underpinnings of Honor Crimes in Jordan”.

Conclusion

Despite its record of honor killings, many by the most horrendous of methods, there is hope to propel Jordan away from this tradition. The country has made progress to become a more modern nation, but it is clear that the stagnant economy and the preservation of the patriarchal family have prevented Jordan from fully evolving into a modern state. If the country can grow economically and then steer away from the traditional values of patriarchy, Jordan would be less likely to be as plagued by honor killings in the future. Eliminating the concept of patriarchy is quite a daunting task, so it is important to consider the other factors that could contribute to a gradual path away from patriarchy that would help Jordan continue on its way to modernity. One area that would be beneficial to focus on is the education sector.

Although the 2010 Human Development Index, released by the United Nations, places Jordan in the “high human development” category by ranking Jordan as 82nd out of 169 countries,⁸⁴ many of the other Arab countries have made greater achievements. The HDI measures a country’s progress of human development through a consideration of life expectancy, access to information and education and measurements of standard of living.⁸⁵ Jordan fell behind the United Arab Emirates, Qatar, Bahrain, Kuwait, Libya, Saudi Arabia and Tunisia in this index.⁸⁶

The country is particularly suffering in terms of its quality of and access to education. National assessments have shown that students are underperforming on exams and that approximately 30 percent of students drop out of school before finishing the 12th grade.⁸⁷ Only

⁸⁴ “Jordan makes progress in human development”, *The Jordan Times*, November 5, 2010, <http://www.jordantimes.com/?news=31596> (accessed November 15, 2010).

⁸⁵ “Jordan makes progress in human development”, *The Jordan Times*.

⁸⁶ “Jordan makes progress in human development”, *The Jordan Times*.

⁸⁷ The World Bank, *Second Education Reform for the Knowledge Economy Project (Report No: 46824-JO)*, April 2009, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2009/05/04/00_0333038_20090504003729/Rendered/PDF/468240PAD0P105101Official0Use0Only1.pdf (accessed November 15, 2010).

58 percent of women will complete secondary or high education, yet 74 percent of men will reach these levels.⁸⁸ The trends of education in the Middle East are important indicators of modernization in these societies. Scholar Fatima Mernissi states that “access to education seems to have an immediate, tremendous impact on women’s perception of themselves, their reproductive and sex roles, and their social mobility expectations”.⁸⁹ Education is essential for women to grow and realize their potential to be involved in the workforce. Jordan was spending approximately 4.9 percent of its GDP on education expenditures in 1999 and estimates from 2003 declared that 95.1 percent of the male population was literate, yet only 84.7 percent of the female population was literate.⁹⁰ Margaret Pettygrove argues that women in Jordan are prevented from truly being incorporated into education and the workforce “primarily as a result of the persistence of patriarchal values and gender roles”.⁹¹ Women lack empowerment and access to the resources of which their brothers, fathers and male peers can take advantage.

Programs to enhance women’s education have historically proven to be extremely beneficial for edging a country towards modernization, as promoting women’s education shows that the country is committed to eliminating gender discrimination and recognizes the contributions women can make to the society. Although they work in other regions of the world, the organizations Educate Girls Globally (EGG) and Forum for African Women Educationalists (FAWE) have been extremely successful in promoting women’s education and thus improving their lives and the societies in which they live. Educate Girls Globally was founded in 1999 by A. Lawrence Chickering and began its work in Uttarakhand, India to promote girls’ education; in this state, about 40 percent of girls do not complete schooling beyond the fifth grade (the average

⁸⁸ “Jordan makes progress in human development”, *The Jordan Times*.

⁸⁹ Moghadam. *Modernizing Women: Gender & Social Change in the Middle East*.

⁹⁰ “The World Factbook: Jordan,” *Central Intelligence Agency*, October 2010, <https://www.cia.gov/library/publications/the-world-factbook/geos/jo.html> (accessed October 18, 2010).

⁹¹ Margaret Pettygrove, “Obstacles to Women’s Political Empowerment in Jordan: Family, Islam, and Patriarchal Gender Roles,” *SIT Jordan*, May 2006.

girl will spend only four years in education).⁹² EGG would go on to partner with local non-governmental organizations that were committed to the same cause and has future plans to begin programs in other countries throughout the developing world.⁹³ The organization cited research from the United Nations and the World Bank that shows educating women to be extremely important as it leads to, among the many other benefits, a growth in family and national income, improvements to family health and a decrease in birth-rates.⁹⁴

The Forum for African Women Educationalists was established in 1992 following a long period of talks between African ministers who believed in empowering women and giving them the opportunity to succeed.⁹⁵ FAWE has been working towards gender equality through advocacy campaigns and the implementation of programs such as the Centres of Excellence, which providing training and resources to local schools.⁹⁶ The organization has found success in its model in that there have been noticeable improvements in girls' social and life skills, a decrease in teenage pregnancies and a boost in girls' leadership abilities.⁹⁷

If Jordan could introduce similar programs that promote girls' and women's education, the country could see many of the same benefits experienced by those developing nations that already have these types of programs in place. Educating women effectively can make them more confident and active members of society, which could in turn lead to a reduction in the mentality promoted by patriarchy that women have less to offer than men.

It is not enough, however, to provide merely an education to girls in Jordan. The Ministry of Education must revise curricula to teach that women are important members of

⁹² Educate Girls Globally, "History", http://www.educategirls.org/html/whoware_main.html (accessed November 19, 2010).

⁹³ Educate Girls Globally, "History".

⁹⁴ Educate Girls Globally, "Mission".

⁹⁵ Forum for African Women Educationalists, "Our History", <http://www.fawe.org/about/history/index.php> (accessed November 19, 2010).

⁹⁶ Forum for African Women Educationalists, "Centres of Excellence".

⁹⁷ Forum for African Women Educationalists, "FAWE's Impact".

society, and this message must transcend genders. Educated women would be better equipped to seek higher paying jobs and could then contribute to the family's income. This would remove the intensity of the pressure economically disadvantaged families have to preserve their family's honor in whatever way possible merely because they have little else. The economy would grow and the level of female participation in the labor market would increase from the current standard where only 25 percent of women are working and could perhaps become closer to the rate of 78 percent of men who participate in the labor market.⁹⁸ Redefining and promoting education for women would not only encourage females to see themselves as having roles bigger than just those in the home, but would also lead to the discovery by males that women have more to provide to the family and society than just serving as indicators of the family's honor. This institutional change of education in Jordan would be a building block for the transformation of Jordan out of the transitional phase between modernization and patriarchy and towards a more equal and modern nation of the twenty-first century.

Honor killings cannot be explained through or attributed to any one cause. They are a multi-faceted phenomenon and are complex to understand. The consequences of allowing these crimes to continue on in the future, however, extend far beyond them being grave offenses to human rights. The cases in the beginning of the women who were murdered for honor are only three of the thousands of stories of women who have met equally as dismal ends. They have been silenced and were robbed of the opportunity to fight for their rights or lives. The responsibility now lies with those who survive them to use their own voices to put a stop to these horrific crimes that have claimed too many women and caused too much damage for them to be allowed to continue on for even one more day.

⁹⁸ "Jordan makes progress in human development", *The Jordan Times*.

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