

The Democratization Process in Jordan After the 'September 11'

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The legal and political systems of the Kingdom of Jordan are predicated upon two sources of legitimacy, sovereignty, and authority. One is the head of state, the Hashemite monarch; the other is the people, whose power is delegated to the Chamber of Deputies. Hence Jordanian governments have been accountable to both.

This duality has created a precarious equilibrium, which at times has contributed to political instability. On the whole, the domestic political history of Jordan over the last five decades, has largely been a constant struggle between the two components of sovereignty. The Hashemite establishment, on the one hand, has taken pains to maintain Jordan as a centralized state, to preserve its own power, and to hold on to the lion's share of the source of authority. The public, on the other hand, by means of parliamentary and extra-parliamentary activities, has endeavored to increase democratization and political liberalization, to gain more civil liberties and to be given a greater say in the decision-making process.

Until the late 1980s, this struggle was an asymmetric one between unequal forces. The monarchy took advantage of its position to reduce to a minimum the civil activity the people were clamoring for and it did so under the pretext of security reasons and concern for public order. In 1957, following an attempted *coup d'etat*, all the political parties were outlawed and martial law was proclaimed¹.

Throughout the long years of his reign, the late King Hussein managed by and large to secure the obedience

¹ The latter measure was lifted a year later, but Jordan remained, on and off, in a state of emergency until the early 1990s.

and cooperation of successive parliaments. Both the constitution and the accepted political practice provided the king with the tools to bypass the legislative authority or simply to ignore it. In the first place, new laws had to be endorsed by both houses, namely, the Chamber of Deputies and the Senate. The members of the latter were nominated by the king. In this way the Senate helped him block any undesirable legislation initiatives that came from the Chamber. Moreover, when parliament was not in session (sometimes for up to eight months a year) the government could pass 'temporary laws', an extremely useful procedure for the executive (see below). Such edicts were later debated by the parliament, when reconvened, and some of them were rejected.

Finally, to cap it all: between 1967 and 1989 no general elections were held in Jordan. The composition of the Chamber of Deputies reflected the unity of Jordan's East and West Banks and consisted of 30 West Bank Palestinians as well as 30 East Bankers. Since Jordan lost the West Bank to Israel in June 1967 no new elections were held as half of the Jordanian constituency was now under Israeli occupation. The parliament nevertheless did function part of the time. Deputies who preferred to stay in the West Bank or others who died were replaced either by election among Palestinians in the East Bank or by provisional nomination. Only in 1989, following King Hussein's decision to abandon Jordan's claim to the West Bank and to sever Jordan's legal ties with it, a new 80-member Chamber of Deputies was elected, in the East Bank only.

The dissociation from the West Bank coincided with, or even somewhat affected, an incipient democratization process.

Following civil disturbances and riots in southern Jordan in April 1989 in protest against unemployment and price rises of fuel and basic food products, the king, in order to meet the protesters' demands, undertook to introduce certain economic reforms. The agitation for reform soon went beyond the economic realm. Within a few months Jordan was in the midst of a democratization process, whose political reforms highlighted freedom of expression and the holding of free and democratic general elections. In the next eight years three election campaigns took place and three chambers of deputies were elected: in 1989, 1993 and 1997.

This process seemed irreversible. Emergency laws were abolished, the ban on political parties was removed, and personal freedom was increased.

All these contributed to strengthening the emerging civil society in Jordan. Political and social forces became openly critical of the government, and demanded additional and more intensive reforms as well as changes in Jordan's regional and foreign policy. Leading among these were various Islamic organizations, Pan-Arab groups, and left-wing activists. They became well organized and expressed their views by parliamentary and extra-parliamentary avenues. The foremost group was the union of professional associations. This was a coalition 120,000 strong of 14 professional associations (engineers, doctors, lawyers, journalists and the likes) that formed the backbone of the nascent civil society. These associations – most of them led by Islamic or left-wing activists, soon dominated the Jordanian public discourse, and, to a larger extent dictated its agenda.

It seems that even the most radical opposition forces never intended to topple the monarchy, at least not at that stage. They were well aware that the Hashemite

crown was the one unifying factor for the various strands that make up the fabric of Jordanian society and for the delicate and precarious relations and boundaries that define it, such as Jordanian/ Palestinian, traditional/ modern, rich/ poor, etc. Agreeing that without the monarchy the state might well slide into an anarchy or possibly even disintegrate, they strove to make the regime more receptive to their views rather than replace it, and to increase their share in the decision making process.

Their major demands concerned foreign policy, first and foremost, Jordan's attitude to Israel. Those forces opposed any ties with Israel insisted that the government reconsider its peace treaty with the Jewish state and conducted a continuous nationwide campaign against normalization of relations with Israel.

Obviously these forces were the most sympathetic to the Palestinians in the West Bank and the Gaza Strip, especially after the outbreak of the Al-Aqsa Intifada in October 2000. They also opposed the US, particularly its Middle Eastern policy. They urged the Jordanian government to disregard the sanctions against Iraq, and after September 11 condemned the US led campaign in Afghanistan.

These developments placed the regime before a grave dilemma: how to ensure the central role of the Hashemite crown while simultaneously continuing democratization. How problematic democratization could be came to the fore as early as in 1989, when the free general election yielded a Chamber of Deputies in which Islamist candidates gained 34 (42%) of the 80 parliamentary seats. The leftists won 13 seats. In other words, more than 50% of the deputies had oppositional leanings, a situation that created frequent difficulties for the government.

The landslide victory of the Islamists in these elections caused the government in 1992 to enact a new election law, commonly known as the 'one man one vote' law. It allowed a voter to elect only one candidate in each election district, even if that district was allotted three or four seats in the Chamber of Deputies. (According to the old law each voter allowed to elect as many candidates as its district was allotted.) As most of the Jordanian constituencies voted according to traditional pattern, many people would vote first for the tribal or the extended family candidate and only then for candidates they politically supported (in many cases the Islamist candidates). The new law indeed weakened the power of the Islamists, who in the 1993 elections won about 14 seats less than in the previous elections. When this law was not substantially revised prior to the next elections in 1997, the leading Islamic party, the Islamic Action Front (IAF), boycotted them so that altogether only seven Islamists sat in the new Chamber of Deputies.

The 'one man one vote' law became the core of a heated debate between government and opposition and one of the main factors for the slowing down of the democratization process. On the one hand the Hashemite establishment was afraid that if the new law was abolished the Islamists and other opposition groups would win an overwhelming electoral victory and might gain control of the Chamber of Deputies. On the other hand there was a fear that unlimited freedom of expression could cause the media to cross all red lines and Jordan might soon deteriorate to anarchy. Hence, in 1993 a new Press and Publication law was introduced that imposed explicit restrictions on the Press with penalties for their violation. According to this law (article 40) journals and periodicals were prohibited, *inter alia*, to publish news which offended the king or the royal family; unsanctioned news on the

Jordanian armed forces; material expressing contempt for religion; articles that damaged national unity etc.²

Anti-government elements for their part claimed that the peace with Israel was the main obstacle on the democratization path. Displays of the all-out opposition to peace and normalization were quelled by the government which resorted to non-democratic methods for this purpose.

When the present King Abdallah came to power in February 1999 he had to cope with his father's inheritance. Besides the enormous economic problems and the tension between citizens of Jordanian and of Palestinian origin, a most serious challenge was how to maintain the balance between democracy and regime survival. How far could Abdallah go in maintaining civil liberties and free elections without imperiling the dominant position of the Hashemite throne. That is how to have his cake and eat it .

On the face of it at least, in his first year and a half on the throne Abdallah showed open mindedness and a liberal attitude. His government opened a dialogue with the opposition over the controversial Election and Press laws³.

² This law was amended in 1997 and included additional prohibitions (such as distributing false information or rumors damaging public interest). As the government failed to secure its survival by limiting the oppositional voice in the press, it proposed in 1998 a more comprehensive and draconic version of the Press and Publication Law which threatened violaters with severe punishments. A former Prime Minister Tahir al-Masri, described it as the 'coup de grace to public liberties'. The Jordan Times 7 Sept. 1999. See also: Russell E. Lucas, Institutions and Regime Survival Strategies: Collective Action and Path Dependence in Jordan Unpublished PhD dissertation, Georgetown University, Washington DC, 2000, pp. 121-124; 158, 164, 202; Tareq Y. Ismael Middle East Politics Today: Government and Civil Society (University Press of Florida, 2001), pp. 83-86.

³ In September 1999 the government introduced a 'softened' version of the Press and Publication Law to the National Assembly, which amended it even further. The debate over the election law in fact continued till 2002 (see below).

Still, the tightrope King Abdallah was walking became even more slippery in the last two years, after the outbreak of the 'Al-Aqsa Intifada' and the attacks on the World Trade Center and the Pentagon on September 11, 2001.

The regime's 'traditional' apprehension of the strengthening of the parliamentary opposition and of its exploitation of freedom of expression (which led to the enactment of the aforementioned laws) was exacerbated by the Intifada. On the one hand, more than half of Jordan's population are of Palestinian origin; on the other hand, the main oppositional forces, the Islamists and the professional associations, were the bearers of the anti-Israeli banner. They fought relentlessly against political ties and normalization with Israel and unequivocally supported the Palestinian struggle against it.

Accordingly, the government correctly envisaged demonstrations of support for the Palestinians and acts of protest against Israel as well as against Jordan's diplomatic relations with the Jewish state.

Demonstrations and public rallies in support of the Palestinians as well as virulent anti-Israeli speeches and press articles, created a militant atmosphere that appeared to pose a genuine threat to stability and public order.

In June 2001 King Abdallah issued a decree to dissolve the Parliament. Ostensibly it was a legal procedure within the spirit of the constitution, provided that the general parliamentary elections (due in November) were held on time. Simultaneously however the king asked the government to table a new election law within a month. The king's step served a twofold purpose: he created the impression that he might meet the opposition demand to

amend the current election law and he won an extension for the period that the government could rule without a parliament and thus pass as many temporary laws as it wished. In July the government endorsed the new (temporary) election law which met some of the opposition's marginal demands. It increased the number of deputies from 80 to 104, re-drew constituency boundaries, and stipulated new voting procedures. But it ignored the opposition's major demand, the amendment the 'one-man one-vote' clause. Obviously the law was censured by the opposition parties on the grounds that it was unconstitutional. They even brought the issue to Jordan's high court.

As the first anniversary of the Intifada approached the government, fearing a new wave of protests, passed, in late August, a new (temporary) law that limited demonstrations, public gatherings and rallies. This law according to some observers 'tightened the screw on public gatherings'.

In early September tension between the government, which ruled with practically no checks or balances, and the opposition reached a record high. Two days prior to September 11, the journalist Osama el-Sherif depicted those events as 'the taming of democracy'. He criticized what he called the 'draconian measures' and warned that 'the holy union between people and government, in paving a way forward together, may be broken...[t]here is a sense of polarization going on: Those who are with us vs. those who are against us'.

The impact of the events of September 11 on Jordan was as traumatic as elsewhere. Yet its being a pro-Western Arab-Muslim country with strong religious influence of oppositional inclination, added to those events and to the

ensuing American reaction, an additional, domestic, dimension.

The entire political spectrum denounced the attacks completely. A few regarded it as an Israeli-American plot to damage Islam and the Arabs. Others accused Israel and the US of taking advantage of the 'incident' to tarnish the Muslims as terrorists.

In late September the Islamic Scholars' Committee of the IAF issued a *fatwa* (formal legal opinion) prohibiting cooperation with the United States in any aggression against any Islamic country. Such cooperation was regarded as 'sacrilege' and treason against 'God, his prophet and all Muslims'.

The government endeavoured to take advantage of the general shock caused by the events in New York and Washington in order to defuse the political tension or at least to obtain a temporary truce with the opposition, according to the government's rules.

Prime Minister Ali Abu al-Raghib held a series of meetings with many representatives from civil institutions in the country (leaders of political parties, members of the Senate, leading journalists and presidents of professional associations). His message was short and clear: Jordan was undergoing difficult times and there was a need to maintain security and stability. 'We are facing a critical situation and there should be no trouble, otherwise the government will be forced to take tough measures'.

While his interlocutors appreciated the government's initiative to start a dialogue with the makers and shakers of Jordan's public opinion, they suspected it of aiming to impose more restrictions on freedom of expression and freedom of assembly. They criticized US intentions

towards Afghanistan and rejected the possibility that '...the Jordanian people might lose the right to express themselves and take a stand'.

Nevertheless the government's support of American moves to 'fight terrorism' was devoid of practically any public blessing and backing. This was unlike the case in 1990-1991, when Jordan chose to stand by Iraq against the international coalition so the government and the people were in the same camp. Now, renewal of regime-opposition tension seemed only a matter of time and those who expected a severe government response to any show of public defiance, did not have long to wait.

Unauthorized demonstrations indeed cropped up and in early October a royal decree introduced new amendments to the Penal Code, especially in articles relating to press violations. Henceforward, these would entail harsh penalties, including imprisonment. Official spokespersons explained that the new measures were aimed against some weeklies that published fabricated news that harmed public morale and affected the image of Jordan abroad.

The amendments contained a new and more detailed definition of terrorism. In previous laws terrorism was defined as all acts that create panic through the use of explosives, poisons, or other substance likely to cause public danger. The new definition covered, *inter alia*, 'the use of violence or the threat to use it regardless of its motives or goals, carried out individually or by a group and whose objective is to cause disorder or jeopardize the safety and security of society...'.

As the severity of these measures implies, the government made good use of the opportunities offered by the post September 11 atmosphere.

Yet the immediate and direct outcome of the September 11 events was the king's decision to postpone the general elections (due in November 2001) for an unspecified time. The official pretext was that the preparation for the elections accorded with the new law. The government needed enough time to set the logistical and administrative stage so as to ensure 'fair and transparent polls'⁴. In reality however the government was apprehensive of the outcome of the forthcoming elections. The prevailing atmosphere and the strong pro-Islamic, anti-American and anti-Israeli feelings could reflect also on the attitude to government. Any election campaign held in the shadow of the American attacks on Afghanistan and under the impression of the Intifada which had just entered its second year, might present a landslide victory to anti-governmental candidates and result in an overwhelmingly critical and oppositional parliament.

As the political vacuum continued, in the absence of a parliament public criticism of the government increased. The introduction of so many temporary laws, some of them seen as harming Jordan's democratic process, as well as the passage of the state's budget without any parliamentary debate, expanded criticism beyond the traditional opposition circles. Former ministers and even prime ministers said it was 'regrettable that so many laws of such quality and quantity are being endorsed by the government'.

In view of those reactions, King Abdallah instructed the new government formed in early 2002 to prepare for the new elections set for September that year. Thereafter intensive preparations for the forthcoming election were made by government and opposition alike. The

⁴ The Jordanian constitution allows postponement of parliamentary elections for a period not exceeding two years

government issued new ID cards and only their holders could take vote in the elections⁵. Individual candidates and political parties entered into intensive negotiations. The opposition groups preparations were twofold. On the one hand they still hoped to force the government to amend the 'one man one-vote' clause. The IAF bodies renewed their petition against the election law to the high court claiming it was unjust. On the other hand they realized that the government remained adamant in its adherence to the above clause. After a short deliberation on whether to boycott the elections as in 1997, they decided to participate and began to organize coalitions and gatherings for that purpose⁶. In the first half of 2002 Jordan seemed to be in an election fever, and it became the main topic to preoccupy the public and the media.

The government reiterated time and again its intention to hold the elections on time as promised, and it rejected rumours of another possible postponement. From late May however the official government position was that elections were due 'in the last quarter of the year' (i.e., between October and December 2002) unless exceptional developments occurred in the Palestinian and/or the Iraqi arena. That statement indicated a twofold change in the government position: not only it was possible that the elections would be postponed again, that postponement was now attributed to regional developments while hitherto such a possibility was explained by domestic constraints only.

Public criticism for the government's reluctance to set a final date for the elections mounted and spread. The well known economist and columnist Dr. Fahed Fanek maintained in an article published in August that the delay

⁵ A new 'Civil Status Law' obliged every person aged 18 years and older to possess an ID, offenders could be fined up to JD100.

⁶ The two most salient groups were the Opposition Parties Higher Coordination Council which consisted of 14 parties, and the National Council for Coordination among Political Parties, with five parties.

in holding elections on time harmed Jordan's democratic image abroad. He quoted the warning from the American journalist Thomas Friedman that while it might take a country like Jordan years to earn a good reputation it could lose it in a single day. Fanek also indicated that the political vacuum created by the absence of the parliament could only be filled by 'professional associations, party rallies and political salons. No one wanted that'. He also criticized those who advised the decision-makers that holding general elections in the current climate would be dangerous. 'If we continue waiting to see what happens in Palestine and Iraq, then we could end up being deprived of the parliamentary life we have known since the Kingdom was founded'.

Three days after the publication of that article King Abdallah announced that the elections were to be held in the spring of 2003.

The king said that in 2001 the elections were postponed on the first place 'until a modern election law is finalised and the necessary arrangements are in place to conduct elections'. When this was settled, the difficult regional circumstances dictated another postponement. '..Our wish for these elections to be free and fair and unaffected by regional influences and circumstances, left us no choice but to postpone them'.

The king's announcement was accepted with criticism as well as skepticism. The major opposition party, the IAF, called the king's decision 'unconstitutional' and commentators pointed out that if the elections were postponed due the regional situation they might be postponed yet again as no one could tell what the situation in the region would be next spring.

Despite previous experience one may speculate that it is likely that the elections will indeed take place in the coming spring. The king's credibility will be at stake as well as the international image of Jordan and whole democratization process. One has to bear in mind that no general elections have been held since Abdallah came to the throne. It is unlikely that he is ready to deliberately retreat from a move set in motion by his late father. Moreover, elections in April or May 2003 are still within the two-year postponement that the constitution allows. Stalling another time might be considered a gross violation of the constitution.

When negotiating opposition activity it seems that the government focused its efforts on the media as if it regarded written criticism as more dangerous to the regime than demonstrations and other tangible acts of protest.

Indeed the government also competed with the challenge of the 'traditional' opposition; professional associations and the various Islamic and pan-Arabic factions and their political parties. Besides their struggle with the government over the election law, they organized and led anti-Israeli and anti-American activities. The latter were somewhat intensified in early 2002 when it was learned that among the al-Qa'ida suspects extradited by the Afghans to the US and transferred to the Guantanamo Bay Camp there were about 70 Jordanian nationals. The total number of Jordanians extradited to the US by Afghanistan and Pakistan was 184. Human rights organizations in Jordan denounced their incarceration and asked the government to intervene on their behalf.

The opposition groups' anti-Israeli activity intensified throughout the first half of 2002 particularly after Israel's incursion to the PA's controlled territories and the siege of Arafat's HQ in Ramallah and of the Church of the Nativity

in Bethlehem. They focused their activity against any manifestation of normalization with Israel and criticized the government for not allowing mass anti-normalization and anti-Israel demonstrations. In January the government detained seven members of the anti-normalization committee and in July a national day to fight normalization declared by the professional associations was disallowed by the government.

Nevertheless, as noted, the government's main post September 11 efforts to enforce compliance concentrated on the Press.

To tighten government control of the media a Higher Media Council was formed in December 2001, whose defined mission was to draw up, revise and assess the policy of the print and audio visual media in Jordan. It had the authority to propose procedures and regulations to organize the media. The 11-member council was headed by former Foreign Minister Kamal Abu Jabir and consisted of editors, journalists, media experts and former ministers. Originally it was designed to replace the Ministry of Information which was slated to be abolished, but still functioned. The Prime Minister made it clear what his government expected from the Council, stating that the Council 'will not seek to amend the latest media restrictions introduced in the Penal Code'. The Council's chairperson admitted that its major dilemma was 'how to strike a balance between press freedom and responsible journalism'. It seems that Abu Jabir failed to bridge the gap between the two. He resigned in July in protest at the government's foot-dragging regarding several draft laws that the Council formulated and introduced⁷.

In the meantime the government enforced the above mentioned Penal Code rather intensively. Between

⁷ At the time of writing (September 2002) no other chairperson has been appointed and the activities of the Council have been practically frozen.

January and August 2000 nearly ten people were detained for violating the press law by publishing 'false information' or 'offensive material'. They included publishers, editors, and journalists. Most of them were released after a few days. In most cases charges were not pressed and it seemed that these moves were designed merely to 'warn' the recalcitrant journalists rather than to punish them. All the steps were taken against members of the written media, which were largely administered by the private sector (mostly Palestinian). No one of the detainees came from the audio and visual sections of the media which are completely controlled by the government.

The most salient act against an alleged violation of the press law was the arrest in March 2002 of Tujoun Feisal, a former deputy of Circassian origin (and the first woman in Jordan to be elected to the Chamber of Deputies). She was accused of making statements that harmed Jordan's reputation and image and defamed its people.

Feisal had been given an interview to Al-Jazira TV network in which she claimed that the state's judicial system was unjust. She had also published an article on the Web accusing the Prime Minister of personal gains from the government's decision to double the car insurance rate in Jordan. She was tried and sentenced to 18 months imprisonment. However in July she was released by special order of the king.

Conclusion

Between 1989 and 1999 Jordan underwent a rapid and intensive process of democratization (probably one of the most intensive ones ever to take place in an Arab-Muslim country); on the face of it, it seemed irreversible. As from 1999 however the process was somewhat slowed down,

out of the government's fear that the continuation of the process might pose a threat to the regime's authority.

The 'retreat from democratization' therefore did not start on September 11. The day's events however gave it a certain renewed momentum. King Abdallah and his government endeavoured to take advantage of the post-September 11 atmosphere as a pretext to adopt certain moves against opposition forces and to strengthen their position. Yet, those events and their offshoots - the war in Afghanistan, the threats against Iraq and the Palestinian Intifada (the attitude towards which was also influenced by September 11) in the background, all made the government measures counterproductive. With no parliament and no general elections in the near future, with ample temporary laws, passed arbitrarily by the government and powerfully enforced, the process of 'retreat from democratization' may soon reach a point of no-return or at least become very difficult to reverse.

The coming months are likely to be crucial for Jordan. The moment of truth is approaching King Abdallah will have to make up his mind whether to be or not to be a democratizing monarch.