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INSTITUTIONS AND REGIME SURVIVAL STRATEGIES:
COLLECTIVE ACTION AND PATH DEPENDENCE IN JORDAN

A Dissertation
submitted to the Faculty of the
Graduate School of Arts and Sciences
of Georgetown University
in partial fulfillment of the requirements for the
degree of
Doctor of Philosophy
in Government

By

Russell E. Lucas, M.A.

Washington, DC
June 20, 2000

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INSTITUTIONS AND REGIME SURVIVAL STRATEGIES: COLLECTIVE ACTION AND PATH DEPENDENCE IN JORDAN

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ABSTRACT

How is it that some regimes can liberalize politically without succumbing to a full transition to democracy? This dissertation examines how the Hashimite Kingdom of Jordan used institutional survival strategies to liberalize politically while forestalling a transition to democracy. Generally, previous models saw democratization as either the result of structural forces or contingent choices made by political actors. However, these models ignore the external contexts and domestic institutional legacies. This dissertation joins this new institutionalist critique of models of transitions to democracy.

This dissertation studies the experience of Jordan, from the 1989 elections to the death of King Hussein in 1999, to inductively generate hypotheses on the factors leading to the success or failure of authoritarian regime survival strategies. The seven cases under investigation in the dissertation include: the 1991 National Charter, the 1992 Political Parties Law, the 1993 Election Law, the opposition-led election boycott of 1997, and the Press and Publications Laws of 1993, 1997, and 1998. This thesis considers how three factors – the unity of collective action of the regime coalition and

the opposition, path dependence, and the resourceful use of political venues – influenced the regime’s ability to manipulate the development of political institutions.

Through these Jordanian cases, with reference to comparable episodes from Morocco and Kuwait, this dissertation finds that the success of regime survival strategies is more likely with: weaker opposition unity, stronger regime coalition unity, weaker opposition venue contestation, or stronger regime coalition venue contestation. The propensity of failure of regime survival strategies is greater with: stronger opposition unity, weaker regime coalition unity, stronger opposition venue contestation, or weaker regime coalition venue contestation. Path dependence seems to mitigate the effects of the regime’s disunity or inaction when a path of regime successes has been made. However, path dependence may have the same effect for the opposition in a context of growing opposition strength.

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A NOTE ON TRANSLATION AND TRANSLITERATION

I consider myself a Political Scientist, not a Linguist. Therefore, I have strove not for linguistic perfection, but rather for consistency in both the translation and transliteration of Arabic in this dissertation. For transliteration I have relied on the guidelines of the *International Journal of Middle East Studies* – with some modifications. When in doubt I have also relied on the practice of the *Jordan Times*. For translation, the text of all the laws studied in this dissertation have been officially translated by the Hashimite Kingdom of Jordan. For most of the debates over these laws, however, the translation is my own. I am greatly indebted to Dr. Camelia Suleiman for her aid in translation. In the end, though, I am solely responsible for their content – and any errors they contain.

CHAPTER ONE

THE PROBLEM

Many believe that we are knocking on the doors of a new era only because we are resuming our democratic parliamentary life. I see some truth to that, yet not the entire truth.

-- King Hussein (7 October 1989)

King Hussein spoke these words on the eve of Jordan's first general parliamentary election since 1967. The ostensible cause of the election's suspension had been the Israeli occupation of the West Bank. Yet even with the 1988 administrative disengagement of Jordan from its occupied territories in Palestine, the Jordanian regime did not immediately return to parliamentary life. That would take another year.

Along the way, Jordan's currency would collapse sending the economy into crisis. The economic crisis turned political when riots erupted in response to IMF-inspired economic reforms. The riots did not begin in the crowded Palestinian refugee camps, but rather in the traditional heartland of Hashimite support – the southern East Bank. The long delayed parliamentary elections were held not out of the regime's love for political liberalization, but as a survival strategy to ease the political crisis.

Throughout the next decade, King Hussein would face constant pressures that would threaten his regime. International events, such as the Gulf War and the Arab-Israeli peace process, would sweep Jordan along in their paths. Moreover, a persistent fiscal crisis would hang over Jordan's weak and indebted economy. The Hashimite regime would turn to institutional survival strategies in order to better manage foreign and economic policy – and the domestic dissatisfaction they caused. Eventually, however, the controversies over these institutional changes would take on a life of their own. The political opening that was begun with the 1989 parliamentary elections eventually closed. By the death of King Hussein in February 1999, many felt that Jordan was clearly circling back to martial law.

Why did political liberalization in Jordan not lead to greater democratization like it did in so many other cases from around the world? In many cases from the 'Third Wave' of democratization in the 1980's and 1990's the forces of civil society turned a regime's limited political liberalization into a full transition to democracy. In fact, some of the most prominent works in studying democratic transitions find that political liberalization is the natural precursor to a wider regime transformation. Why then does the empirical experience of Jordan in the 1990's contradict this theoretical axiom?

One could just see political liberalization and democratization in Jordan (and the rest of the Arab world) as a long-term process. Instead, this dissertation contributes

to the 'New Institutional' reevaluation of the dominant literature on transitions to democracy. This approach sees historical legacies as key factors in explaining political outcomes. Yet, neither agency nor structure are viewed as deterministic. In this new institutional project, the question of 'why did political liberalization not lead to democratization?' becomes, 'what makes survival strategies of an authoritarian regime successful?' When survival strategies fail, wider regime transitions may result; when they are successful, calls for greater liberalization and democratization can be forestalled.

In order to generate hypotheses on what factors lead to the success or failure of authoritarian regime survival strategies, this dissertation uses the case of the Hashimite Kingdom of Jordan from the 1989 parliamentary elections until the death of King Hussein in 1999. This dissertation limits its focus to regime survival strategies within the institutions of political society (as compared to economic or foreign policy survival strategies). Through the study of seven cases of regime survival strategies in political society in Jordan, this dissertation investigates three factors that may explain the regime's success or failure in its survival strategies. These three factors are: unity of collective action, path dependence and venue contestation. This dissertation will conclude by inductively drawing hypotheses about the weight and relationships of these variables in influencing the success or failure of authoritarian regime survival strategies in political society. The dissertation will conclude with a brief test of these hypotheses

with the comparable cases of Kuwait and Morocco – other authoritarian monarchies that share much in common with Jordan. It is the eventual goal to use these hypotheses generated in this dissertation to make generalizations at the middle range of theory.

The 'Universal' Process of Democratization

Since the 1970's, a 'Third Wave' of democratization has swept from countries in Southern Europe and Latin America to Eastern Europe, and to a limited extent East Asia.¹ Dozens of countries have joined the pool of democratic countries. Scholarly studies of these countries spawned a new discourse about democratization. In contrast to earlier literature that looked at the social requisite conditions that support democracy,² the new literature focused on the contingent nature of regime transitions.³ How regimes fell and new regimes arose became the realm of study.⁴ The choices of actors – especially elites – in negotiating the change of power from authoritarian regimes to democratically elected politicians were the primary object of study.⁵ Regime factionalization, the strength of civil society, and pacts became key variables.

¹ Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman OK: The University of Oklahoma Press, 1991).

² Seymour Martin Lipset, *Political Man: The Social Bases of Politics* (Baltimore: Johns Hopkins University Press, 1959).

³ Most of which trace their roots to Dankwart Rustow, "Transitions to Democracy: Toward a Dynamic Model," *Comparative Politics* 2:3 (April 1970), 337-363.

⁴ Juan J. Linz and Alfred Stepan, eds., *The Breakdown of Democratic Regimes* (Baltimore: Johns Hopkins University Press, 1978); Guillermo O'Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 1991).

Democracy came to be seen as the outcome of a political process in which groups reach a political compromise to install an institutional framework to settle their irreconcilable differences. Authors in this approach see these agreements as contingent upon situations and choices; thus, no transition to democracy is a necessary result of deterministic systemic requisites. Moreover, this literature sought to transcend regional and cultural variations – just as the Third Wave has. A ‘universal’ model of democratization has attempted to “provide a model of regime change that can be applied around the globe.”⁶ As the literature has evolved in this approach, authors have increasingly privileged more analytical and abstract accounts of democratization over more case specific studies.

Authors of this more contingent and short run approach to democracy draw a distinction between processes of liberalization and democratization. The distinction between political liberalization and democratization is perhaps best expressed by O’Donnell and Schmitter. Liberalization is “the process of making effective certain rights that protect both individuals and social groups from arbitrary or illegal acts committed by the state or third parties.”⁷ Democratization, for O’Donnell and Schmitter, centers on

⁵ John Higley and Richard Gunther, eds., *Elites and Democratic Consolidation in Latin America and Southern Europe* (New York: Cambridge University Press, 1993).

⁶ Frances Hagopian, “After Regime Change: Authoritarian Legacies, Political Representation, and the Democratic Future of South America,” *World Politics* 45:3 (April 1993), 465.

⁷ O’Donnell and Schmitter, 7.

the processes whereby the rule and procedures of citizenship are either applied to political institutions previously governed by other principles (e.g., coercive control, social tradition, expert judgment, or administrative practice), or expanded to include persons not previously enjoying such rights and obligations (e.g., nontaxpayers, illiterates, women, youth, ethnic minorities, foreign residents), or extended to cover issues and institutions not previously subject to citizen participation (e.g., state agencies, military establishments, partisan organizations, interest associations, productive enterprises, educational institutions, etc.).⁸

Transitions from authoritarian rule usually occur when the regime loses legitimacy, often through failed economic reform efforts or military misadventures. In an attempt to regain its legitimacy, the regime may attempt a project of political liberalization.⁹

For most authors in this approach, the possibility that the liberalization project would stabilize without a transition to democracy is theoretically possible but not elaborated upon. For Przeworski, a liberalization without a regime transition can occur only if liberalizers within the regime open the political system while attaching a high probability to the success of repression (if necessary). Moreover, the regime will choose repression if civil society organizes an autonomous mobilization. Civil society knowing that the liberalizers will choose repression (which would probably be

⁸ *Ibid.*, 8. O'Donnell and Schmitter's definitions derive from Robert Dahl's notions of contestation and inclusion, see Robert Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971).

⁹ O'Donnell and Schmitter, 48-56.

successful), choose to enter the opening and forgo mobilization outside the regime's desired limits.¹⁰ Yet, liberalization is inherently unstable:

At some time the civil society mobilizes, and new organizations form, declare themselves independent of the regime, proclaim their goals, interests, and projects. But the regime has centralized, noncompetitive institutions that incorporate only those groups that accept its direction and that control the outcomes of any political process *ex post*. Thus, on the one hand, autonomous organizations emerge in the civil society; on the other hand, there are no institutions where these organizations can present their views and negotiate their interests. Because of this *décalage* between the autonomous organization of the civil society and the closed character of state institutions, the only place where the newly organized groups can eventually struggle for their values and interests is the streets. Inevitably, the struggle assumes a mass character.... Once that happens, liberalization can no longer continue.¹¹

O'Donnell and Schmitter agree with Przeworski on the precariousness of liberalization projects. While allowing for the theoretical possibility of liberalization independent of democratization, they see the two processes as a double stream.¹² Moreover, liberalization generally leads to an upsurge of civil society that often pushes the authoritarian regime into a transition towards democracy.¹³

These full transitions to democracy generally result from splits within a regime between soft- and hard-liners that widen under the instability of political liberalization. Liberalization leads to a resurgence of civil society beyond the regime's control. If the

¹⁰ Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1991), 61-3. All of this, however, assumes 'perfect knowledge' among all the political actors.

¹¹ *Ibid.*, 59.

¹² O'Donnell and Schmitter, 9-11.

¹³ *Ibid.*, 48-56.

regime cannot repress the resurgent society it may choose to pursue a transition towards democracy. This transition often is achieved by a political pact (explicit or implicit) between the regime and the opposition.¹⁴ Thus, the contingent approach to democracy sees the choices of political actors in a transition as the key to understanding the development of democracy.

The key juncture in the universal model of regime transitions is the claim that political liberalization is “inherently unstable.”¹⁵ Yet this dissertation will show that political liberalization did not lead to democratization in Jordan. The regime was able to use political liberalization as a survival strategy when it was needed. When political liberalization later produced undesirable results for the Jordanian regime it was reversed. The universal model of democratization does not account for a stable political liberalization that does not lead to democratization. It cannot because it assumes a particular type of relation between the state, the regime, and society – one that was present in Southern Europe and in Latin America.

Under the bureaucratic authoritarian regimes of Latin America, the regime attempted to eradicate civil society. However, in the end the regime was only able to freeze the shape of society.¹⁶ Once the thaw of political liberalization was begun by

¹⁴ *Ibid.*, 37-48.

¹⁵ Przeworski, *Democracy and the Market*, 58.

¹⁶ Frances Hagopian, “Traditional Politics Against State Transformation in Brazil,” in Joel S. Migdal *et al.*, eds., *State Power and Social Forces: Domination and Transformation in the Third World* (Cambridge: Cambridge University Press, 1994).

the authoritarian regime, civil society bloomed again. Yet, the global variation of the structures of state society relations is far wider than the universal regime transition literature considers. When the authoritarian regime, as well as earlier colonial legacies, has shaped a different pattern of relations between the state and society political liberalization may not be such a risky proposition to the authoritarian regime.

The strength of these analyses of transitions to democracy (like O'Donnell and Schmitter's) lays in that they in some part were based on the empirical study of the regime transitions of the past few decades. As these models have become formalized, however, theoretical abstraction has often supplanted empirical nuance – to the point of being ahistorical. Yet despite (or because of) its dominance within the field, the universal model of regime transitions has been questioned regarding both the literature's portability and internal validity.

Critics of the universal model of democratization have focused on three problematic aspects of the literature. First, authors within the transitions to democracy tradition tend to discount the role that external factors play in bringing about regime change. Second, with the universal model of democratization's focus on agency and contingency, political legacies and institutional contexts are often ignored. Third, critics point out that the study of transitions to democracy has been unduly focused on elites – at the expense of noting historical patterns of representation in different societies. This dissertation will use these three lines of critique to help uncover how

the Jordanian regime could liberalize politically and then later reverse the process without a transition to democracy. These critiques will also frame this dissertation's primary concern with what factors authoritarian regimes in successfully implementing their survival strategies.

External Factors and Democratization

Explanations of the global growth of democracy have highlighted disciplinary boundaries within Political Science. Scholars of International Relations have tended to overstate the unity of factors in causing this wave of democratization – up to the point of seeing the “End of History.”¹⁷ Remmer also chides scholars of Comparative Politics for ignoring international and factors external to the state in causing democracy.¹⁸ The contagion of democratization had been both over and underplayed by scholars. Remmer saw a key task for further research was the incorporation of external factors while leaving room for domestic actors and institutions.¹⁹

Remmer saw the global correlation between democratization and economic crisis as an ignored external factors. This deficiency, however, has begun to be remedied. With studies such as Haggard and Kaufman's, authors have begun to more

¹⁷ Karen L. Remmer, “New Theoretical Perspectives on Democratization,” *Comparative Politics* 28:1 (October 1995), 105-108; Francis Fukuyama, *The End of History and the Last Man* (New York : Free Press, 1992).

¹⁸ Remmer, 105-107.

¹⁹ Remmer, 118.

thoroughly investigate the relationship between economic crisis and regime transitions.²⁰

In the case of Jordan, both international factors and economic crisis have strongly influenced domestic political developments. Both war and peace in the Middle East have buffeted Jordan's domestic politics since the state's creation. In the 1990's Jordan's external alignments – first with Iraq during the Gulf War, and then with the US and Israel in the Middle East Peace Process – can be seen as King Hussein trying to steer a rocky course between domestic discontent and external security.²¹ Alternatively, Jordanian foreign policy can be explained by the quest for 'budget security' and external rents to prop up Jordan's meager resource base.²²

This need for external financial support of the state has also been a feature of Jordanian politics from its inception. Subsidies have come from Britain, later the US, changing to Arab states, and then switching back to the US. Yet this necessity for subsidies has had a dramatic impact on Jordan's domestic politics. Jordan can be classified as a 'rentier state'.

²⁰ Stephen Haggard and Robert R. Kaufman, *The Political Economy of Democratic Transitions* (Princeton: Princeton University Press, 1995).

²¹ For a critique of such realist treatments of Jordanian foreign policy see Marc Lynch, *State Interests and Public Spheres: The International Politics of Jordan's Identity* (New York: Columbia University Press, 1999).

²² Laurie Brand, *Jordan's Inter-Arab Relations: The Political Economy of Alliance Making* (New York: Columbia University Press, 1994).

The rentier state model argues that since states that have enormous financial resources from non-productive activities (oil revenues, large amounts of foreign aid, etc.), the state does not have to rely on taxation for its activities. As a state centered on the allocation of fiscal benefits, not on the extraction of taxes on production, the state has no need for representative institutions. 'No taxation, no representation'.²³ Such a formulation has been challenged on the grounds that it ignores local historical variation.²⁴ However, the generalization has carried a great deal of weight in reference to Arab states that have enormous oil wealth (like Kuwait and Saudi Arabia) or rely on foreign financial largess (such as Jordan).

Authors have used the rentier state literature to argue that the ending of external rents due to the fall in world oil prices – and the related declines in aid from oil states (to states such as Jordan) – has caused economic crisis to lead to political crises.²⁵ In the 'post-rentier' argument the return of necessity for taxation will lead to the return of representation. Democratization and political liberalization will be used by regimes in power to expand the base of support for necessary economic reforms, as well as to

²³ Giacomo Luciani "Allocation vs. Production States: A Theoretical Framework," in Giacomo Luciani ed., *The Arab State* (Berkeley: University of California Press, 1990) 65-84; Hazem Beblawi, "The Rentier State in the Arab World," in Luciani ed., 85-98.

²⁴ Jill Crystal, *Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar* (New York: Cambridge University Press, 1990); F. Gregory Gause, *Oil Monarchies: Domestic and Security Challenges in the Arab Gulf States* (New York: Council on Foreign Relations, 1994).

²⁵ Rex Brynen, "Economic Crisis and Post-Rentier Democratization in the Arab World: The Case of Jordan," *Canadian Journal of Political Science* 25:1 (March 1992), 69-97.

share the blame for such unpopular measures as cuts in subsidies and higher taxes.²⁶ Yet, even if the post-rentier argument is correct in seeing that economic and political crises as linked, the argument cannot predict the direction of the regime's reaction to the political crises. Jordan is similar to cases in Africa where Bratton and van de Walle found that "to the extent that economic and international forces were important to regime transitions, they were mediated by domestic political and institutional considerations."²⁷

Authoritarian regimes have reacted in a number of different ways to economic and political crises. Often their reaction takes the form of a 'satisficing' strategy to deal with these crises. The regime meets the crises with piecemeal reforms that privilege the regime's survival over making sweeping reforms that may upset the status quo.²⁸ These survival strategies vary with the nature of the crisis and the ability of the regime to successfully carry them out.

This observation fits in with the argument of Haggard and Kaufman. They have found that the vulnerability of authoritarian regimes to economic crises greatly

²⁶ *Ibid.*

²⁷ Michael Bratton and Nicholas van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective* (New York: Cambridge University Press, 1997). This point is also made in reference to the growth of political liberalization and democratization in the Middle East by F. Gregory Gause III, "Regional Influences on Experiments in Political Liberalization in the Arab World," in Rex Brynen, *et al* eds., *Political Liberalization and Democratization in the Arab World, Volume 1: Theoretical Perspectives* (Boulder: Lynne Rienner, 1995), 283-306.

²⁸ Daniel Brumberg, "Authoritarian Legacies and Reform Strategies in the Arab World," in Brynen *et al*, 229-260.

depended on the type of the regime.²⁹ This point also returns to a second major criticism of the universal model of democratization – that it tends to ignore the political and institutional context where ‘contingent choices’ take place.

Context Matters – Legacies of Regime Types

Another major criticism leveled at studies of democratization argues that the emphasis on contingent choice underplays the importance of institutional contexts. Przeworski, for example, argues that agency is central to regime transitions since “conditions only structure conflicts, they do not make choices. But the structure of choices is the same.”³⁰ However, a number of authors have responded to arguments like Przeworski’s by demonstrating that the structure of choices is *not* the same in different modes of transitions.

In addition, it has been noted that an informal division of paradigms has developed between the literature on democratic transitions and more recent works on democratic consolidation. Bratton and van de Walle note that it is “clear that scholars favor contingent explanations for *regime transitions* and structural explanations for

²⁹ Haggard and Kaufman, 367.

³⁰ Adam Przeworski, “The Games of Transitions,” in Scott Mainwaring, *et al* eds., *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective* (Notre Dame: University of Notre Dame Press, 1992), 136.

*regime consolidation.*³¹ Snyder and Mahoney expand upon this point by specifying that much of the literature studying the performance of recently democratized regimes has focused “extensively on political institutions, such as electoral laws, constitutional rules, and party systems.”³² Studies of transitions, in comparison, have relied on voluntarist analyses. For Snyder and Mahoney, political institutions have been the “missing variable in theories of regime change.”³³

This critique of the universal model of transitions, however, is not new. Daniel Levine, while reviewing O'Donnell and Schmitter's *Transitions from Authoritarian Rule* in 1988, noted the series' overstatement of agency. For Levine, the strongest contributions to the *Transitions* project looked “closely at the independent role that political variables – such as effective leadership, organizational strength or weakness, ideology, and specific institutional configurations – play in determining political outcomes.”³⁴ Levine, however, remained critical of the project's overall narrow focus on contingent choice. Munck added to this critique of the universal model of transitions by writing:

³¹ Bratton and van de Walle, 47, emphasis in the original. Yet, for Frances Hagopian, this focus on structural and institutional factors in the literature on democratic consolidation can be overstated, Frances Hagopian, “After Regime Change.”

³² Richard Snyder and James Mahoney, “The Missing Variable: Institutions and the Study of Regime Change,” *Comparative Politics* 32:1 (October 1999), 103.

³³ *Ibid.*

³⁴ Daniel Levine, “Paradigm Lost: Dependency to Democracy,” *World Politics* 40:3 (April 1988), 391.

What is needed is a theory of regime transition and formation that incorporates the simple yet theoretically complex notion that actors make choices but not in the circumstances of their choosing. Indeed, if the relative degree of power of the actors involved in the transition process determines the degree to which reform of the system will minimize or maximize the break with the *ancien régime*, we can gauge how and if “constitutional choices” affect the process and prospects of democratic consolidation only by placing the actors and their choices in the broader context within which transitions occur.

Probably most obvious is the need to consider the defining features of the nondemocratic regime from which a transition departs and, going even further back, the practices during the period before the origins of the authoritarian regime. This long-term context shapes the raw material or building blocks from which the attempt at founding a new regime will be launched during transitions phase.³⁵

Since regimes are generally seen as “the formal and informal institutions that structure political interaction,”³⁶ analyzing the institutional features of different regime types may explain why the Jordanian regime has been able to liberalize politically without losing control over the process. Snyder and Mahoney find that incorporating institutional variables into theories of regime change helps explain both how incumbents fail to survive and how challengers can succeed in transforming regimes.³⁷ Thus, such an approach would seem especially suited for investigating the factors influencing the success or failure of regime survival strategies.

The approach called for by these critics necessitates navigating between ahistorical abstraction and atheoretical description. This approach also fits into a larger

³⁵ Gerardo L. Munck, “Democratic Transitions in Comparative Perspective,” *Comparative Politics* 26:3 (April 1994), 371.

³⁶ Snyder and Mahoney, 103.

movement within the discipline which sees studying institutions as a way to incorporate both structure and agency into explanations of political outcomes: the 'New Institutionalism'.

The New Institutionalism

As authors in the social sciences grew disenchanted with the determinism of both modernization and dependency theories, many turned towards the study of the state as a conceptual variable.³⁸ However, as the limitations of the state centered project became more apparent, authors offered a couple of related solutions. Some specialists of the politics of developing countries proposed a 'state in society' approach.³⁹ Authors who studied more developed nations recommended a turn to the state's institutions. For these authors, studying institutions offered the ability to compare cases cross-nationally with less risk of reductionism or determinism. Both sets of theories allow theorizing at the middle levels of analysis. This dissertation sees these approaches as related and combines them under the rubric of the 'new institutionalism'.

However, the 'new institutionalism' offers more than the static comparisons of the early twentieth century's 'old institutionalism'. New institutionalism attempts to

³⁷ *Ibid.*, 104.

³⁸ Peter Evans, *et al.* eds., *Bringing the State Back In* (New York: Cambridge University Press, 1985); Joel S. Migdal, *Strong Societies and Weak States* (Princeton: Princeton University Press, 1988).

³⁹ Migdal *et al.* eds., *State Power and Social Forces*

incorporate some of the lessons of behaviorism,⁴⁰ but rejects the formalism of the old institutionalism, in explaining how institutional configurations shape political interaction.⁴¹ For new institutionalists, institutions structure, constrain, and mold political outcomes, but they are never the sole 'cause'.⁴² Through the new institutional approach this dissertation attempts to link the agency and unity of actors with their institutional environment.

Definitions of institutions, as used by new institutionalists, are broad and varied.⁴³ For Peter Hall, institutions

Refer to formal rules, compliance procedures, and standard operating practices that structure the relationship between individuals in various units of the polity and economy. As such, they have a more formal status than cultural norms but one that does not necessarily derive from legal, as opposed to conventional, standing. Through, the emphasis is on the relational character of institutions; that is to say, on the way in which they structure the interactions of individuals.⁴⁴

Thus, institutions are seen as rules which affect behavior.⁴⁵ The range of formality or informality of what is considered an institution varies with the author. Formal rules – such as constitutions, electoral rules, and party systems – generally would be

⁴⁰ By studying the characteristics, attitudes and behaviors of groups and individuals.

⁴¹ Kathleen Thelen and Sven Steinmo, "Institutionalism in Comparative Politics," in Sven Steinmo, Kathleen Thelen, and Frank Longstreth eds., *Structuring Politics: Historical Institutionalism in Comparative Analysis* (Cambridge, Cambridge University Press, 1992), 3-6.

⁴² *Ibid.*, 3.

⁴³ Hans Keman, "Public Institutions and Public Governance," in Roland Czada *et al.*, eds., *Institutions and Political Choice: On the Limits of Rationality* (Amsterdam: VU University Press, 1998), 109-133.

⁴⁴ Peter Hall, *Governing the Economy: The Politics of State Intervention in Britain and France* (New York: Oxford University Press, 1986), 19.

considered institutions on most counts. More informal institutions – customs, and norms – are only occasionally included in the definition.⁴⁶

Political society is defined by its institutional character, and thus standard fodder for new institutional studies.⁴⁷ Political society is made up of different institutional venues where politics may take place. The state's power meets social forces in these different arenas, mutually transforming both.⁴⁸ Parliaments, electoral systems, party systems, and the press are commonly cited examples of the many venues that play a role in shaping political outcomes.⁴⁹ While the derivation of these institutions from constitutional, legal or evolutionary sources should be noted, for this project the distinctions are less relevant.

As Tsebelis notes, one of the major powers of political institutions is their ability to predetermine policy outcomes. For example, election laws can make some

⁴⁵ Keman, 111.

⁴⁶ Thelen and Steinmo, 2; Jack Knight, *Institutions and Social Conflict* (New York: Cambridge University Press, 1992).

⁴⁷ This project follows the distinction between political society and civil society as described by Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: The Johns Hopkins University Press, 1996), 7-10.

⁴⁸ Migdal, in Migdal *et al.*, 3-4; 23-38.

⁴⁹ Much of this literature focuses on the role that institutions play in fostering democratic consolidation: Juan Linz, "The Perils of Presidentialism," in Larry Diamond and Marc F. Plattner eds., *The Global Resurgence of Democracy*. (Baltimore: The Johns Hopkins University Press, 1993), 108-126. vs. Donald L. Horowitz, "Comparing Democratic Systems," in Diamond and Plattner eds., 127-133; R. Kent Weaver and Bert A. Rockman, *Do Institutions Matter?* (Washington DC: Brookings, 1993); Arend Lijphart, *Electoral Systems and Party Systems: A Study of Twenty-seven Democracies, 1945-1990* (New York: Oxford University Press, 1994); Peter M. Siavelis, "The President and Congress in Post-authoritarian Chile: Legislative and Electoral Constraints to Democratic Consolidation." (Ph.D. dissertation, Georgetown University, 1996).

policy outcomes more likely by virtue of the way they bias the composition of the legislature.⁵⁰ The Jordanian regime is well aware of this feature of institutions, thus, it desires to fully control the shape of political society. Yet, what factors may influence the success or failure of the regime to change the institutional shape of political society? Perhaps the very fact that the Jordanian regime is a *monarchy* – as compared to a military-led regime, a bureaucratic authoritarian regime, or a one-party state – may explain its ability to successfully implement survival strategies.

Regime Types and Democratic Transitions

A number of recent works on regime change have begun to remedy the lack of attention to the legacies of previous regimes that plagued the universal model of democratization. Linz and Stepan argue that “it should be clear that the characteristics of the previous nondemocratic regime have profound implications for the transition *paths* available and the *tasks* different countries face when they begin their struggles to develop consolidated democracies.”⁵¹ Within this new institutional approach, Linz and Stepan use a two track research method. Linz and Stepan first taxonomize the characteristics of the various regime types. Then, they delineate the possible paths from those regimes towards democracy.

⁵⁰ George Tsebelis, *Nested Games: Rational Choice in Comparative Politics* (Los Angeles: University of California Press, 1990), 98.

⁵¹ Linz and Stepan, *Problems*, 55. Emphasis in the original.

The universal model of democratization's preoccupation with the choices of elites and political pacts can perhaps be explained by the cases upon which this tradition was based. Pacted transitions and extrications of military authoritarian regimes were modes of transition generally present in Southern Europe and Latin America. Based on the characteristics of the military bureaucratic authoritarian regime type common to these regions, a particular path of transition required the resurrection of civil society and the rehabilitation of democratic institutions in political society.⁵² However, the bureaucratic authoritarian regime type is not the only type of nondemocratic regime.

In Eastern Europe, the former Soviet satellites were characterized by a 'post-totalitarian' regime type. The characteristics of this regime type, as well as the paths required for a transitions to democracy from it, differ from the prototypical bureaucratic authoritarian regime.⁵³ As Nielsen *et al* argue, the systemic vacuum left in the wake of Communism's collapse was mistaken by the transition literature (by authors such as Przeworski) as an institutional *tabula rasa*. Instead, post-totalitarian "trajectories are heavily dependent on a dense and complex institutional legacy such that the (often invisible) remnants of previous economic and political orders still shape

⁵² Linz and Stepan, *Problems*, 55-65.

⁵³ The exact differences are outlined on Linz and Stepan, *Problems*, 44-45.

expectations and patterns of conduct.”⁵⁴ Even within the post-totalitarian regime type specialists have found variation based on specific institutional legacies.

In the neopatrimonial regimes of sub-Saharan Africa a similar tendency has been noted. Bratton and van de Walle, categorize African regimes into five modal types. Of the five, three categories were variants on a neopatrimonial theme.⁵⁵ In African neopatrimonial rule, politics revolves around the personalistic rule of the ‘big man’. Linz and Stepan also identify a regime type of personalized patrimonialism – ‘sultanism’.⁵⁶

The monarchies of the Middle East, however, are generally left out of these general classification schemes. A near comprehensive survey of democratization by Geddes includes all authoritarian regimes lasting three years or more, except for monarchies.⁵⁷ As most current monarchical authoritarian regimes are in the Arab world, Geddes neglects both a region and an important sub-type of authoritarian rule.

⁵⁴ Klaus Nielsen, *et al.*, “Institutional Change in Post-Socialism,” in Jerzy Hausner *et al* eds., *Strategic Choice and Path-Dependency in Post-Socialism: Institutional Dynamics in the Transformation Process* (Brookfield, VT: Edward Elgar Publishing Company, 1995), 4.

⁵⁵ The three neopatrimonial types were: plebiscitary one-party systems, military oligarchies, and competitive one-party systems. The other two types, settler oligarchies and multiparty systems, only accounted for seven of the forty-seven cases investigated. Bratton and van de Walle, 77-82.

⁵⁶ Linz and Stepan, *Problems*, 51-54.

⁵⁷ Barbara Geddes, “What Do We Know About Democratization After Twenty Years?” *Annual Reviews: Political Science* 2 (1999), 116.

Maliks versus Sultans

Despite the term's oriental heritage, the 'sultanistic' regime type is not a fitting category for many of the *maliks* and *amirs* of the Arab world today. These kings and princes better fit into the authoritarian regime type – albeit of a particular subtype.

In Linz's classic definition:

Authoritarian regimes are political systems with limited, not responsible, political pluralism: without elaborate and guiding ideology (but with distinctive mentalities); without intensive nor extensive political mobilization (except some points in their development); and in which a leader (or occasionally a small group) exercises power within formally ill-defined limits but actually quite predictable ones.⁵⁸

This definition seems to fit the monarchical regime of Jordan. This dissertation classifies Jordan (as well as Morocco and Kuwait) as an authoritarian monarchy. These regimes fall under the general definition of authoritarianism but also include additional differentiating characteristics that separate them from other authoritarian subtypes (such as bureaucratic or populist authoritarianism).⁵⁹

Monarchical authoritarian regimes generally share the following attributes. The monarch is a personalistic ruler, however, he does not rule alone. The king (or amir) stands at the center of a diverse, and often large, social base. Both within the regime coalition and the legal opposition a degree of political pluralism is allowed – if not

⁵⁸ Juan Linz. "An Authoritarian Regime: Spain," in Erik Allardt and Stein Rokkan eds., *Mass Politics: Studies in Political Sociology* (New York: The Free Press, 1970), 255.

encouraged. The mass population is generally politically quiescent and is mobilized along clientelistic lines. The monarchy is constitutionally organized and legitimized. However, unchecked power is granted to the monarch by the constitution. Finally, a mentality (not quite an ideology) of the regime may be based on traditional privilege, religious lineage, or anti-colonial leadership. In Jordan, the monarchy's mentality includes all three claims to legitimacy based on the Hashimites' long rulership of Mecca, descent from the Prophet Muhammad, and leadership of the Arab revolt against Ottoman rule during World War I. The mentalities of the Moroccan monarchy closely parallel those of the Jordanian regime. The Kuwaiti ruling (but not royal) family shares some of the institutional and constitutional attributes of this regime type, but also displays features of the dynastic monarchy as well.⁶⁰

Individuals obviously rule in authoritarian monarchies. However, this does not mean that the king's rule is personalistic. Thus, the regime type of sultanism is inappropriate for the analysis of countries like Jordan. With their unrestrained personal rulership – without an ideology of value system – sultanism leads to corruption

⁵⁹ See David Collier and James Mahon, "Conceptual 'Stretching' Revisited: Adapting Categories in Comparative Analysis," *American Political Science Review* 87:4 (December 1993), 845-855.

⁶⁰ Michael Herb, *All in the Family: Absolutism, Revolution, and Democracy in the Middle Eastern Monarchies* (Albany, SUNY Press, 1999). For Herb, dynastic monarchies are better able to stave off revolution than non-dynastic Middle Eastern monarchies. However, Herb's neglect of Jordan and Morocco as non-dynastic monarchies reduces the effectiveness of his argument.

reigning supreme at “all levels of society.”⁶¹ The constitutional hypocrisy and narrow social bases that characterize this regime type do not match the attributes of a regime type outlined above.

Based on this regime type, perhaps the characteristics of the regime itself may explain the ability for the regime to successfully (or not) implement institutional survival strategies. Within this trend of inquiry, observations of Middle Eastern area studies specialists may enlighten the discussion.

Democracy and Authoritarianism in the Arab World

Stating that regimes in the Arab world have not democratized brings little controversy. Explaining why, on the other hand, has provoked a great deal of scholarly debate. In general, two approaches dominate explanations of the failure of democracy or the success of authoritarianism in the Middle East: the political culture approach, and the political economy approach. Moreover, both approaches over recent decades have mirrored trends in social science where more deterministic analyses have given way to more contingent explanations.

⁶¹ H.E. Chehabi and Juan Linz, *Sultanistic Regimes* (Baltimore: The Johns Hopkins University Press, 1998), 7.

Political Culture

The political culture approach to explaining political behavior has returned to extensive use in political science after fading in the 1970's and 1980's. Earlier works in this approach invested the transition from 'tradition' to 'modernity' in the Third World.⁶² However, depictions of Arab culture have suffered from the work of Orientalists who based their interpretation of contemporary Muslim society on ancient sacred texts.⁶³

While some today would abandon the political culture approach all together,⁶⁴ others would try to salvage a proper, delineated place for it.⁶⁵ In general, the political culture approach has been abused by reaching sweeping generalizations about political behavior that obscured as much as it enlightened. Arabs, in particular, have been poorly portrayed by this method.⁶⁶ Arguments which state that: since Arab countries have not had formal democracy (in the Western sense) they probably never will,⁶⁷ confuse correlation with causality. Likewise, making the analogy between the

⁶² Daniel Lerner, *The Passing of Traditional Society: Modernizing the Middle East*. (London: Glencoe Press, 1958).

⁶³ e.g. H.A.R. Gibb, *Mohammedism: An Historical Survey* (New York: Oxford University Press, 1953); Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1964); Edward Said, *Orientalism* (New York: Vintage Books, 1978).

⁶⁴ Lisa Anderson "Democracy in the Arab World: A Critique of the Political Culture Approach," in Brynen *et al* eds., *Political Liberalization and Democratization in the Arab World: Volume 1, Theoretical Perspectives* (Boulder: Lynne Rienner Publishers, 1995), 77-92.

⁶⁵ Michael C. Hudson "The Political Culture Approach to Arab Democratization: The Case for Bringing It Back In, Carefully," in Brynen *et al*, 61-76.

⁶⁶ Raphael Patai, *The Arab Mind* (New York: Scribners, 1973).

patriarchal structure of the Arab family and the Arab state⁶⁸ stretches the logic of interpretation by ignoring numerous intervening variables. Moreover, debates over Islam and democracy often pull contradictory interpretations from the same set of data.⁶⁹ Better studies, however, generally have turned towards the ideographic, focusing only on their selected case.⁷⁰

However, idiosyncratic examples provide little help for the problem at hand which questions how regimes across different cultures and regions use political liberalization as a survival strategy. An interpretation of devious leaders and sheepish publics could help explain the process. However, the dynamics of rapidly changing structures and relations in political society between the regime and opposition would be under-explained by the depictions of a static Arab culture. In this matter the political culture approach would remain fairly silent.

⁶⁷ Elie Kedourie, *Democracy and Arab Political Culture* (Washington, DC: Washington Institute for Near East Policy, 1992).

⁶⁸ Hisham Sharabi, *Neopatriarchy: A Theory of Distorted Change in Arab Society* (New York: Oxford University Press, 1988).

⁶⁹ Martin Kramer, "Islam vs. Democracy," *Commentary*, 95:1 (January 1993), 35-42, versus Gudrun Krämer, "The Integration of the Integrists: A Comparative Study of Egypt Jordan and Tunisia," in Ghassan Salamé, ed., *Democracy Without Democrats?: The Renewal of Politics in the Muslim World* (New York: I.B. Tauris Publishers, 1994), 200-226.

⁷⁰ Henry Munson, Jr., *Religion and Power in Morocco* (New Haven: Yale University Press, 1993); Linda Layne, *Home and Homeland: The Dialogics of Tribal and National Identities in Jordan* (Princeton: Princeton University Press, 1994).

Political Economy

Just as the determinism of political culture has given way to more sophisticated applications, political economy may be evolving towards more contingent explanations as well. Political economic modernization theory focused on the spread of industrialization to the 'less developed world' and the corresponding cultural and political changes that would naturally follow.⁷¹ In contrast, dependency theory saw that the world capitalist system had structurally 'underdeveloped' the nations of the Third World. Poverty and disjointed social structures thus led to authoritarianism.⁷² Despite their often opposite conclusions, each approach saw a unilinear process leading from structural economic change to political outcomes.

Recently, a variant of modernization theory has returned in the form of the 'Washington consensus'. This consensus sees the West's victory in the Cold War as the final triumph of capitalism.⁷³ The vulgar version of this theory proposes that with globalization and the opening of economic markets, transitions to democracy will automatically follow the growth of capitalism, rising living standards and civil society.

⁷¹ W.W. Rostow, *The Stages of Economic Growth, a Non-Communist Manifesto* (Cambridge : Cambridge University Press, 1960); Seymour Martin Lipset, *Political Man: The Social Bases of Politics* (Baltimore: Johns Hopkins University Press, 1959); Samuel Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968).

⁷² Andre Gunder Frank, "The Development of Underdevelopment," in Charles Wilber and Kenneth Jameson eds. *The Political Economy of Development and Under-Development* (New York: McGraw-Hill, 1996) 107-118; Samir Amin, *The Arab Nation* (London, Zed Press, 1978); Guillermo A. O'Donnell, *Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics* (Berkeley: Institute of International Studies, 1973).

⁷³ Fukuyama.

In a more sophisticated application of this view to the Middle East, Alan Richards argues that

coping with the challenges of the food, jobs, and investment will require greater integration into the international economy; such economic changes imply enlarging the role of the private sector, widening the scope of the rule of law, and more generally restructuring the state's relations with its citizens. In short, expanded political participation will be a necessary tool in the struggle to forge a successful 'Arab', 'Turkish' or 'Iranian' capitalism in the information age.⁷⁴

Of course this point of view has been discredited by the frequent willingness of the private sector to cooperate with authoritarian regimes as long as its material interests are met.⁷⁵

As mentioned above, there is little doubt that economic crises are challenging the Jordanian regime, as well as all the countries of the Middle East. Moreover, as evidenced by the 'IMF' riots in Jordan of April 1989, the pain associated with economic reform can turn an economic crisis into a political one. The nature of the regime's survival strategy, however, cannot be explained by economic factors alone.

Democratization and the Arab World

In most Middle Eastern countries when political reform was necessary the regime, not the street, took the lead in opening the political system. This fact stands in

⁷⁴ Alan Richards, "Economic Pressure for Accountable Governance in the Middle East and North Africa," in Augustus Richard Norton ed., *Civil Society in the Middle East, Volume 1* (New York: E. J. Brill, 1995), 56.

comparison to cases in other regions where the push for reform came from below, such as the Philippines or Indonesia. The survival strategy of regime-led political liberalization has been also labeled 'defensive democratization'. For Robinson, in order to survive a crisis, the Jordanian regime "undertook sufficient reform to assure its political longevity, but without altering the core structures of power in Jordan."⁷⁶ The regime undertook the strategy of defensive democratization, in Robinson's argument, to preclude a popular uprising because of the economic crisis caused by the fiscal crisis of the state.⁷⁷

Robinson's 'defensive democratization' argument is as much a reaction to the previously dominant deterministic approach towards democracy as it is to the new 'universal' models of democratization. Other authors, however, have begun to apply the universal model of democratization to cases in the Arab world. While authors in the deterministic schools saw pessimistic prospects for democracy in Arab countries, those who initially looked at the Middle East with the new models of transitions saw a more optimistic picture. Yet, such optimism is now reduced to a more cautious assessment of the potential for rapid democratization in the Arab world.

⁷⁵ O'Donnell, *Modernization*; Volker Perthes, *The Political Economy of Syria Under Asad* (New York: I.B. Taurus, 1995); Nazih N. Ayubi, *Over-stating the Arab State* (New York: I.B. Tauris, 1995).

⁷⁶ Glenn Robinson, "Defensive Democratization in Jordan," *International Journal of Middle East Studies* 30:3 (August, 1998), 387.

⁷⁷ *Ibid.*, 389.

Recent projects have sprung up focusing on the Arab world and features of democratization such as: civil society,⁷⁸ political pacts,⁷⁹ democratic institutions,⁸⁰ and democratization in general.⁸¹ Yet, an undercurrent of this literature is the uncritical acceptance of the universal model of transitions.⁸² Most authors in this trend have found that some Arab countries have experienced a significant, but limited, degree of liberalization. Despite all the hopeful searching, however, the authors have found very little democratization.⁸³ This tendency has been noted especially in Arab monarchies.⁸⁴

However, despite the fact that “in the medium term... Jordan, Kuwait, and Morocco represent an interesting set of cases in which incremental political change may, to some degree, be facilitated by the coexistence of pluralism, monarchical institutions, and some tradition of constitutionalism,”⁸⁵ the monarchical authoritarian regime type only allows a limited degree of explanation about change occurs. Snyder and Mahoney note the limitations of regime type based analysis in their review of

⁷⁸ Norton, ed.

⁷⁹ Lisa Anderson, “Political Pacts, Liberalism, and Democracy: The Tunisian National Pact of 1988,” *Government and Opposition* 26:2 (Spring 1991), 244-260.

⁸⁰ Abdo Baaklini *et al.*, *Legislative Politics in the Arab World: The Resurgence of Democratic Institutions* (Boulder: Lynne Rienner Publishers, 1999).

⁸¹ Brynen *et al.* eds., *Volume 1*; Bahgat Korany *et al.*, *Political Liberalization and Democratization in the Arab World: Volume 2, Comparative Experiences* (Boulder Lynne Rienner Publishers, 1988); Ghassan Salamé, ed.

⁸² Malik Mufti, “Elite Bargains and the Onset of Political Liberalization in Jordan,” *Comparative Political Studies* 32:1 (February 1999), 100-129.

⁸³ Brynen *et al.*, “Conclusion: Liberalization, Democratization, and Arab Experiences,” in Korany *et al.* eds., 268.

⁸⁴ *Ibid.*, 275-276.

⁸⁵ *Ibid.*, 276.

Bratton and van de Walle's *Democratic Experiments in Africa*. For Snyder and Mahoney, "correlations between old regime types and actor strategies, tends to obscure the micro-level rules and incentives that define contexts of incumbent and challenger decision making."⁸⁶

This criticism seeks to prevent the new institutionalist literature on regime transitions from falling prey to the third major shortcoming of the universal model of transitions – excessive focus on elites.

Elites and Social Linkages

Critics of the universal model of transitions argue that the approach's focus on elites is a drawback. While earlier arguments about the social requisites of democracy analyzed individuals as the unit of analysis, they did not, however, focus on the agency of individuals. Critics of the universal model of transitions argue, however, that the reclaiming of agency has gone too far. Critics charge the universal model of transitions with ignoring the role that the public plays in democratization. Moreover, the patterns of representation of the public by elites – and the legacies they leave – is also shortchanged in the transitions literature.

⁸⁶ Snyder and Mahoney. 112.

Some critiques of the universal model of democratization argue that authors in the approach ignore the vital presence of mass mobilizations of the public.⁸⁷ While the model of transitions allows for the “upsurge of civil society,”⁸⁸ society is soon quickly swept back under the rug.⁸⁹ However, most critics do not take their argument this far. They may allow the fact that transitions to democracy in Latin America and Southern Europe may have been dominated by elites. Instead, they focus on the missing issue of the linkage between elites and their constituents.

The neglect of this factor clouds the judgements of authors of the universal model. Levine chides the conclusion of the *Transitions* series that pacts “move the polity toward democracy by undemocratic means.”⁹⁰ For Levine, “to assume that such experiences [pacts] are by nature elitist and antidemocratic sidesteps the issue of representation, and avoids the question how elites are linked to mass publics in the first place.”⁹¹ Levine continues, “Leaders and followers cannot be examined in isolation, but must be grasped through the construction of organized social and political relationships.”⁹² Otherwise, the universal model of transitions reifies social forces while divorcing them from their leadership. Levine finds the study of democratization

⁸⁷ Ruth Berins Collier, *Paths Toward Democracy: The Working Class and Elites in Western Europe and South America* (New York: Cambridge University Press, 1999).

⁸⁸ O'Donnell and Schmitter, 38.

⁸⁹ Levine, 389.

⁹⁰ O'Donnell and Schmitter, 48-56.

⁹¹ Levine, 387.

⁹² Levine, 388.

incomplete without attention to the historical linkages between elites and their social bases.

How elites are linked to the public also carries a legacy for the authoritarian regime, democratic transition, and democratic consolidation. Hagopian argues that in the case of Brazil, the bureaucratic authoritarian regime was unable to stamp out traditional patronage elites.⁹³ “Because the traditional political elite was strong in Brazil, and most of its members sufficiently prescient to jump on the democratization bandwagon soon enough to avoid being tarred with the authoritarian tag,”⁹⁴ this elite played a key role in the transition to democracy. However, the maintenance of traditional patronage ties hampered Brazil’s consolidation of democracy.⁹⁵ Thus, in Hagopian’s view one must note the patterns of linkage between the elite and the public before, during, and after the authoritarian regime. Moreover, one should recognize how the legacies of authoritarianism have altered these patterns of representation in the case.

Hagopian provides a significant point in noting the legacies that patterns of representation carry. Patterns of elite - public linkages in Jordan vary greatly from patterns in Latin America. Chapter Two will detail the history of elite - public linkages

⁹³ Frances Hagopian, “Traditional Politics Against State Transformation in Brazil,” in Migdal *et al* eds., *State Power and Social Forces: Domination and Transformation in the Third World* (New York: Cambridge, 1994), 37-64.

⁹⁴ Hagopian, “Traditional Politics,” 55.

⁹⁵ Hagopian, “After Regime Change,” 492-3.

in Jordan. However, Jordan provides a prime example of the colonial imposition of the state preceding the development of society. According to Brand, “the historical development of the Jordanian state and economy has given the state a much larger ‘space’ vis-a-vis civil society than has probably been the case in many other developing countries.”⁹⁶ In this environment, the regime has been able to assemble a broad coalition of supporters. With this pattern of historical development, the regime has also been able to construct multiple venues for interaction between the regime, its supporters, and opposition groups. Yet as Chapter Two will elaborate, these elites of the regime coalition and the opposition operate in a political space frequently divorced from (or at least unaccountable to) public opinion. However, this issue seems especially problematic for the opposition in Jordan.

Does the Opposition Matter?

A quick glance at the opposition forces within Arab monarchies leads one to question if it plays any role at all in the mostly regime-led politics.⁹⁷ Moreover, most studies of political liberalization and the Arab world focus on the decisions of the regime incumbents, not the challenges by the opposition. However, in a period of economic crisis that holds the possibility of spilling over into the political sphere,

⁹⁶ Brand even entitles her review of civil society in Jordan “In the Beginning was the State....” Laurie Brand. “‘In the Beginning was the State’: The Quest for Civil Society in Jordan,” in Norton ed., 184.

⁹⁷ Brand, 148-185.

popular discontent can be harnessed by the organized opposition to press their political demands on the regime. In both African and Latin American cases popular discontent has led opposition elites to push regimes towards political liberalization.⁹⁸

Yet in cases such as Jordan, the strength of the opposition should not be overstated. Lust-Okar finds “contrary to conventional wisdom, political opponents do not always exploit popular discontent, making increased demands as economic crises continue.”⁹⁹ Lust-Okar bases her argument on an investigation of not only the relationship between the opposition and the regime, but on the relationships and divisions within the opposition forces themselves. Moreover, she distinguishes cases in which opposition groups fail to challenge the regime and cases where opposition groups choose not to challenge the regime despite their ability to do so. Moreover, the regime can attempt to create and exploit differences within the opposition forces by manipulating the institutional environment of political society.¹⁰⁰ This leads Lust-Okar to conclude that in environments where the opposition is not legally divided (as it is in Jordan) it is more likely to challenge the regime as economic crises continue. Whereas in environments where the opposition is divided (Morocco) opposition elites may choose not to organize popular protest despite their ability to do so.¹⁰¹

⁹⁸ Bratton and van de Walle, 105; Collier, 167.

⁹⁹ Ellen Lust-Okar, “Divided They Fall: The Management and Manipulation of Political Opposition.” (Ph.D. dissertation, University of Michigan, 1997), 171.

¹⁰⁰ *Ibid.*, 53-64.

¹⁰¹ *Ibid.*, 126.

Jordan's opposition may not be legally divided, as most opposition groups are legal or became tolerated through the 1980's. However, the opposition forces are ideologically and organizationally factionalized. Thus, a point of attention in this dissertation will be both the ability and the willingness of the opposition to challenge the regime's attempts and using survival strategies by reshaping the institutions of political society.

Defining the Variables

The new institutional project of this dissertation aims to explain the factors that influence the success or failure of regime efforts in reforming the institutions of political society as a survival strategy. This investigation will focus on the case by case success or failure of each episode of institutional reformation. The dissertation will work inductively by investigating the effects of three independent variables (unity of collective action, path dependence, and venue contestation) upon the dependent variable (the success or failure of reforming the specific institution). After investigating seven cases from Jordan in the 1990's, the dissertation will conclude with some hypotheses about the effects and weight of these variables. These cases are not totally independent from each other; some even overlap in time. However, the notion of path dependence hopes to account for this fact. This section will define and explain the qualitative variables used in this dissertation.

How does one explain the differences between successful and unsuccessful regime survival strategies? The success or failure of regime survival strategies in political society is the dependent variable of this project. To clarify the scope of this project, it will only focus on reforms in political society – the institutional center of politics.¹⁰²

Success or failure of a survival strategy is measured from the regime's point of view. A survival strategy would be considered successful if the regime's institutional change results in the reduction of the influence of opposition dissent to policy outcomes preferred by the regime.

Moreover, as regimes tend to focus on immediate survival, the short run nature of survival strategies should be highlighted. Thus, for counting the variation of the dependent variable, a period of up to one year from the implementation of the survival strategy will be used when discussing the successfulness of the strategy. Longer periods may be relevant and the institution may continue to have an effect. In contrast, institutional changes may have unforeseen legacies over the longer term that may have the opposite effects as intended by the regime. These long-run features of institutions

¹⁰² By separating political society as the institutional location of politics, this project does not discount the political importance of civil society, the cultural and economic spheres, as well as other features of the state. However, the political and institutional consequences of survival strategies in political society alone seem to explain a great deal about the persistence of authoritarian regimes. On political society versus other analytical division of the state and society see: Linz and Stepan, *Problems*, 7-10.

may have an impact on the eventual survival of the regime. For this dissertation, however, the focus will be upon the *short term* variation of the dependent variable.

In terms of variation two types of successful outcomes (for the regime) are found. The regime can succeed in its survival strategy through negotiation with the opposition. Or, the regime can succeed through overriding the objections of the opposition. The regime's survival strategy may also fail. A failure does not necessarily result in the fall of the regime. But, opposition dissent may increase due to the failure of a survival strategy. A trend of failures of regime survival strategies, however, may lead to the regime resorting to greater coercion to prevent a transition, or to even the collapse of the authoritarian regime.

Unity of Collective Action

One can say that the universal transitions literature has done social science a service by highlighting explanatory power of the agency of political actors. Agency may be used to help explain the success or failure of regime survival strategies. As mentioned above, however, the focus on strategic choice can be overstated. Yet, when used carefully the focus on agency provides a useful tool. However, when doing so, one should keep agents' institutional context in mind.

This project accepts the idea in the universal model of democratization that regimes rely on the support of a coalition of individuals and groups to maintain its

power. Yet, the supporting pillars of a regime contain no preordained or permanent members. The support of one group in the coalition can wane and be removed. The loss of the bourgeoisie's support from bureaucratic authoritarian regimes in Latin America was one of the major turning points in promoting transitions to democracy in Brazil and Argentina.¹⁰³ The universal model offers one hypothesis on the unity of collective action in its argument that splits between hard-liners and reformers within the regime helps lead to regime transitions.

Likewise the composition of the opposition to authoritarian regimes did not remain static. An important variable for pushing Latin American cases towards democracy was if 'moderates' and 'radicals' cooperated in their rejection of an authoritarian regime.¹⁰⁴ The unsuccessful call for direct elections nevertheless offered a rallying point for the fractious Brazilian opposition.¹⁰⁵ In Chile, the 1988 plebiscite on General Pinochet's reelection to the Presidency cemented an alliance between the

¹⁰³ Guillermo O'Donnell, "Tensions in the Bureaucratic-Authoritarian State and the Question of Democracy," in David Collier ed., *The New Authoritarianism in Latin America* (Princeton, Princeton University Press, 1979), 285-318; Robert R. Kaufman, "Liberalization and Democratization in South America: Perspectives from the 1970's," in Guillermo O'Donnell *et al* eds., *Transitions from Authoritarian Rule: Comparative Perspectives* (Baltimore: Johns Hopkins University Press, 1986), 85-107.

¹⁰⁴ Przeworski, *Democracy and the Market*, 66-79.

¹⁰⁵ Linz and Stepan, *Problems*, 168.

Center and the Left in the opposition causing a regime transition.¹⁰⁶ However, as Lust-Okar noted, neither the unity nor the action of the opposition can be assumed.

Thus, in this dissertation, the unity of both the regime coalition and the opposition are used as independent variables. The success or failure of actors to organize politically to promote their preferences is generally seen as a crucial ingredient to political outcomes.¹⁰⁷ The success or failure of the regime survival strategy can potentially be influenced by both the unity of the regime coalition to support the institutional survival strategy and the opposition's unity in contesting the reforms. It follows from both intuition and the arguments of the universal model of transitions that the greater the collective unity of actors, the more likely they will succeed in influencing the outcome of the dependent variable. A united regime coalition would assumedly be better able to implement survival strategies; a united opposition would potentially be better able to block the regime's institutional manipulations.

This focus on the unity of collective action speaks to the *ability* of the opposition and the regime coalition to act in a unified manner. The *willingness* to act is discussed below in relation to the venue contestation variable. In the Jordanian case,

¹⁰⁶ Manuel Antonio Garreton, "The Political Opposition and the Party System under the Military Regime, in Paul W. Drake and Ivan Jaksic, eds., *The Struggle for Democracy in Chile* Revised Edition (Lincoln NE: University of Nebraska Press, 1995), 211-250.

¹⁰⁷ Mancur Olson, *The Logic of Collective Action* (Cambridge: Harvard University Press, 1965).

one can make the fairly uncontroversial assumption that during the 1990's the *strength* of the regime coalition actions remained greater than the strength of the opposition.

Path Dependence

The durability of institutions would seem to promote the regime's project of limiting political liberalization to restricted institutions. A factor of political institutions that has received a great deal of attention by new institutionalists is the resiliency, the 'hardness' of institutions – the way they reappear through time.¹⁰⁸ Institutions are seen as equilibrium points,¹⁰⁹ or as distributive tools,¹¹⁰ which reinforce political outcomes time and time again.

New Institutionalists have labeled this phenomenon 'path dependence'. The exact definition of path dependence is contested. A number of different meanings of the concept are used by new institutionalists. In a general definition, Nielsen sums up the notion of path dependence saying that it "suggests that the institutional legacies of the past limit the range of current possibilities and/or options in institutional

¹⁰⁸ Tsebelis, *Nested Games*.

¹⁰⁹ Douglass C. North, *Institutions, Institutional Change and Economic Performance* (Cambridge, Cambridge University Press, 1990).

¹¹⁰ Knight.

innovation.”¹¹¹ Moreover, institutions through path dependence winnow out political alternatives by limiting, if not reshaping, future preferences.¹¹²

In common parlance, path dependence has taken on a connotation of historical determinism. In these types of arguments path dependence is generally used to explain cross-national or cross-regional variation as the result of long run processes of institutional variation. Putnam, for example, explains degrees of governmental performance between northern and southern Italy on the development, or lack, of patterns of trust built up over the centuries.¹¹³ However, the concept does not have to carry such deterministic weight.

Path dependence can also reflect political trajectories that have self-reinforcing properties. After a period of contingency, a ‘critical juncture’, movement away from the initial path becomes difficult or extremely costly. Moreover, path dependent legacies may be reproduced by specific mechanisms, despite their potentially

¹¹¹ Klaus Nielsen, *et al*, 6.

¹¹² The debate over institutions ability to merely limit choice or to reshape preferences over time is a major debate between the rational choice institutionalist approach and the historical institutionalist approach. Since these views lay at the level of assumption – assumptions that cannot be tested using the data available in this project, this dissertation will follow the historical institutionalist approach and treat preferences as endogenous. See Thomas A. Koelble, “The New Institutionalism in Political Science and Sociology,” *Comparative Politics* 27:2 (January 1995), 231-243; Peter A. Hall and Rosemary C.R. Taylor, “Political Science and the Three New Institutionalism,” *Political Studies* 44 (1996), 936-957; and Ellen M. Immergut, “The Theoretical Core of the New Institutionalism,” *Politics and Society* 26:1 (March 1998), 5-34.

¹¹³ Robert D. Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993).

inefficient equilibriums.¹¹⁴ Collier and Collier use the critical juncture notion of path dependence to explain the cross-national variation of the political incorporation of labor movements within Latin America.¹¹⁵ However, path dependence can also take on shorter term meanings and does not require specific mechanisms of reproduction.

In the shorter run, path dependent arguments can take the form of cumulative reactive processes. According to Mahoney reactive sequences are

Chains of temporally ordered and causally connected events. In a reactive sequence, each event in the sequence is both a reaction to antecedent events and a cause of subsequent events. Initial events in the sequence are especially important to final outcomes: a small change in initial conditions can accumulate over time and make a great deal of difference by the end of the sequence.¹¹⁶

In this definition of the concept, path dependence mirrors the statistical time series model.¹¹⁷ In addition to the current values of the independent variables, previous values of the dependent variable explain variation in the current value of the dependent variable. Using the time series analogy, the variable of path dependence will capture the effects of earlier successful or failed regime survival strategies in the outcome of

¹¹⁴ James Mahoney, "Uses of Path Dependence in Historical Sociology," a paper presented at the 1999 Annual Meeting of the American Political Science Association, Atlanta, Georgia, September 2-5, 1999, 6-17.

¹¹⁵ Ruth Berins Collier and David Collier, *Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regime Dynamics in Latin America* (Princeton: Princeton University Press, 1991). See especially 27-39.

¹¹⁶ Mahoney, 18.

¹¹⁷ Evan S. Lieberman, "Causal Inference in Comparative Historical Analysis: Systematizing Historical Institutional Research," a paper presented at the 1999 Annual meeting of the American Political Science Association, Atlanta, Georgia, September 2-5, 1999.

the episode at hand. However, this dissertation is not novel in its application of path dependence in this manner.

Linz and Stepan have explained Brazil's weak party system as the result of a series of decisions that have encouraged party proliferation.¹¹⁸ A path dependent argument based on reactive sequences would argue that since Brazil's party system is now so fractured the possibilities that the Brazilian legislature would pass legislation to make political institutions more conducive to party cohesion would be limited.

Path dependence arguments can also demonstrate the power to create incentives and strategies that may not be superficially 'rational'. Since Pinochet's regime so overwhelmingly won a plebiscite in 1980 to pass the authoritarian regime's constitution, the regime felt a false sense of security eight years later when President Pinochet's term came up for reelection in a plebiscite. The regime not only constitutionally locked itself into such an election, but also the 1980 plebiscite created inflated expectations on the part of the regime coalition. The regime lost the 1988 plebiscite leading to a transition away from the authoritarian regime.¹¹⁹

Most explanations using path dependence focus on longer term events and their results. However, there is nothing inherent in the concept that mitigates against its use in the short term. By looking at path dependence as a reactive sequence, a previous

¹¹⁸ Linz and Stepan, *Problems*, 183-185.

¹¹⁹ Paul W. Drake and Iván Jasic, *The Struggle for Democracy in Chile* (Lincoln: The University of Nebraska Press, 1995).

contingent event that has causal power over an outcome in question may be very recent in time.¹²⁰

This dissertation asks whether path dependence, in this short run sense, has an effect on the success or failure of regime survival strategies in political society. In this dissertation path dependence (within an venue) is defined as the degree to which previous episodes of institutional formation (or reformation) reinforce specific strategies on the actors involved. As a reactive sequence, or a time series effect, recent episodes of regime survival strategies can potentially influence the outcome of the dependent variable.

Venue Contestation

While path dependence sees institutions as limiting the choices of actors, another face of institutions sees rule oriented behavior as enabling choices. Various institutions contain venue specific rules for appropriate behavior.¹²¹ In some institutional environments, actors may have incentives to “switch to neighboring institutional codes should their behavior prove incompatible with the rules of one institution.”¹²² However, it is up to the actors involved to use these sets of rules

¹²⁰ For a greater explanation of how the time series model relates to historical institutional research see Leiberman.

¹²¹ Claus Offe, “Designing Institutions for East European Transitions,” in Hausner *et al* eds., 51.

¹²² Offe, 53.

creatively for their strategic advantage. The variable of 'venue contestation' is designed to capture this idea of institutionally enabled action.

The definition of this variable begins with the fact that political society contains different venues where political interaction between the state and social forces may take place. Political battles are generally not restricted to one venue within political society. When opposing political forces control different branches of governments, conflicts are common.

For example, when the presidents of Brazil and Argentina both faced hostile majorities in their respective legislatures, both chose to use their executive authority to decree legislation. Many of Brazilian President Collor's decrees, however, were thrown out by the courts as unconstitutional.¹²³ In contrast, Argentine President Menem packed his country's Supreme Court with four additional, friendly judges. Menem then made extensive use (and abuse) of executive decrees thereafter.¹²⁴ The strategic use of different institutional venues within political society by actors to achieve their goals, however, is not restricted to democratic environments.

In Egypt, the 1984 Election Law was carefully drafted by the authoritarian regime. The regime seemed to accept opposition demands for a proportional

¹²³ Timothy J. Power, "The Pen is Mightier than the Congress: Presidential Decree Power in Brazil," in John M. Carey and Matthew Soberg Shugart, eds., *Executive Decree Authority* (New York: Cambridge University Press, 1998).

¹²⁴ Delia Ferreira Rubio and Matteo Goretti, "When the President Governs Alone: The *Decretazo* in Argentina, 1989-93," in Carey and Shugart eds., 33-61.

representation system yet still reserved the vast majority of seats for the ruling party by placing a national 8% minimum threshold for election to the legislature. The law, however, was thrown out by the courts in 1986 because it excluded independent candidates. The same cycle occurred with the 1987 elections. In 1990, the judiciary annulled the elections for approximately the same reasons.¹²⁵ Opponents of the regime used the courts to back up their right to election by moving the venue of interaction between the regime and the opposition. As the structure and composition of the courts worked to the opposition's advantage, the opposition strategically shifted institutional arenas.

However, venue contestation need not be restricted to formal institutions. Opponents of a regime may try to mobilize public opinion through the press or popular mobilization. In contrast to regime transitions through negotiation, opponents to the regime in Czechoslovakia rode and fermented street demonstrations leading to the collapse of the Communist regime.¹²⁶ A similar process happened in Indonesia in 1998-1999. The opposition used the streets to most advantageously challenge the regime (rather than through elections or the negotiating table).

Thus, the role of venue contestation is investigated for its effects on the success or failure of regime survival strategies. In many ways venue contestation describes the

¹²⁵ Bahgat Korany, "Restricted Democratization from Above: Egypt," in Korany *et al.*, eds., 50-54; Baaklini, *et al.*, *Legislative Politics*, 232-233.

‘action’ component of the concept of ‘collective action’ (‘Unity’ representing the ‘collective’ part of the phrase). In this dissertation, venue contestation is defined as the use of the rules of the venues in political society for an actor’s strategic advantage. Actors may use the rules of a specific venue to their advantage, or actors may try to move or change the venue in order improve their strategic options. One would assume that the use of venue contestation by the regime coalition would aid in its survival strategies; in contrast, the resourceful use of venue contestation by the opposition would help block those institutional changes. The specific venues within political society in Jordan are outlined below in Chapter Two.

The Cases

This project will first inductively draw hypotheses about the relationship between the three independent variables and the dependent variable through seven cases from the Hashimite Kingdom of Jordan from 1989 to 1999. It will then formalize these hypotheses and discuss them in relation to episodes from Kuwait and Morocco.

As an authoritarian monarchy, Jordan has been a more difficult case for earlier authors to explain its survival.¹²⁷ However, a number of authors pointed to the

¹²⁶ Linz and Stepan, 316-328. Linz and Stepan make the explicit comparison of the regime’s collapse in Czechoslovakia to negotiated transitions in Poland and Hungary.

¹²⁷ Herb; Uriel Dann, *King Hussein’s Strategy of Survival* (Washington DC: Washington Institute for Near East Policy, 1992).

significant movement towards political liberalization in Jordan,¹²⁸ yet only to be disappointed when the regime began to remove the new liberties.¹²⁹ Thus, this dissertation investigates the seven episodes of regime redesign of institutions in political society from the opening of the political liberalization project in response to the April 1989 riots to the death of King Hussein in February 1999. Episodes from the comparative cases of Kuwait and Morocco will also draw from the same general period.

The seven episodes of regime reshaping of institutions in political society in Jordan can be broken down in a number of ways. Topically, the episodes address three aspects of political society: political parties, the electoral system, and the press. The episodes are investigated, however, chronologically in chapters three through nine.

Chapters Three and Four will discuss the process of relegalization of political parties. In 1957, political parties were banned in Jordan following a period of serious unrest. In 1990, a Royal Committee was formed to write a liberalizing pact; it completed its work in 1991. The *National Charter* (Chapter Three) was an agreement between supporters of the regime and the opposition that drafted rules for the new period. In return for the opposition's recognition of the monarchical regime in Jordan the regime granted political party pluralism. The National Charter was an episode that

¹²⁸ Mufti.

¹²⁹ Mehran Kamrava, "Frozen Political Liberalization in Jordan: The Consequences for Democracy," *Democratization* 5:1 (Spring 1998), 138-157.

resulted in a new political spirit for political society – a negotiated success for the regime’s desired role of organized political parties in political society. The institutionalization of the consensus of the National Charter took place in 1992 with the parliament’s passage of the *Political Parties Law* (Chapter Four). The Political Parties Law relegalized parties in Jordan, but with the regime’s desired limitations. It also represented a negotiated success for the regime.

Elections and the electoral system have been a remarkable feature of Jordan’s political life in the period under study. Since 1989 three parliamentary elections have taken place: in 1989, 1993, and 1997. The electoral system of 1989 provided the basis for the most free and fair elections in Jordan’s history. The results sent a near majority of opposition members to the elected House of Deputies, the lower house of parliament (discussed in Chapter Two). The *1993 Amendments to the Election Law* (Chapter Six), however, were decreed by the executive branch in the absence of any parliamentary input. The opposition participated in the 1993 elections, despite the new electoral system’s bias. This episode marks a success for the regime’s management of this institution – but one where the regime had to override, not negotiate, with the opposition. In response to the 1993 Election Law, as well as other factors, the opposition challenged the regime through a *Boycott of the 1997 Elections* (Chapter Eight). This is the only episode of the opposition taking the initiative to reshape an institution of political society. The opposition boycott did not succeed, but the regime

had to resort to extra effort to keep the opposition within the bounds of the regime's desired designs of political society.

The press, and the laws governing it, have undergone a number of changes in the period under study. Following out of the National Charter, the *Press and Publications Law of 1993* (Chapter Five) was passed by parliament. Despite its many restrictions on the press, most Jordanians felt that it raised the ceiling of freedom for the press. Thus, it was also a negotiated success for the regime in its project of shaping the voice of political society. Some sectors of the press, however, tried to push the limits of its freedom, by critiquing the regime's foreign and economic policies. In response, the regime decreed the *Press and Publications Law of 1997* (Chapter Seven) without the input of parliament. The law was later thrown out by the courts as unconstitutional in the manner it was decreed; marking it a failure for the regime to manage political society. Since, however, the parliament elected in 1997 was nearly free of opposition forces because of the boycott (as well as the restrictions in effect due to the 1997 press law), the regime easily passed the *Press and Publications Law of 1998* (Chapter Nine). The new press law imposed many of the same restrictions as the 1997 law, but with the added benefit of it legitimately being passed by parliament – another success for the regime in managing institutions by overriding the objections of the opposition.

Before discussing the Jordanian cases from the 1990's, however, Chapter Two will provide a brief background to the history of the Kingdom of Jordan. This chapter discusses the role of external circumstances, the development of the monarchical authoritarian regime and its venues, and the relative power and representative linkages of the regime coalition and the opposition. This chapter will also highlight the legacy of the monarchical regime in Jordan reducing and managing the levels of opposition in the country. First, the regime eliminated the opposition of elements in Jordanian society to the newly established state in the 1920's and 1930's. From the 1950's to the 1970's the Hashimite monarchy survived opposition challenges to the regime. However, even in the 1980's and 1990's, the regime has used institutions to neutralize challengers in order to pursue its policies of economic reform and peace with Israel – existential policies that may determine the survival of the regime. This dissertation examines seven episodes of institutional survival strategies in Jordan during the 1990's. The cases are listed in Table 1.

Table 1 summarizes the cases under study and their value on the dependent variable. The hypotheses drawn from the study of the cases in Chapters Three through Nine will then be summarized and formalized in Chapter Ten. The hypotheses will then be compared against episodes of regime management of institutions in political society in both Kuwait and Morocco.

Table 1: Summary of Cases

Episode Case	Year	Chapter	Venue	Success
National Charter	1990	3	Royal Committee	Negotiated Success
Political Parties Law	1992	4	Parliament	Negotiated Success
Press and Publications Law	1993	5	Parliament	Negotiated Success
Election Law Amendments	1993	6	Decree	Override Success
Press and Publications Law	1997	7	Decree	Failure
Election Boycott	1997	8	Public Mobilization	Override Success
Press and Publications Law	1998	9	Parliament	Override Success

CHAPTER TWO

BACKGROUND: JORDAN 1921-1989

A number of legacies from historical development of the Hashimite Kingdom set the stage for the survival strategies that the Jordanian regime pursued in the 1990's. External circumstances have continuously challenged the Hashimites' control over Jordan. The regime has often played skillfully with the international and economic cards dealt to it. Since the regime has been present since the state's creation in the 1920's, both the state and society in Jordan have developed around it. This has left a number of institutional and political legacies that affect the types of venues in political society and the relative strength of actors within them. This chapter seeks to outline these different historical legacies to place the survival strategies of the 1990's within a context.

Establishment of the State

Jordan, like many states of the Middle East and Africa, owes its existence to the process of European colonialism. Before World War I, the areas that would become the Kingdom of Jordan were peripheral provinces of the Ottoman Empire. British and French interests led to the carving up of the Middle East in the aftermath of the war. The British created the mandate territory of Transjordan and awarded it to the

Hashimites in 1921. With the help of the British, Amir Abdullah built the apparatus of a state in Transjordan. Abdullah and the British fended off threats to the existence of the state from various powerful tribes, eventually consolidating government rule over all of the Mandate's territory. With independence from Britain in 1946, the mandate became a Kingdom, and Amir Abdullah became King. From 1920 until 1947, Abdullah and the British established the bases for the Jordanian state, monarchical authoritarian rule under the Hashimites, and nominal independence for the new entity .

Ottoman Empire generally neglected the areas that were to become Jordan. The semi-arid geography of Jordan favored nomadic pastoralists over settled agriculture and centralized administration. Peasants eked out livings on the few areas for agriculture in the north of the country, but always under the constant threat of Bedouin incursions. In the final century of Ottoman rule, however, direct state authority from Damascus began to expand over the area. With advances and retreats, the Ottomans first brought the north of Transjordan under direct control, and later attempted to subdue the south. On the eve of World War I, the Ottoman state firmly held 'Ajloun and Salt in the north, was attempting to regain control in Karak, and had failed to assert its authority in Ma'an in the south.¹ As the Ottoman state collapsed after the war, the British and French moved into the region.

¹ See Eugene L. Rogan. "Brining the State Back: The Limits of Ottoman rule in Transjordan 1840-1910." in Eugene L. Rogan and Tariq Tell, eds., *Village, Steppe and State: The Social Origins of Modern Jordan* (New York: St. Martin's Press, 1994), 32-57.

The Hashimites of Arabia, under the leadership of Abdullah's father, Sharif Hussein, sought rewards for their leadership of the Arab revolt against the Ottomans and for their cooperation with Britain in the war. Meanwhile, the British were eager to have a buffer between their direct rule in Palestine and the expanding Saudi power in Arabia to the south and the resistance to the French rule in Syria to the north. The two wishes were joined with the creation of a new territory in Transjordan.

In 1920, Abdullah had come to Amman with the hope of regaining his brother's throne in Damascus. The French had put Syria under their direct rule, pushing the Hashimites out to Iraq and back to Arabia. The British carved a mandate for Transjordan out of the mandate for Palestine and handed its control to Abdullah in Amman in 1921. Mary Wilson describes the relationship between Britain and the Hashimite Amir, Abdullah.

Within Transjordan the close association of Abdullah and Britain was a product of mutual utility. That Transjordan existed at all as a separate state was in response to Britain's strategic and political needs; as it was Abdullah's ties to Britain, his position as the keystone in the arch between British mandate authority and local society, that lifted and maintained him above the indigenous leadership of the territory. As far as British interests were concerned, Abdullah was useful as the 'native facade' behind which it was able to ensure its interests without unduly stimulating opposition.²

The nascent Jordanian state, however, faced threats from restless Bedouin tribes. The Jordanian state eventually crushed local rivals, but only after having to rely

² Mary C. Wilson, *King Abdullah, Britain and the Making of Jordan* (New York: Cambridge University Press, 1987), 2.

on direct British interference. In the early 1920's, revolts in the Jordan Valley and an uprising by the powerful 'Adwan tribe tested the state's ability to assert its autonomy. Incursions by Saudi Wahabbi forces in the south forced the state to define its borders in the desert.³ With British military backing, John Bagot Glubb 'Pasha' began to forge Jordanian unity from the various tribes through their inclusion in the Arab Legion.⁴

The new state also owed its existence to the British in the fiscal realm. The British subsidy to Abdullah allowed the Amir to buy support among indigenous leaders. In addition to the military subsidy, the British also began to aid the new state's expansion of the administration of taxation over the mandate's territory.⁵ Local grievances gained a voice through a national conference of opponents of the British (and to a lesser extent, Abdullah), which produced the 1928 National Pact.⁶ With the formalization of the mandate under Jordan's 1928 Organic Law, the British and Abdullah reluctantly accepted the need for an elected legislative council. In 1929 the

³ Ma'an Abu Nowar, *The History of the Hashimite Kingdom of Jordan: Volume 1: The Creation and Development of Transjordan: 1920-1929* (Ithaca: Ithaca Press, 1989), 58, 104-109; for more on the 'Adwan view of the revolt see Andrew Shryock, *Nationalism and the Genealogical Imagination: Oral History and Textual Authority in Tribal Jordan* (Berkeley: University of California Press, 1997), 88-92.

⁴ Naseer H. Aruri, *Jordan: A Study in Political Development (1921-1965)* (The Hague, Martinus Nijhoff, 1972), 31-32; see also, John Bagot Glubb, *A Soldier with the Arabs* (London: Hodder and Stoughton, 1957), and James Lunt, *Glubb Pasha: A Biography* (London: Harvill Press, 1984).

⁵ Michael R. Fischbach, "British Land Policy in Transjordan," in Rogan and Tell, eds., 80-107; Abu Nowar, 161-187.

⁶ Abu Nowar, 198-200; Aruri, 28.

first Legislative Assembly was elected – but the council was rigged to pose no threat to the executive authority’s power.⁷

The period of the establishment of the state of Jordan left a number of important legacies. Most important was the legacy of the existence of the state itself. During this period, the British and Abdullah eliminated or subdued local rivals – many of whom preferred their autonomy under the tribal “anarchy” of earlier times.⁸ For the state to exist, it relied on rent from outsiders and the support of friendly tribes on the inside. The establishment of the state began to mold society to be contained within its boundaries. The building of the state, however, centered around Abdullah and his authoritarian monarchy. However, a competing legacy from Jordan’s early constitutional development was a reoccurring popular demand for elected legislative accountability and constraints on, if not control over, the monarch’s executive powers. Yet, unlike Morocco or Egypt, this popular desire did not take the form of a ‘national party’ along the lines of the Moroccan Istiqlal or Egyptian Wafd parties.⁹ The power of social forces in Jordan could not compete with the externally funded resources of the mandate state – a more severe handicap than what faced nationalists in Egypt of Morocco.

⁷ Abdo Baaklini, et al, *Legislative Politics in the Arab World: The Resurgence of Democratic Institutions* (Boulder: Lynne Rienner Publishers, 1999), 134-135.

⁸ Shryock.

⁹ Professor of History at Jordan University, Ali Mahafzah, interview, 16 May 1998, Amman.

The War in Palestine

Despite Abdullah's growing strength in Transjordan, his ambition remained for control of a larger Arab entity – either Greater Syria, or an even larger Hashimite led Arab state. Until 1948, the British had kept Abdullah's ambition in check with its control over his military. However, with the British withdrawal from Palestine looming, and the failure of the United Nations partition plan for Palestine, the British allowed for Abdullah to expand his Kingdom.¹⁰ Transjordan's role in the 1948 war can be debated, but most accounts now show that Abdullah had reached some form of agreement with the leaders of nascent Israeli state in dividing the territory of Palestine. At the conclusion of the war, Transjordan's Arab Legion controlled the West Bank – a lion's share of Arab Palestine called for by the UN partition plan.

Transjordan annexed the West Bank following the war. Transjordan thus became the Hashimite Kingdom of Jordan. Jordan's population tripled with the addition of the West Bank and of Palestinian refugees. Palestinians were quickly given full Jordanian citizenship. However, the more urbanized and settled Palestinians were generally less willing to submit to Abdullah's personal patrimonial authoritarianism. In 1951 Abdullah was assassinated by a Palestinian gunman.¹¹

¹⁰ Wilson, 168-186; Joseph Nevo, *King Abdallah and Palestine* (New York: St. Martin's Press, 1996), 84-94.

¹¹ Wilson, 207-215.

Jordan's intertwinement with Palestine had begun with the Mandate. However, after 1948 Jordan's role in Palestine was magnified. The three sided relationship between Jordan, Israel, and the Palestinians continues as a legacy until today.¹² For Jordan the Arab-Israeli conflict became not only a matter of foreign policy, but an issue of domestic politics as well. The addition of the West Bank and the Palestinians also changed Jordan's society and economy. A Palestinian private sector took its place alongside the institutions of the state with their East Bank focus. Over time these lines blurred, but the legacy of such a dualism remained.

The Talal Interlude

After the assassination of King Abdullah, his son, Talal, ascended to the throne. However, Talal's rise proved contentious because of his history of mental illness and of palace intrigue.¹³ Talal's reign would be brief, for the same two reasons. The Prime Minister, Tawfiq 'Abd al-Huda, exploited the position of the weak King and expanded the powers of his office. However, 'Abd al-Huda alienated not only the ideological opposition in parliament, but the conservative supporters of the palace as well. In a many sided struggle for power, Talal was deposed for his mental illness in August 1953. With the removal of Talal, the palace faction led by Talal's wife, Zayn, gained

¹² Adnan Abu Odeh, *Jordanians, Palestinians and the Hashimite Kingdom in the Middle East Peace Process* (Washington DC: US Institute of Peace, 1999).

¹³ Robert Satloff, *From Abdullah to Hussein: Jordan in Transition* (New York: Oxford University Press, 1994), 36-57.

power in the name of Talal's son, Hussein, at the expense of 'Abd al-Huda.¹⁴ The balance of powers between the Prime Minister and the King remained, however, contested even after the dismissal of 'Abd al-Huda.

During Talal's reign, he promulgated a new Constitution in January of 1952. The Constitution made Jordan a constitutional monarchy with power split between the King, the Prime Minister, and the elected parliament. The 1952 Constitution would be Talal's main legacy in Jordanian politics. Despite the fact that the regime has often ignored or suspended many of its provisions, the division of powers and the processes of lawmaking in the Constitution provide norms that are frequently invoked in Jordan. The details of the lawmaking process and the institutional venues created by the constitution are discussed below. Yet, as politics in the Middle East polarized in the 1950's, the young King Hussein would have to survive challenges from Prime Ministers other than 'Abd al-Huda.

The Arab Nationalist Challenge to the Regime

The early years of King Hussein's reign coincided with a period of ferment in the Arab World. A number of post-colonial regime were replaced by Arab Nationalist coups as the repercussions of the loss of Palestine in 1948 spread across the region. The Hashimites in Jordan survived due to timely Western help as well as the skill and

¹⁴ Satloff, 49-57; Aruri, 101-109.

luck of the young Hussein. Yet, domestic and foreign crises aligned in the second half of the 1950's to nearly sweep the Jordanian monarchy away.

In 1955, in response to the growing power of Arab Nationalism and its related Soviet influence in the region, Britain brought Turkey and Iraq into the Baghdad Pact military alliance. Jordan was courted both by the Pact signatories and by the Egyptian and Syrian Arab Nationalist regimes opposed to the Pact. In Jordan, public opinion generally tended towards the Arab Nationalist opinion. The regime, however, was split between its historical dependence on Britain and the new King's own vague notion of an independent Hashimite Arab Nationalism.¹⁵

As 1955 turned to 1956, rioters heeded the call of Egypt's Nasser demanding for Jordan to join the Arab Nationalist line in rejecting the Baghdad Pact. Through considerable coercion King Hussein and his army put down the riots. But deft diplomatic maneuverings allowed Jordan to stay out of the Pact without alienating its British patron.¹⁶

In a gesture to show his independence from Britain, in March 1956 Hussein dismissed Glubb "Pasha," the Arab Legion's British chief. King Hussein's popularity in Jordanian and Arab public opinion skyrocketed. However, it took the voice of

¹⁵ Satloff, 108-125.

¹⁶ Uriel Dann, *King Hussein and the Challenge of Arab Radicalism: Jordan, 1955-1967* (New York: Oxford University Press, 1989), 21-30.

Glubb himself to restrain British resentment.¹⁷ With the departure of its British leadership, control of the Arab Legion fell to young Arab officers, many of whom held Arab Nationalist sentiments.

The rise of Arab Nationalist army officers coincided with the rise of civilian politicians of various opposition stripes as well. In October 1956, parliamentary elections produced a House of Deputies with an absolute majority of the various opposition groups. The largest party in the parliament was the National Socialist Party, which in alliance with the Communist and Ba'ath parties constituted the opposition National Bloc. In a nod to western democracy, King Hussein made the head of the National Socialist Party, Suleiman al-Nabulsi, Prime Minister. As the Nabulsi government took office, the 1956 Suez War began.¹⁸

The struggles between outside powers, public opinion, the Army, the Prime Minister, and the King cumulated in a show-down in April 1957. In the wake of the 1956 War and the general rising tensions in the region, Jordan's King and Prime Minister pulled in opposite directions. Alignments towards patronage from Britain or Egypt twisted foreign policy commitments as Jordan attempted to play the superpowers off against each other. The Army joined the fray but aborted a coup on 2 April 1957. Aware of the multiple threats to his rule, King Hussein sacked Nabulsi. Then on 13

¹⁷ Glubb, 419-446; Dann, 33.

¹⁸ Dann, 39-48.

April, the King with the help of loyal Bedouin rank-and-file soldiers fended off a second coup by Arab Nationalist officers. With a return to his conservative supporters, Hussein declared martial law and banned political parties. Hussein returned Jordan to a pro-Western foreign policy by aligning with the US under the Eisenhower Doctrine.¹⁹

The Hashimite regime barely survived the crises of the 1950's. Arab Nationalist opposition to the Jordanian regime, and as a by-product, domestic political pluralism, was crushed with brutal force. Jordanian politics remained in stasis until 1967. However, the legacy of the monarchy's fear of pluralism lasted until the 1990's. During the intervening three decades, martial law froze the institutions of political society. Although, lip-service to the rule of the Constitution was respected, some of its provisions were ignored. Yet, the regime generally amended troublesome Constitutional provisions rather than suspending the Constitution. Over time, many of the King's enemies were even rehabilitated, becoming loyalist politicians.

War and Civil War

In the spring of 1967 Jordan joined Egypt and Syria in preparations for war against Israel. Although, King Hussein feared defeat, he joined the Arab alliance for fear of his inaction causing a domestic revolt. By joining the Arab alliance, Jordan lost the most from Israel's surprise attack in the June 1967 war. The Israeli military quickly

¹⁹ Dann, 40-85; Satloff, 144-175; Aruri, 134-150.

seized control of the West Bank, as well as the Sinai and the Golan Heights. However, Dann argues that losing the West Bank in 1967 may have been worth the price, as the threat of Arab Nationalism to King Hussein's survival then subsided.²⁰

Ideological threats to the survival of the Hashimites in Jordan did not end with the embarrassment of Arab Nationalism in 1967. Palestinian Nationalism, as a force in organizing resistance to Israel, grew out of the Arab states' defeat. As the Palestine Liberation Organization (PLO) grew and related Palestinian guerrilla groups multiplied in the late 1960's, they began to cause the Jordanian regime discomfort. The *fedayeen*, with their raids across the border, invoked Israeli reprisals against Jordanian targets. Moreover, as the Palestinian groups gained confidence they began to take an active role in Jordanian domestic politics. The Jordanian regime began to feel that the *fedayeen* were a threat to its sovereignty.²¹

After nearly two years of rising tensions between the Palestinian *fedayeen* and the Jordanian regime, the two forces clashed in September 1970. 'Black September' was triggered by the People's Front for the Liberation of Palestine's (PFLP) hijacking of two Western airliners and bringing the planes to Jordan. The regime responded with force and eliminated the *fedayeen* militias positioned across the country – killing up to

²⁰ Dann, 154-164.

²¹ Clinton Bailey, *Jordan's Palestinian Challenge, 1948-1983: A Political History* (Boulder: Westview Press, 1984), 30-48.

3,400 Palestinians in the process.²² By July 1971, the Jordanian regime had eliminated the PLO's military presence in Jordan.

The losing of the West Bank to Israel in 1967 removed Jordan's direct control over events in Palestine, but not its key role in the Arab-Israeli affairs. However, the legacy of the 1970 civil war may prove more important for the survival of the Hashimite regime in Jordan. The Arab Nationalists and Palestinian Nationalists both represented organized and ideological opposition movements that sought to remove the Hashimites from power.²³ With the elimination by force of the Palestinian *fedayeen*, the Jordanian regime succeeded in removing the most significant threats to it.

Oil Boom and the Politics of Rentierism

In the 1970's, Jordan's economy received a welcomed boost with the rise in oil prices by Arab petroleum producing states in the nearby Arabian peninsula. Although Jordan itself produced no oil, Jordan exported many educated workers – most of whom were of Palestinian lineage – to the Gulf countries. These workers sent back remittances to their families in Jordan. With the enormous wealth accruing to the state through customs and indirect taxes, Jordan's economy could be seen as a secondary

²² Bailey, 57.

²³ Although later, the Islamists would account for the most prominent opposition group, the Muslim Brotherhood has never opposed the structure of the Jordanian regime as it has in Syria or Egypt. This position, however, is not taken for granted by the regime.

rentier economy.²⁴ With the state accruing revenue from sources other than taxation of production – a state behavior similar to oil producing countries emerged. Moreover, foreign aid directed to Jordan by other Arab governments mushroomed in the 1970's and 1980's. The state's primary activity became centered around the distribution of economic benefits – a 'rentier state.'²⁵ According to the rentier state literature, the rentier state offers nearly unlimited economic opportunities. In return, the rentier state expects its citizens to remain politically quiescent. In Jordan the main beneficiaries of the state's largess generally had East Bank origins. The size of the Jordanian state ballooned in the 1970's and 1980's. The Palestinians in Jordan generally either went to the Gulf for employment or continued their role in the private sector of Jordan's economy. The politics of the Jordanian rentier state left the legacy of the perception, if not the fact, of a divide between the state employed East Bankers, and the Palestinian private sector.²⁶ However, the state used the economic boom and the benefits it brought to buy-out domestic opponents that it had not yet crushed.

Just as the economy based on oil boomed in the 1970's, it burst in the 1980's.²⁷ However, the state did not begin weaning Jordanians, who had grown accustomed to state intervention in the economy, off state support. Instead, Jordan turned to foreign

²⁴ Or even a primary rentier economy with its reliance on phosphates exports and strategic 'rents'.

²⁵ See Chapter One for a discussion of the rentier state.

²⁶ A divide that predates the era of the oil boom.

lending to support the state's spending habits. However, the growing economic malaise was worsened by a crucial foreign policy decision in 1988.

Disengagement and Financial Crisis

In July 1988, King Hussein announced that Jordan would disengage its administrative ties to the West Bank. The severing of ties to the part of the Kingdom annexed after 1948, but lost to Israel in 1967, resulted from a number of international factors. The Palestinian uprising, *intifada*, which began in 1987, protested the Israeli occupation but it also rejected a return to Jordanian rule. In contrast, most plans for peace, emanating from various sources, envisioned a role for Jordan in the West Bank. Moreover, Israeli right-wingers began to say that "Jordan is Palestine," when calling for a transfer of Arabs out of Israel and the occupied territories. By disengaging from the West Bank, Jordan sought to affirm a distinction between Jordan and the Palestinians. In the regime's eyes, this would then reduce the threat from Israel and the Palestinians. As the PLO and Jordan had begun to reach a rapprochement in the late 1980's, disengagement cleared the way for the PLO to declare a Palestinian state.

²⁷ Robert Satloff, *Troubles on the East Bank: Challenges to the Domestic Stability of Jordan* (New York: Praeger Press, 1986).

Finally, by allowing for the possibility of a separate entity in Palestine, Jordan could be allowed to concentrate on its own (Jordanian) national identity.²⁸

While the disengagement was seen by the Jordanian regime as a political success (despite the mixed reaction that met the decision), severing ties with the West Bank came with a high economic price. Palestinians on both Banks began to question if Jordan would remove their citizenship, which led to worsening consumer and investor confidence as well as a flight of Palestinian capital. Against the background of the bust of the oil economy, Jordan's currency, the Dinar, lost half its value.²⁹

In response to the fiscal crisis, Prime Minister Zeid Rifai resorted to an IMF-sponsored program lending to contain the economic crisis. However the economic crisis became political when rioting began on 18 April 1989 in response to the conditions of the economic reform package. Yet, the rioting did not begin in the tense Palestinian refugee camps. Rather the riots began in the traditional heartland of Hashimite support, the city of Ma'an in the south of the country. Since the state had gained the acceptance of the tribes in the 1920's and 1930's, southern East Bankers had been pillars of the regime as politicians and military leaders. Protesters called for economic and political reforms. The combination of fiscal and international crises had

²⁸ John Roberts, "Prospects for Democracy in Jordan," *Arab Studies Quarterly*, 13:3/4 (Summer/Fall 1991), 119-138; Marc Lynch, *State Interests and Public Spheres: The International Politics of Jordan's Identity* (New York: Columbia University Press, 1999), 71-139.

²⁹ Lynch, 104; Rex Brynen, "Economic Crisis and Post-Rentier Democratization in the Arab World: The Case of Jordan," *Canadian Journal of Political Science* 25:1 (March 1992), 69-97.

led to calls for a change in the frozen Jordanian political system. The regime's survival was called into question by supporters within the regime's traditional coalition.

Yet instead of responding with massive force, as it had in the past, the regime chose to allow for greater freedoms. King Hussein responded on three tracks to the 1989 riots. First, he quickly sacked PM Rifai and replaced him with the King's cousin, General Sharif Zeid bin Shaker. Second, the King expressed his desire for a political pact, the National Charter (Chapter Three) to draw up rules for a more liberalized political system. Third, he allowed the long delayed parliamentary elections to go forward. Many see the elections held in November 1989 as one of the most free and fair in Jordan's history – if not the fairest.

The 1989 Elections

In the 1989 election campaign, candidates ran as individuals since political parties remained illegal (See Chapter Six for more on the 1989 Election Law). However, the government decided not to enforce the ban on candidates with affiliation to "illegal political organizations," (Article 18, Paragraph E) which allowed a number of opposition candidates to participate in the election.³⁰

While voters could vote for candidates as they wished under the open-list system, this did not prevent candidates, especially ones affiliated with a political

³⁰ *Middle East International*, 3 November 1989.

organization, from teaming up to make a list. Such alliances tended to do well in a field of 562 candidates running for 80 seats and with little to differentiate individual candidates. A common type of alliance teamed Islamists and Leftists or Arab Nationalists in an ‘opposition list.’ However, suggested election lists also derived from tribal alliances as well as ideological political affiliations.

The Islamists emerged as the big winners of the 1989 elections. Candidates affiliated with the Muslim Brotherhood performed even better than expected.³¹ Twenty-three of twenty-six Muslim Brotherhood candidates won seats. In addition, approximately thirteen leftists and Arab nationalists won in 1989. The rest of the eighty seats were filled by individual centrists, conservatives, and tribal figures – in general all strong supporters of the regime.

Table 2: Results of the 1989 Election³²

Trend	Number of Winning Votes	Percentage of Popular Vote	Number of Seats Won	Percentage of Seats Won
Muslim Brotherhood	292,279	14.54	22	27.50
Independent Islamists	105,027	5.22	11	13.75
Tribal, Conservative, or Centrist Independents	258,569	12.86	33	41.25
Leftists	59,425	2.96	6	7.50
Arab Nationalists	51,118	2.54	8	10.00

³¹ Even beating the *Mukhabarat*'s predictions. Anonymous interview.

³² Compiled from Kamel S. Abu Jaber and Schirin H. Fathi, "The 1989 Jordanian Parliamentary Elections," *Orient* 31:1 (1991), 67-86; UJRC, *Intikhabat 1989: Haqa`q wa-Arqam (Election 1989: Facts and Figures)* (Amman: UJRC, n.d.), 17-19; and Tim Riedel, *Who's Who in Jordanian (sic) Parliament 1989-1993* (Amman: Friedrich Ebert Stiftung, 1993).

Despite the 1989 elections being the first national parliamentary elections in over twenty years, public turn out was moderate; 555,397 voters cast their ballots. 54.5% of registered voters participated in the elections.³³ This amounted to only 17% of the total population.³⁴ Turn-out was markedly lower in urban and more Palestinian inhabited areas.

The results of the November 1989 election not only determined the composition of the parliament for four proceeding years, but also in displayed the balance of political power in Jordan's first full election in over 20 years. The parliament elected in 1989 would be the venue of two of the cases under study: The 1992 Political Parties Law (Chapter Four) and the Press and Publications Law of 1993 (Chapter Five). Moreover, the strong showing by the opposition in the elections was something the regime did not wish repeated, leading to the 1993 decree of amendments to Election Law (Chapter Six).

A Brief Who's Who of Political Actors in Jordan

The 1989 elections revealed the positions of political actors from across the political spectrum. Moreover, the popular strength of figures from both the opposition and the regime coalition were publicly revealed.

³³ Abu Jaber and Fathi, 76.

³⁴ Youth under age 19, and adults in the military and security services are not eligible to register or vote.

In the elections, successful individual candidates, in contrast, generally relied on family and tribal support. Independents gained 33 seats in the 1989 elections. These representatives do not form a cohesive bloc, despite the fact that most of these candidates could be considered part of the regime coalition. The support of East Bank tribes has generally been one of the pillars of Hashimite rule. East Bankers form the core of both the military and the security services. East Bankers – especially those of tribal origin – are linked to the regime through many overlapping clientelistic ties. However, the regime coalition also draws support from more urban elites, generally in the business community. While the private sector has been tied to Palestinian families, East Bankers also have joined the business class. Most urban supporters of the regime have a more liberal outlook as compared to their more conservative (and tribal) counterparts in the regime coalition. Patrimonial ties often characterize linkages between elites within the regime coalition and their supporters.

In contrast, the opposition often relies on ideological appeals to mobilize their supporters. The Islamists can stake the only claim in the opposition of holding mass support. The Muslim Brotherhood has historically had a semi-cooperative relationship with the Hashimite regime in Jordan. Since the 1950's the Muslim Brotherhood proved to be for the regime a convenient counterweight to Leftists and Arab Nationalists. Thus, the Brotherhood has not faced the same type of persecution in Jordan as it has in, for example, Egypt. The results of the 1989 election were shaped

by three main factors: the system-wide incentives in the election law (for forming electoral lists, etc.), a certain degree of local electoral fraud, and the general uncertainty of being the first national election in Jordan in decades. Therefore, the Muslim Brotherhood's organizational advantage in running as a legal 'social organization' rather than a banned political party proved extremely beneficial in facing all three of these challenges.³⁵ The Islamists displayed their strong popular strength by gathering support from over half of the voters.

In contrast, other opposition candidates performed less well – but still well enough to hold a significant bloc of seats when their diverse numbers were combined. Moreover, Leftists and Arab Nationalists had suffered from persecution by the regime since the 1950's. In addition, popular support for their ideological causes eroded with the many defeats of the Arabs and the crumbling of Soviet support. Leftists and Arab Nationalists drew most of their support from minorities (especially Christians), urbanites, and Palestinians. However, support from the two latter groups had tended to defect to the Islamists. Moreover, Leftists and Arab Nationalists tended to compete against each other and cancel themselves out. This should not be a surprising result

³⁵ See Gudrun Krämer, "The Integration of the Integrists: A Comparative Study of Egypt Jordan and Tunisia," in Ghassan Salamé, ed., *Democracy Without Democrats?: The Renewal of Politics in the Muslim World* (New York: I.B. Tauris Publishers, 1994), 200-226; Glenn E. Robinson, "Can Islamists Be Democrats?: The Case of Jordan," *The Middle East Journal* 51:3 (Summer 1997), 373-388.

since many of these opposition figures are “horse-less headmen.” In other words, they are frequently leaders of small political parties without strong popular support.

Venues in Political Society and Lawmaking in Jordan

The historical processes discussed in this chapter have left institutional structures and legacies. Institutional venues in political society – as discussed in Chapter One – are the locus of the survival strategies discussed in this dissertation. In Jordan six relevant venues within political society can be identified.

Under the Jordanian Constitution, the regime, through the executive branch has considerable powers to unilaterally control the political system in Jordan.³⁶ **The King** constitutes a venue to himself as he stands above the state machinery. King Hussein had the power not only to reign but to rule. The King appoints and dismisses the Prime Minister and the cabinet (Article 35), appoints the Senate (Article 36), calls elections for the House of Deputies, and can also dissolve the House (Article 34).

The Prime Minister and cabinet require not only the King’s confidence, but the House’s as well (Article 51). Individual ministers, as well as the whole cabinet, can be removed by a majority of the House’s members (Article 53). The cabinet, however,

³⁶ For its text see, *Constitution of the Hashimite Kingdom of Jordan (with amendments)* (Amman: Department of Press and Publications, n.d.). The 1952 Constitution has been amended many times in the intervening years, however, the basic political structure remains.

begins the legislative process by determining what draft laws will be submitted to the parliament (Article 91).

The Parliamentary Venue is made up of the elected House of Deputies and the appointed Senate. In the normal course of legislation, the House may accept, amend, or reject a draft law submitted by the cabinet (Article 91). After the House has decided upon a draft law, even if it is rejected, the Senate then decides upon the draft law. The draft law then proceeds to the King, who ratifies it. If the King vetoes a draft law, the veto may be overridden by a 2/3 majority of each chamber of parliament (Article 93).

However, in contrast to this normal course of legislation, in certain circumstances **The Ministerial Cabinet**, as part of the executive, can also decree laws. The cabinet can approve “provisional laws” which have the full effect of law (Article 94). However, the cabinet only has this power when the parliament is not sitting or has been dissolved. Moreover, provisional laws should only cover matters which “admit of no delay or which necessitate expenditures incapable of postponement.” (Article 94) The King ratifies the provisional law if he so chooses. Provisional laws must be submitted to the parliament at the beginning of its next session; the parliament may nullify or amend provisional laws at that time.

The Judicial Venue in Jordan is firmly under the regime’s control. Judges are appointed by Royal Decree (Article 98). Constitutionally, the courts are to be “free

from any interference in their affairs” (Article 100), however, in practice the courts have only been staffed with staunch supporters of the regime. However, judges are drawn from the regime coalition’s more liberal wing. Jordanian judges have taken their role seriously and may on occasion reject the government’s dictates. If the King’s will is clear, however, the courts generally will not try to challenge it.

Outside of the formal state structures, **The Press** traditionally formed a venue that generally complimented rather than challenged the existing power relations. This, of course changed with the expansion of press freedoms with the passing of the more liberal 1993 Press and Publications Law. Most of the daily newspapers, however, remained under state ownership through the 1990’s. The mass media – television and radio – was also state owned and tightly controlled. **The Streets**, occasionally saw mass mobilization. However, most public outbursts were on the order of the April 1989 riots – disorganized displays of dissatisfaction.

This dissertation looks at the interaction of political actors within these six venues of political society. Through these venues, the effects of the unity of collective action, path dependence and venue contestation on the success or failure of regime survival strategies in political society will be analyzed.

Summary

The following seven chapters examine the Jordanian regime's efforts to thwart challenges to its survival strategies by granting, and later reversing, political liberalization. The combination of economic and foreign policy crises spilling over into domestic Jordanian politics, as this chapter has argued, is nothing new to Jordan. In contrast to the use of brute force, as in earlier times, the survival strategies the regime has used in the 1990's have tended towards the institutional. During the decade of 1989 to 1999 the regime made a number of alterations in the shape and character of political society in Jordan: especially in the role of political parties, elections, and the press. The legacies, venues, and the power of actors within them discussed in this chapter serve as a base-line background for these seven episodes.

CHAPTER THREE

THE NATIONAL CHARTER

As discussed in the previous chapter, after the April 1989 riots the regime responded with a three pronged strategy. First, the King quickly sacked Prime Minister Rifai. Second, parliamentary elections were held in November 1989. Finally, the King unveiled the idea of a National Charter – a pact to affirm the legitimacy of the monarchy. In return for acknowledging the regime’s supremacy, the regime would allow a degree of political pluralism for the opposition to participate in political society. The King publicly broached his desire for a National Charter in May 1989. He formally called for such a pact in his speech from the throne opening the Parliament in November.

The National Charter is unlike the other six case studies in this dissertation in that it is not a law. Nevertheless, the National Charter should be seen as an institution that shapes political society. The Charter is a political pact signed by representatives from across the Jordanian political spectrum. The document is historic in its inclusion of such a wide range of individuals from different political trends. The National Charter was a path-making event that in some way influenced the other six cases under study – thus necessitating its inclusion in this dissertation as the first case study. Yet,

in many ways the National Charter was shaped by the legacies discussed in Chapter Two. The Constitution of 1952 and the balance of power resulting from the years of martial law both set the stage for a reconciliatory pact in 1990. The National Charter is included in the dissertation because it is a preeminent example of the regime obtaining a successful negotiated outcome in reshaping Jordan's political arena.

Talks about Talks

The Royal Committee that drafted the National Charter was a new and unique venue in Jordanian political society. As such, it needed to be created from scratch. Before the appointment of the Royal Committee that would write the Charter, behind the scenes talks between the King's advisors and potential committee members took place. According to Adnan Abu Odeh, at the time a political advisor to the King, he had held informal talks with many opposition figures in the months leading up to the appointment of the Royal Committee.¹ As Abu Odeh was a former member of the Communist party, his talks attempted to reopen a dialogue between the regime and its historical opposition from the Leftist and Arab Nationalist trends formally closed since the 1950's. Abu Odeh offered the opposition a basic proposition: if the opposition

¹ Interview with Adnan Abu Odeh, 9 March 1998, Amman. Some individuals, such as Labib Qamhawi, confirmed that they had 'talked about talks' with Abu Odeh; Interview with Labib Qamhawi, 11 June 1998, Amman.

recognized the legitimacy of the Hashimite monarchy in Jordan, the regime would allow a reemergence of political party pluralism underneath the power of the King.²

Generally, the various sectors of the opposition responded positively to the regime's overtures. The Islamists agreed to the ground work for the Charter because of their historical ties to the regime. Moreover, the Muslim Brotherhood felt confident with the organization's strong showing in the November 1989 parliamentary elections.³ Leftists and Arab Nationalists, on the other hand, agreed to participate with some reservations. By 1990, most Leftists and Arab Nationalists, however, had accommodated themselves to at least living with the Jordanian Monarchy. Many analysts noted the decline in the goals of the historical opposition from replacing the regime to merely being recognized by it.⁴ Regime coalition members and allies, unsurprisingly, were quite willing to participate in drafting a National Charter.

By initiating the informal dialogue about the Charter, the regime held the initiative in two main areas that would help determine the course of the talks. First, the regime chose to whom among the opposition it wished to talk. The regime generally covered the political spectrum in its informal talks. However, some groups remained excluded from political society, e.g. Hizb Tahrir (which views all Arab regimes as un-

² Interview with Adnan Abu Odeh, 9 March 1998.

³ Interview with 'Abd al-Latif al-Arabiyyat, 20 May 1998, Amman; Interview with Ishaq Farhan, 22 July 1998, Amman.

⁴ Interview with Hani Hourani, 4 May 1998, Amman; Interview with Ibrahim Izzadin, 6 May 1998, Amman.

Islamic). Second, the regime also determined the ground rules for the talks. By offering the basic deal of recognizing the legitimacy for the regime for political pluralism, the regime set the tone for the Charter.⁵ Those who could not accept the basic condition of granting legitimacy to the monarchy were not included when the dialogue became formalized with the appointment of the “Royal Committee for Drafting the National Charter” in April 1990.

Composition of the Royal Committee

The “Royal Committee for Drafting the National Charter” included sixty members. The membership of the committee covered the range of political opinion in Jordan. However, the majority of the committee’s members selected could be counted as regime supporters. Table 3 lists the members of the Royal Committee.

Categorization of the political tendencies of the members is inexact. ‘Ali Abu Nowar, for example, was an Arab Nationalist general who led the 1956 coup attempt against King Hussein. After the failure of the coup, Abu Nowar fled to Egypt, but was later pardoned by King Hussein. By 1990 he had served as the Jordanian ambassador to France and had just been appointed Senator. Thus, Abu Nowar had come full circle and returned from ‘opposition to the regime’ to part of the establishment.

⁵ See Abu Odeh’s “requirements for democratic dialogue” in *Jordan Times*, 8 March 1990.

Table 3: Members of the Royal Committee⁶

Leftists	Arab Nationalists	Islamists	Independents	Liberals	Conservatives
Ibrahim Bakr	'Ali Abu Nowar	'Abdullah al-'Akaylah	Ahmed 'Awad	'Adnan Abu 'Odeh	Mohammed Abu 'Olim
Theib Marji	Hammad al-Farhan	Mohammed al-'Alawnah	Hamadah Faranah	Hosni 'Aish	Fowaz Abu Tayah
'Issa Mdanat	Samir Habashnah	'Abd al-Latif al-'Arabiyat	Fowzi Gharibah	Ibrahim Badran	Hani Abu Hijlah
'Abd al-Rahim 'Omar	Suleiman al-Hadidi	Yousef al-'Athem	Sultan Hattab	Tahir Hikmat	'Isam Badir
Taysir al-Zibri	Labib Qamhawi	Ahmed al-Azaiydah	Asmah Khader	Mahmoud al-Kayd	'Adnan al-Bakhit
	Amin Shuqir	Ishaq Farhan	Sahban Khleifat	Abdullah al-Maliki	'Abd al-Halim Khaddam
	Muna Shuqir	Jum'ah Hammad	Jamal al-Tahat	'Aidah al-Matlaq	'Awad Khleifat
	Mohammed Faris al-Tarawnah	Majid Khleifah	Fawzi al-T'uaimah	Tahir al-Masri	Jamal al-Khreishah
				'Ali al-Shimat	'Abd al-Salam al-Majali
				Abdullah al-Nsour	Mohamed Kheir Mamsir
				Iyad Qattan	Ahmed 'Obeidat
				Wahid al-Sha'ir	Subhi al-Qasam
				Layla Sharaf	Khalil al-Salam
				Mahmoud al-Sharif	Jamal al-Sarirah
				S'aid al-Tal	Sa'ad Halil Srou
					Akram Z'iter

⁶ *Al-Destour*, 24 April 1990, 11; *Jordan Times*, 10 April 1990. The author has reclassified some individuals.

With such caveats in mind, a general classification of the political orientation of the members of the Committee is also included in Table 3. Based on a modified categorization of *Al-Destour* newspaper, the committee contained: 16 Conservatives, 15 Liberals, 8 Independents, 8 Islamists, 8 Arab Nationalists, and 5 Leftists. As one moves across the categories from Leftist to Conservative on Table 3, one is more likely to find members of the regime coalition – the Conservative and Liberal categories mostly being exclusively composed of supporters of the regime. Thus, the regime and its allies held an easy majority in the Royal Committee that would draft the National Charter.

The Royal Committee drew heavily from the newly elected House of Deputies. Sixteen members of the committee were House deputies, another seven had been appointed to the Senate. Many of the deputies were representatives of the Muslim Brotherhood. However, just as the committee's membership claimed to cover the political spectrum, it also contained some gaps.

Among the Islamists, the committee's membership drew mainly from the Muslim Brotherhood's more liberal wing. Hard-line Islamists who took a more critical view of the regime, such as independent Layth Shbeilat or Muslim Brotherhood hawk 'Abd al-Mun'am Abu Zant, were not included in the Royal Committee. Likewise, of the two Ba'athists selected for the Committee, one had moderated his views towards the regime and served as a Senator (Shuqir), the other came from a large Southern tribe

(al-Tarawnah). Through the selection of the membership of the Royal Committee the regime helped to eliminate hazardous outcomes from the negotiations over the National Charter. Membership in the Committee also rewarded and strengthened the regime's supporters.

Agendas for the National Charter

Many individuals selected for the Committee had expressed their agendas for the talks through newspaper articles and public speeches before the meetings began. However, the most clear statements came from within the early meetings of the Royal Committee itself. After resolving some procedural issues, most members made statements in front of the Committee of their agenda for the Charter.⁷ This dissertation will use a handful of these presentations to highlight the agendas of the different political trends in Jordan.

Agenda of a Regime Liberal: Iyad Qattan

Iyad Qattan served as the director of the Royal Cultural Center and was an advisor to the King during the period of the writing of the National Charter. A regime supporter with a liberal view of politics, Qattan expounded the regime's basic agenda in drafting the National Charter.

⁷ This process began in Session 3, 12 May 1990.

Qattan argued that the Royal Committee that the National Charter should be a short document with a narrow purpose – to make a political deal to allow the “democratization” process to continue. Qattan’s central goal was to transform the opposition from an ‘opposition to the regime’ to an ‘opposition to the government.’⁸ The role of the Royal Committee, in Qattan’s words, was to function as the “honest broker” in making a deal between the regime and society.⁹

For Qattan, the Charter should only focus on one issue – reforming the political process. Within this realm, he saw three points for dialogue within the Committee. First, the Royal Committee should discuss the principles of the state by taking the Constitution as a reference. Second, the Committee should define the necessary rules of the political process by delineating the roles of political parties, the regime, and individuals. Lastly, the Committee should discuss general freedoms with the Constitution as its starting point.¹⁰

According to Qattan, other issues that the Committee could discuss – economic, social, and identity issues – should be left until after the three proposed points of dialogue had been resolved.¹¹ Only with a political agreement in place could Jordanians successfully resolve the other issues. Moreover, Qattan did not see the

⁸ Interview, 19 May 1998, Amman.

⁹ Remarks by Iyad Qattan in “Proceedings of the Royal Committee for Drafting the National Charter,” (unpublished documents of the Royal Hashimite Court) Session 4, 14 May 1990, 8.

¹⁰ *Ibid.*, 9.

¹¹ *Ibid.*, 9.

Royal Committee as the proper venue for non-political dialogue on issues such as identity or foreign policy. Qattan felt that these topics would be better left to the elected parliament.¹²

Thus, the regime liberal Qattan wished the National Charter to be an explicit political blueprint for further democratization. He saw democratization as a “learning process” in which the National Charter would only be the first step.¹³ By restricting the agenda of the Royal Committee to narrow political bargaining, Qattan perhaps saw the process as being quick and painless – attributes of the National Charter that the regime most desired.

A Regime Hard-liner’s Agenda – ‘Awad Khleifat

‘Awad Khleifat, the President of M’uta University in Kerak and a former cabinet minister, took a harder line than regime liberals such as Qattan. Whereas regime liberals saw the National Charter as a pact for further democratization regime hard-liners, like Khleifat, saw the Charter as litmus test for Jordanian nationalism.

In Khleifat’s presentation to the Royal Committee he stated that some issues were not open for discussion. As a Hashimite monarchy with the powers of the King specified in the Constitution, Jordan’s political system was not open for interpretation.

¹² *Ibid.*, 8.

¹³ Interview with Iyad Qattan, 19 May 1998, Amman.

According to Khleifat, the Constitution was clear enough on these issues.¹⁴ Thus, regime hard-liners did not see the legitimacy of the regime as part of the bargaining process; the legitimacy of Jordan's current political order was instead assumed as a fact. For Khleifat, the Royal Committee existed to discuss the secondary issues of the limits of freedom and pluralism, and the delineation of Jordan's identity.

While the structure of the regime, as laid out in the Constitution was beyond discussion, the proper limits to freedoms were negotiable. Khleifat questioned the meaning of the Constitution's grant of the right to form political organizations. He asked if this right extended to all parties, "Jordanian and foreign."¹⁵ He also asked if there was a finite number of parties that should be formed. Khleifat also argued that the Committee should discuss if there were limits to the 'general freedoms' of Jordanians. Moreover, he sought elaboration of the Constitutional principle of equality of Jordanians in their rights and duties.¹⁶ In general it seems that Khleifat's purpose was to narrow the definitions used in these issues than to expand freedoms.

Khleifat also differed from Qattan on the National Charter's need to discuss the role of identity of Jordan and Jordanians. Where as liberals sought an explicitly political deal, hard-liners wanted to clarify the preeminence of a 'Jordanian identity.' Such an identity would put Jordan first in relation to Arab unity. For Khleifat, the

¹⁴ Remarks in "Proceedings of the Royal Committee for Drafting the National Charter," (unpublished documents of the Royal Hashimite Court) Session 5, 16 May 1990, 33.

¹⁵ *Ibid.*, 33.

Constitution's statements that Jordan is "a branch of the Arab Nation," and "Islam is the religion of the state," were clear. He, however, wanted the Royal Committee to elaborate on these principles.¹⁷ Moreover, he asked the Committee to clarify the relationship between Jordan and Palestine.¹⁸ In terms of religion, Khleifat noted "Islam's distinctive presence in a country that is ruled by a descendent of the Prophet."¹⁹

Thus, one can see that regime hard-liners, such as Khleifat, viewed the National Charter not as a pact on the legitimacy of the regime – that was assumed as a precondition for sitting at the bargaining table. Instead, the Royal Committee was to be a place where the regime obtained both the acquiescence of the opposition to limits on political pluralism and the abandonment of claims to identity that superseded that of a 'Jordanian identity.'

An Islamist Agenda– Ishaq Farhan

Ishaq Farhan was a Senator who had previously served as Minister of Religious Affairs and Minister of Education. Farhan represented the dovish wing of the Muslim Brotherhood organization. This current in the organization felt amenable to cooperation with the regime, if the government of the time was acceptable. Five other

¹⁶ *Ibid.*, 33.

¹⁷ *Ibid.*, 33.

¹⁸ *Ibid.*, 36.

¹⁹ *Ibid.*, 34.

members of the Muslim Brotherhood – all moderates – were Royal Committee members. Farhan saw the project of the Royal Committee as less of a political deal to restore pluralism than a chance to affirm Jordan’s Islamic identity.

Farhan in his remarks to the Royal Committee recognized the pluralism inherent in the Committee and in Jordan’s political system as a whole.²⁰ Senator Farhan and his Muslim Brotherhood counterparts in the House of Deputies, however, most likely saw this pluralism from a position of strength. The organization had won 22 seats in the November 1989 elections – the largest share of seats of any organized group. Farhan later noted that the organization had been intentionally holding back a full display of its power. The Muslim Brotherhood feared intimidating the regime if it ran candidates in all districts in the 1989 campaign.²¹

Farhan displayed the Muslim Brotherhood’s acceptance of the structure of the regime. In terms of the political system, he agreed with regime liberals that Royal Committee should focus only on political pluralism. The fact that Jordan was run by a monarchical regime received no comment in his early remarks. Farhan, however, drew a limit to political pluralism in Jordan. He demanded that there was no place in the political system for secular, atheistic parties.²² Thus, the Islamists did not oppose the

²⁰ Remarks in “Proceedings of the Royal Committee for Drafting the National Charter.” (unpublished documents of the Royal Hashimite Court) Session 4, 14 May 1990, 20.

²¹ Interview with Ishaq Farhan, 22 July 1998, Amman.

²² Remarks in “Proceedings....” Session 4, 14 May 1990, 21.

granting of legitimacy to the regime. Rather, they focused their energy on combating the more secular opposition currents.

The Islamists saw the task of the Royal Committee to promote the place of Islam in Jordan's political system and in the country's political identity. Farhan remarked that the most important issue the Islamists wished to pursue in the Royal Committee was the promotion of Islamic law from *a* source of legislation to *the* source of legislation.²³ Moreover, Farhan argued to the Committee that Jordan's Arab and Islamic identities were not mutually exclusive, but rather complementary. For Farhan, Jordan lay at the center of overlapping circles of interests and identities that encompassed first the Arab world and then the larger Islamic world.²⁴ Farhan saw agreement between the Islamists and some of the Arab Nationalists – those who would be willing to align Arabism with Islam.²⁵ Atheistic secularism, however, remained unacceptable for Farhan.

Thus, the Islamists in the Royal Committee wished to use their status as the strongest political current in the Jordanian political arena. On one hand the Islamists stood opposed to recent governments of the time, a position that allowed them to critique the regime and not be tainted by the crises that had led to the political opening in 1989. On the other hand, the Muslim Brotherhood did not oppose the structure of

²³ Interview with Ishaq Farhan, 22 July 1998, Amman.

²⁴ Remarks in "Proceedings...." Session 4, 14 May 1990, 21.

²⁵ *Ibid.*, 21.

the regime per se, and seemed prepared to grant legitimacy to the regime through the National Charter. The Islamists, instead used the Royal Committee to pursue their agenda against the secular opposition.

An Arab Nationalist Agenda – Labib Qamhawi

Labib Qamhawi, an Arab Nationalist of Palestinian origin, represented a constituency of Palestinian opposition activists in Jordan. Qamhawi had joined the Arab Nationalist Movement during his studies in Beirut. He later joined the Popular Front for the Liberation of Palestine (PFLP) as Palestinian Arab Nationalists began to focus more on the Palestinian issue. By 1990, Qamhawi had become a businessman – like many of his Palestinian counterparts. His views are cited in this section because he represents a segment of the population that the regime had feared from the 1950's – Arab Nationalist Palestinians.

In Qamhawi's view, he and other opposition figures joined the Royal Commission in 1990 because they "were not in the business of overthrowing the regime."²⁶ To Qamhawi the regime's desire for a grant of legitimacy from the opposition was clear. Qamhawi saw a loss in confidence in the government by the people that had stemmed from a gap between the regime and the public.²⁷ He suggested a reformist response; the opposition would grant the regime a bounded

²⁶ Interview with Labib Qamhawi, 11 June 1998, Amman.

legitimacy. In return the opposition would seek a new contract between the “regime and the people of Jordan,” where “we (the opposition) would grant (the regime) legitimacy and take everything else and give it back to the people.”²⁸

For Qamhawi, however, the Charter was not just a political document. He held that the Charter should be a comprehensive document that reflected the shared bases of thought in Jordan. Politically, Qamhawi desired the participation of the people in the decision making in the Kingdom.²⁹ In addition to the political contract, however, Qamhawi saw other dimensions for the Charter – especially economic, social, and educational. The identity of Jordan vis a vis Palestinian and Arab identities was at the center of Qamhawi’s statement of his agenda to the Royal Committee.³⁰ He challenged the Committee to agree upon Jordan’s relationship to the Arab Nation.

Strategically, Qamhawi recognized the minority role of the Arab Nationalist opposition on the Committee. He remarked that while the committee represented the political spectrum in Jordan, the selection of the committee’s members was “done in a tricky manner.”³¹ Thus, Qamhawi asked for a baseline of common desires among the

²⁷ Remarks by Qamhawi in “Proceedings of the Royal Committee for Drafting the National Charter.” (unpublished documents of the Royal Hashimite Court) Session 4, 14 May 1990, 17.

²⁸ Interview with Labib Qamhawi, 11 June 1998, Amman.

²⁹ *Ibid.*

³⁰ Remarks in “Proceedings....” Session 4, 14 May 1990, 16-19.

³¹ Interview with Labib Qamhawi, 11 June 1998, Amman.

various political trends of the Committee.³² Qamhawi's desire for agreement did not extend to a consensus imposed by the regime. Seeing that the opposition was far outnumbered by regime supporters, he helped push for a super-majority voting rule on all issues of substance in the decisions of the Royal Committee.³³

Thus, Qamhawi's agenda for the National Charter had more than just a political dimension. Qamhawi was willing to grant the regime legitimacy, but only in a limited sense. In return, he wished for a greater recognition of the role of Qamhawi's community, Palestinian-Jordanians, in Jordan's social and political systems.

Agenda of a Leftist – 'Issa Mdanat

'Issa Mdanat had paid a price for his role as one of the founding members of the Communist party in Jordan. From 1959 to 1965 – and later on for shorter periods – he was imprisoned in Jordan for his political views. Communism in Jordan had been banned since 1953. Mdanat, however, was elected to the House of Deputies in 1989 as a representative for the Christian seat in Kerak. In the Royal Committee, Mdanat had a narrow agenda – to regain the right for the Left to legally organize in the political arena. Mdanat framed this right in terms of his goal for the National Charter, to

³² Remarks in "Proceedings of the Royal Committee for Drafting the National Charter," (unpublished documents of the Royal Hashimite Court) Session 1, 21 April 1990, 7.

³³ *Ibid.*, 7; Interview with Labib Qamhawi, 11 June 1998, Amman.

improve “the people’s life.”³⁴ This would be done by educating the people in democracy. In this regard Mdanat’s agenda had three points.

First, Mdanat argued that freedom was enshrined in the Jordanian Constitution – especially in granting Jordanians the right to form political organizations. For Mdanat, restrictions on this right violated the Constitution.³⁵ For Mdanat, the Royal Commission should reaffirm the right of political parties to organize – regardless of political tendency. In this way, the Left could be rehabilitated and return to normal political life.

Second, Mdanat expanded his call for freedoms to all public liberties and equal rights. In Mdanat’s remarks to the Royal Committee, he argued that the Constitutional guarantee of equal rights for Jordanians had been ignored. He called for equal rights to not only be talked about, but practiced as well.³⁶ For Mdanat, if the Constitution guaranteed political rights to Jordanians, the National Charter should as well.³⁷

Third, Mdanat argued that parties and freedoms should allow the people of Jordan a role in the political decision making process. He argued that a parliament

³⁴ Opinion article by Mdanat in *al-Rai’*, 27 May 1990, 18.

³⁵ Remarks in “Proceedings of the Royal Committee for Drafting the National Charter.” (unpublished documents of the Royal Hashimite Court) Session 3, 12 May 1990, 74.

³⁶ *Ibid.*, 75.

³⁷ *Al-Rai’*, 27 May 1990, 18.

without political parties would be ineffective. Moreover, without an effective parliament, democratic institutions in Jordan would be meaningless.³⁸

Thus, Mdanat saw the National Charter as reaffirming the Constitution's grants of rights and freedoms. However, by focusing on the Constitution, intentionally or not, Mdanat granted the regime legitimacy. External events had led to the weakening of Soviet support for Communism in the Third World. Thus, Mdanat and other Leftists began to recognize the necessity of moving from opposition to their countries' regimes and begin to work within the political system to achieve social justice.³⁹

Procedures and Process in Drafting the National Charter

The Royal Committee began its work on 10 April 1990 with a speech from King Hussein. Former PM Ahmed 'Obeidat, who had been chosen by the King to preside over the committee, followed with a speech of his own. The Committee began its work in earnest on 21 April. The committee would meet regularly until producing a draft of the National Charter in December 1990. The Royal Committee faced four major procedural controversies in the process of drafting the National Charter.

Before the Committee even began to meet, the issue of the constitutionality of a Charter became hotly debated in the Jordanian press. Some among the opposition feared that the National Charter would replace the Constitution, thus limiting even

³⁸ *Ibid.*

more the narrow freedoms contained in the Constitution's text.⁴⁰ The King tried to calm such fears in his speech to the Committee by stating that "the Charter is not a substitute for the Constitution."⁴¹ The debate over the relationship between the Charter and the Constitution was a major feature of the first few meetings of the Royal Committee.⁴² The debate continued in the press as well into May 1990.⁴³ The debate over the issue subsided as most members of the Committee agreed that the National Charter was an explanation of the principles of the Constitution – not its replacement.

The Royal Committee began its discussions with a debate over the rules of the Committee's operations and its procedures for reaching an agreement in drafting the Charter. The debates in the first two sessions, aside from the relationship between the Charter and the Constitution, mainly focused around two internal procedures for the Committee. First, the threshold for agreement was agreed upon. While many regime supporters felt that a majority vote would be adequate for passing a draft, the opposition resisted. According to Qamhawi, the opposition – knowing its minority status – demanded a super-majority be required for including a text into the Charter.⁴⁴

³⁹ Interview with 'Issa Mdanat, 14 July 1998, Amman.

⁴⁰ See FBIS-NES, 7 May 1990, 33-35, for comments from some Leftists and Arab Nationalists in Paris's *Al-Youm Al-Sabi*.

⁴¹ FBIS-NES, 11 April 1990, 40.

⁴² See various speakers in "Proceedings of the Royal Committee for Drafting the National Charter," (unpublished documents of the Royal Hashimite Court) Sessions 1-3; 21 April 1990 - 12 May 1990, various.

⁴³ See Royal Committee member Ibrahim Bakr in *al-Rai*, 7 May 1990, 18, vs. Mohamad Ibrahim 'Awad, *al-Rai*, 13 May 1990, 17.

⁴⁴ Interview with Labib Qamhawi, 11 June 1998, Amman.

The Committee generally agreed to this logic. It decided upon a 75% threshold for agreement on accepting a draft text in the Charter.⁴⁵

A second major agreement on the internal structure of the Committee was the discussion to break the 60 member Committee into subcommittees for discussions about specific issues. Despite the objections of some members, who proposed that the committee should discuss all issues in plenary, most agreed that the range of issues the Charter could cover necessitated the formation of subcommittees.⁴⁶ Eventually, different sub-committees were formed to deal with the main topics of the Charter. The reports of the subcommittees resulted in the various topical chapters of the National Charter.

A final controversy surrounding the process of drafting the National Charter was the issue of how to ratify the document. Some members of the regime coalition had proposed that the Charter once drafted should be approved by a public referendum or plebiscite.⁴⁷ This view seemed to stem from the Royal Court. However, the opposition argued that the Constitution held no provisions for plebiscites.⁴⁸ Having the parliament ratify the charter was also found unsatisfactory to all sides since the parliament could only pass legislation – not a pact of principles like the Charter was

⁴⁵ "Proceedings of the Royal Committee for Drafting the National Charter," (unpublished documents of the Royal Hashimite Court) Session 3, 21 April 1990, 11.

⁴⁶ *Ibid.*, 8.

⁴⁷ Tahir Hikmat, in *al-Rai'*, 24 April 1990, 16.

⁴⁸ Interview with Labib Qamhawi, 11 June 1998, Amman: FBIS-NES, 7 May 1990, 33-35.

envisioned to be. Eventually another subcommittee was formed to solve the ratification predicament. The subcommittee came up with the idea of a National Congress.

Although the Royal Committee had finished its work and produced a draft of the National Charter by December 1990, the ratification of the pact had to wait until after the Gulf War. In June 1991, a National Congress of over 2000 Jordanians convened to ratify the National Charter. The document was approved unanimously.⁴⁹

Results of the National Charter Process

Once completed, the National Charter stood as a lengthy statement of the new era of political liberalization in Jordan. However, the pact itself contained little that one would consider surprising. The deal that was behind the regime's initial conception of the pact was at the document's core. The Charter did cover a broad range of topics as exemplified by the headings of the Charter's eight chapters.⁵⁰ Each of these chapters was the product of the work of the different subcommittees. However, the Charter was only specific in its guidelines in the chapters that explicitly discussed political-institutional topics.

⁴⁹ *Jordan Times*, 10 June 1991.

⁵⁰ The chapters were titled: "The Charter: Rationale and Aims," "The State of Law and Political Pluralism," "Jordan's National Security," "The Economy," "The Social Aspect," "Culture, Education, Science and Information," "The Jordanian-Palestinian Relationship," "Jordanian, Arab, Islamic and International Relations." A "Historical Introduction" opened the document.

General Principles

The National Charter's first principle sums up the central political deal that the regime intended the pact to endorse.

FIRST: The system of government in the Hashimite Kingdom of Jordan is parliamentary, monarchic and hereditary. Adherence by all to legitimacy (sic) and to respect of the letter and spirit of the Constitution shall enhance the union between the people and their leadership.⁵¹

The members of the Royal Committee thus endorsed the status quo in Jordan, recognizing the legitimacy of monarchy. The Committee affirmed the Constitutional right for the monarchy to hold veto power over all political processes in the country. The "letter and the spirit" of the Constitution allowed for political pluralism through the parliament. However, constitutionally the legislature cannot effectively veto the King's will.

In return for this grant of legitimacy to the monarchy, the Charter allowed for the return of political parties after their decades of banishment.

NINTH: Strengthening the foundations of a state governed by the supremacy of the law, and firming up the democratic process based on political pluralism are an obligation of the state's institutions, of individual members of Jordanian society and all its other bodies.

TENTH: Political, party and intellectual pluralism is the means of strengthening democracy and ensuring participation by the Jordanian people in

⁵¹ HKJ, *The Jordanian National Charter [English Text]* (Amman: HKJ, 1990), 14. The original Arabic text can be found in *Al-Mithaq al-Watani al-Urduni* (Amman: HKJ: Directorate of the Military Press, 1990). Text can also be found on the internet at: <http://www.kinghussein.gov.jo/charter-national.html>.

administering the affairs of the state. It serves to guarantee national unity and build a balanced civil society.⁵²

Moreover, political pluralism was to take place in a liberal environment. The Charter encouraged the notion that no one group holds the monopoly on the truth.

SEVENTH: Respect for the mind, belief in dialogue, recognition of the right of others to disagree, respect for the opinion of others, tolerance, and rejection of political and social violence are basic characteristics of Jordanian society. Pursuant to this, there is no compulsion in religion or recourse to fanaticism, sectarianism or regional bias.⁵³

Thus, the National Charter generally envisioned a political system where a pluralistic system of parties stood under the power of the monarchy.

Relegalizing Political Parties

In the chapter “The State of Law and Political Pluralism,” the details of the pact’s core were spelled out. According to this chapter, “the Jordanian State is a State of Law in the modern sense of a democratic state.”⁵⁴ The chapter committed both the state and its citizens to the rule of law – as spelled out by the Constitution.

However, the core of the chapter on political pluralism was the agreement of the Royal Committee members on “Principles and Limitations Governing the Establishment of (Political) Parties.” Accordingly,

Jordanians enjoy the right to establish and belong to political parties and groupings, provided that their objectives are legitimate, their methods are

⁵² *National Charter*, 15.

⁵³ *Ibid.*, 15.

⁵⁴ *Ibid.*, 18.

peaceful and their statutes do not violate the provisions of the Constitution. Laws regulating the operation of parties should not include any provisions which overtly or implicitly call for abrogating the constitutional right to establish political parties.⁵⁵

Thus, the ban on political parties in Jordan would be replaced with a new law permitting, but regulating, the formation of parties. The National Charter spelled out four general limitations for the formation of political parties.

First, political parties would need to be committed to the principles of the Constitution and political pluralism. This commitment insured that parties may oppose the government and the Prime Minister of the day. However, parties that opposed the regime would remain excluded from the political arena. Parties must also,

employ democratic methods in their internal workings, choice of leadership and in the exercise of their activities within a framework of democratic dialogue and free competition among the political parties. The same shall apply to relations and dealings by any party with other political parties and groupings as well as with popular and constitutional institutions in a spirit of mutual respect for opposing views.⁵⁶

Thus, the National Charter promoted liberal principles of tolerance and fair play. The different opposition trends – especially those of the Left and Arab Nationalist leanings – could return to legal participation in the Jordanian political system. But only if they played by the regime's rules. Since the opposition members of the Royal Committee had already agreed with this principle by joining the Committee easily made this compromise.

⁵⁵ *Ibid.*, 21.

Second and more controversially, the National Charter stated that parties should be Jordan focused.

There shall be no structural or financial affiliation by the leadership or members of any party with any non-Jordanian. Also, no activities by any party or grouping shall be conducted upon instructions or directions from any foreign state or body.⁵⁷

The opposition had objected to this restriction, but eventually relented.⁵⁸ In return, some exceptions were made.

Taking into consideration what is stated in this paragraph and all principles and limitations governing the organization of parties, any provisions in the statute, internal regulations or programs of any licensed Jordanian party serving Palestine, Arab unity or Islamic solidarity shall be regarded as a national Jordanian undertaking.⁵⁹

Thus, with this paragraph, the regime had intended to rule out some of the dangers that had threatened it the when Arab Nationalist and Leftist opposition parties had nearly toppled the monarchy in the 1950's and in 1970. Under the limitations proposed by the Charter, all parties needed to put Jordan first in their ideology and programs.

Third, the Charter also included the principle that the finances of political parties be public. Moreover, the Charter banned parties from relying any financial

⁵⁶ *Ibid.*, 22.

⁵⁷ *Ibid.*, 22.

⁵⁸ Interview with Iyad Qattan, 19 May 1998, Amman.

⁵⁹ National Charter, 22.

support from outside of Jordan.⁶⁰ In this way the government would be able to keep tabs on the organizational strengths of the various parties.

Finally, the Charter limited parties so that the regime's fears of a repetition of the 1950's would not occur. The National Charter demanded that political parties refrain from influencing the military, security forces, or from using public institution for party purposes.⁶¹ In this way, the regime limited the possibilities for praetorian partisanship that had threatened the regime over the years.

Thus, with these four areas of limitations on political parties, the National Charter prepared the way for parties to be relegalized in Jordan. The rules for parties agreed upon in the National Charter reflected the regime's desires to avoid a repeat of crises of the 1950's and of 1970. The opposition acquiesced to the regime's plans. These rules generally reflected either limitations the parties already felt themselves or an acceptable price to pay for the ability to legally organize.

National Identity and the National Charter

The Royal Committee, however, did not stick with the narrow political agenda as Qattan had envisioned the document. Rather, the National Charter spends a great deal of its text discussing Jordan's national identity through its relationship with Palestinians, the larger Arab world, and Islam. The Charter, however, does not take

⁶⁰ *Ibid.*, 23.

any clear stands about Jordan's national identity. The Committee agreed only upon general language with vague and innocuous meanings.

The role of Islam, however, did provoke some controversy in the discussions of the Royal Committee. The Islamists had desired to make a statement that Islamic law was the *only* source of legislation.⁶² Secular Committee members, such as Qamhawi, fiercely objected.⁶³ In the end, the Committee agreed that "Islamic law is the principal source of legislation."⁶⁴

Despite the Charter's great length, especially in areas of identity and foreign relations, the core of the Charter lay in its chapter on the "State of Law and Political Pluralism." Only in this chapter was a detailed agenda for political action presented.

Path Making vs. Path Dependence

The National Charter was an unprecedented event in Jordan's political history. For the first time in its history, Jordan's opposition agreed to publicly recognize the legitimacy of the regime. The opposition would be 'opposition to the government' not 'opposition to the regime.' For this reason the National Charter can be looked at as a 'path making' event. Moreover, out of the National Charter a number of laws arose.

⁶¹ *Ibid.*, 23.

⁶² Interview with Ishaq Farhan, 22 July 1998, Amman.

⁶³ Interview with Labib Qamhawi, 11 June 1998, Amman.

⁶⁴ National Charter, 14.

The Charter recommended legislation be passed creating a Complaints Bureau and a Constitutional Court.⁶⁵ However, more importantly, the Charter demanded that

laws in general, and laws pertaining to political parties, elections and publications in particular, are dedicated to safeguarding the citizens' basic rights and public freedoms.⁶⁶

This paragraph would set into motion legislation for relegalizing political parties and for creating a new Press and Publications Law. It also foreshadowed the later change in the Election Law. These three laws, and their later changes, comprise the remaining six cases under investigation. In some ways the National Charter determined the shape of the remaining cases, but especially with the Political Parties Law of 1992 (Chapter Four) and the Press and Publications Law of 1993 (Chapter Five).

However, one can see the National Charter as a highly path dependent event as well – although perhaps not in the short term meaning used by this dissertation. Historical legacies, such as the regime's fear of a repetition its experience in 1956, spurred the desire for a pact by the regime. The balance of power resulting from the decades of martial law helped determined the make-up of the Committee. Moreover, the 1952 Constitution provided the main referent for debate. Like most constitutions, it contained enough vague strictures for all parties to cite it in their defense. Thus,

⁶⁵ *Ibid.*, 19-20.

⁶⁶ *Ibid.*, 19.

historical legacies influenced the strategies of the actors involved, however, not in the short run sense of the concept of path dependence as it is used in this dissertation.

Collective Action and the National Charter

The regime coalition during the writing of the National Charter was generally cohesive and cooperative. Potential splits between regime liberals, such as Qattan, and regime hard-liners, like Khleifat, did not concern the issues of substance in the National Charter. Rather differences within the regime coalition revolved around contrasting views on the emphasis of the Charter's content. Personality differences between pro-regime individuals within the Royal Committee were also generally kept to minimum. The unity of the regime coalition's representatives in the Royal Committee was strong.

In contrast, the opposition displayed a split between the Islamists, on one hand, and the Leftists and Arab Nationalists, on the other. The Islamists, being generally drawn from the ranks of the Muslim Brotherhood organization, usually acted in concert. The Leftists and Arab Nationalists in the opposition also attempted to unify their ranks. Regular meetings outside of the Royal Committee were held by a number of Committee members in order to coordinate their strategy.⁶⁷ Yet, the differences between the Islamists and the other sectors of the opposition were generally over both

issues of identity – Jordanian vs. Arab vs. Muslim – and over the proper role of Islam in public life. When it came to the political-institutional issues, however, all sectors of the opposition did agree to recognize the monarchical regime in return for the ability to organize political parties. Thus, in general the opposition trends in the Royal Committee were not strongly united. But over the core of the Charter, the opposition was in agreement.

Contestation and the National Charter

When looking at the process of drafting the National Charter, one can see that of the four variables under investigation venue contestation seems to have influenced the outcome the most. The regime's use of creating a new venue – the Royal Committee – and choosing the representatives to it appears to be the most significant two aspects of this episode. The regime avoided negotiating with some of its most prominent opponents by circumventing the newly elected parliament where the opposition almost held a majority. In selecting members of the committee, the King and his advisors also weeded out individuals who would not agree to the Charter's key deal. This is not to say that the majority of Jordan's political forces fiercely opposed the regime in 1990 – most politicians of the time were willing to work within the monarchical system. Jordan's political spectrum was represented in the Royal

⁶⁷ Interview with Labib Qamhawi, 11 June 1998, Amman; Interview with 'Issa Mdanat, 14 July

Committee. However, some of the most colorful of Jordan's politicians were excluded. Thus, the outcome of the process of drafting the National Charter, in terms of the core political bargain, in some senses was determined before the Committee even met. Nevertheless, much of the work of bringing the opposition to the bargaining table had been done over the previous 40 years. The regime made good strategic use of the rules of the venue as it created the rules of the game, as well as the new venue.

The opposition members of the Committee realized this fact early in the discussions of the Committee. By asking for super-majority voting rules, the opposition representatives sought to temper the regime's stacking of the deck. Thus, the opposition tried and succeeded in making the most out of the Royal Committee venue.

Since the Royal Committee was such a unique venue, neither the regime coalition nor the opposition seriously tried to influence the National Charter outside of it. After the first few sessions, the press was banned from the Committee's meetings. Members did regularly explain their positions in the press through opinion articles, however. Yet the press was not used to mobilize large segments of the public for specific issues in the National Charter. The rules of the venue created by the regime were sufficient for insuring success in the regime coalition's eyes. The opposition

involved in the National Charter process felt that they had generally extracted fair concessions from the regime in return for their grant of legitimacy.

The National Charter resulted in a negotiated success for the regime's survival strategy. Opposition demands for recognition were granted in return for the opposition's agreement to participate within the constitutional order. Strong venue contestation by both the regime and the opposition strongly influenced the outcome of this survival strategy. Thanks to the National Charter, any future opposition dissent would be channeled through the institutions of political society which generally produced policy outcomes favored by the regime. This outcome would last for the next few years. Especially when it came to turning the recommendations of the National Charter into law.

CHAPTER FOUR

THE POLITICAL PARTIES LAW

In 1957 political parties were banned by law in Jordan. The National Charter paved the way for the return of political parties to Jordan's political arena. After the ratification of the National Charter in June 1991, the government of Prime Minister Tahir al-Masri drafted a law to legalize political parties and regulate their licensing. It would take over a year for the bill to pass through the constitutional channels to become a law. The political party system that evolved in Jordan after the relegalization of parties, however, never gained its full strength.

The House of Deputies was the central venue in the process of relegalizing political parties. The 1992 Political Parties Law can be seen as an institutional survival strategy because it allowed organized pluralism back into political society. At the same time, the regime's draft law sought to regulate and narrow the range of groups that could claim to be political parties. The regime succeeded in implementing its general vision of the Political Parties Law through negotiations in the parliament. However, the outcome of those negotiations relied heavily on the compromises made in reference to legalizing political parties in the National Charter. This outcome was aided by the

strong unity of collective action on the part of the regime during the negotiations. This stands in contrast to the negotiating position of the more weakly united opposition.

Drafting the Law

The cabinet submitted the draft law to the parliament in August 1991. The controversies over joining the Madrid Peace Conference in November 1991, however, led to the fall of Masri's government. Sharif Zeid bin Shaker once again became Prime Minister. The Political Parties Law, meanwhile, awaited the House's attention until the summer of 1992.

The Political Parties Law and the Press and Publications Law headlined the House's agenda for the extraordinary summer. Beginning in January 1992, the House Law Committee had met six times to write its recommendations to the draft law. At the time, the opposition strongly influenced Law Committee, but liberal leaning independent Hussein Majali sat as Chair. In June 1992, the draft of the Political Parties Law made its way to the floor of the House.

Before the House began to discuss the Law Committee's recommendations for the draft law, Jordanian Nationalist Ahmed 'Abbadi sparked a debate to reject the proposed law entirely. 'Abbadi argued that Jordanians were not ready for political pluralism. For 'Abbadi, political parties were at a stage of development that Jordan

had not yet reached.¹ ‘Abbadi was joined in this sentiment by Shaykh ‘Abd al-Baqi Jammu, who argued that “pluralism is a foreign concept and we should not be importing western and other foreign concepts to this culture.”² However, only eight of the 73 deputies present supported ‘Abbadi’s motion to stop discussing the Political Parties draft law.³

Defining Political Parties

Despite the Law Committee’s list of changes and deletions to the draft law, the most lengthy debate in the legislation of the Political Parties Law centered around the definition of political parties – Article 3. The draft law from the government defined a political party in the following manner.

A party is every political organization (*tandhim*) formed in accordance with the provisions of this law by individuals to group themselves on the principles and goals of endeavoring to participate in political life to realize a specific program related to political, economic and social affairs, and to work by legal and peaceful means in accordance with the rules of democratic practice based on political pluralism, freedom of thought, and the supremacy of law.⁴

The Law Committee, however, rejected this definition and proposed its own.

A. A political party is every Jordanian political group (*jama’ah*) formed in accordance with the Constitution and the Law for endeavoring to participate in political life.

¹ *Mulhaq al-Jaridah al-Rasmiyyah, Majlis al-Nuwab, Muhr al-Jalash* [Supplement to the Official Gazette, House of Deputies, Minutes of the Session] (21 June 1992), 28-29. Hereafter, *Mulhaq*.

² As quoted in *Jordan Times*, 22 June 1992.

³ *Mulhaq*, (21 June 1992), 30.

⁴ *Mulhaq*, (21 June 1992), 31.

B. A party has a legal personality and it cannot be dissolved or dissolve its leadership unless in agreement with its basic governing rules or a decision from the court.⁵

In this debate, the government's definition of a political party was more narrow and restricted. The government's definition included three main features that limited the definition of a political party. First, a party must be an "organization." Pro-regime deputies, such as 'Abd al-Majid al-Sharidah, argued that political parties must be "organized," in order to exist.⁶ Moreover, to some deputies "organizations" are more developed than "groups."⁷ Second, parties must be programmatic. According to conservative 'Abd al-Raouf al-Rawabdah, the Law Committee's change lacked a definition of a party's function. For Rawabdah, parties functioned to achieve an ideological program, which was a component of the government's draft.⁸ Third, regime supporters argued that the definition of parties be restricted – by demanding that parties obey the "rules of democratic practice." This restriction was necessary because the era of "intellectual terrorism," by parties had ended.⁹ For the regime coalition this meant that Leftists and Arab Nationalist parties would not be allowed to repeat the mass mobilizations of public support of the 1950's. In the 1990's, dialogue and tolerance –not street protests – were to be expected from parties.

⁵ *Mulhaq*, (21 June 1992), 31.

⁶ *Mulhaq*, (21 June 1992), 36.

⁷ Ahmed 'Anab, *Mulhaq* (21 June 1992), 42.

⁸ *Mulhaq* (21 June 1992), 34.

⁹ 'Abd al-Raouf al-Rawabdah, *Mulhaq* (21 June 1993), 33.

In contrast, the Law Committee sought to define political parties more broadly to incorporate features of the opposition that already existed. Thus, the Law Committee included “every Jordanian political group,” in its alternative definition of a political party. This definition was designed to be more “broad” and “accurate.”¹⁰ In support of this definition, some deputies argued that different groups, especially parties, have their own character. Therefore, parties may be more or less “organized,” making the term “group” more appropriate in defining a political party.¹¹ Moreover, Law Committee chairman Hussein Majali based the Committee’s alternative text on previous Jordanian political party laws as well as party laws from around the Arab world – especially Egypt.¹²

The broader definition of a political party was designed to facilitate the speedy and easy legalization of the nascent (or in the case of the Muslim Brotherhood – actual) opposition groupings into political parties. With often flimsy organizations (from their years underground), and even weaker programmatic platforms (their opposition had been based on ideology rather than policy), the opposition saw that allegiance to the Constitution as sufficient reason for their legal existence. Thus, “groups,” not “organizations” should be the criteria for a political party.

14. ¹⁰ Bassam Haddadin, *Mulhaq* (21 June 1992), 36-38; Y`aqoub Qarash, *Mulhaq* (24 June 1992),

¹¹ See for example, Hussein Majalli, *Mulhaq* (21 June 1992), 46.

¹² *Mulhaq* (21 June 1992), 44-45.

As the debate over Article 3 dragged on into its second session, neither the supporters of the government's draft nor of the Law Committee's alternative relented. As debate went on, however, opposition's unity in support of the Law Committee began to fray. Individuals from the opposition began to present their own definitions of political parties as additional alternatives or compromises. Regime liberal, Hosni al-Shyab, offered a compromise in which the term 'organization' would be used in return from cutting the requirements for programs and platforms from the definition of a party.¹³ Communist 'Issa Mdanat echoed this sentiment by offering a definition of political parties as "organized political groups."¹⁴ Momentum for a compromise between the government's draft and the Law Committee's alternative quickened when three prominent Muslim Brotherhood deputies proposed slight variations on the definition of a party as "all Jordanian political organizations or groups founded in accordance with the Constitution."¹⁵ Debate between the weary deputies continued through the second session. By the end of the 24 June session, the Speaker of the House 'Abd al-Latif al-'Arabiyat, a Muslim Brotherhood member, overruled demands to continue debate into a third session. He charged the House's administration to organize the various alternatives for voting in the next session.¹⁶

¹³ *Mulhaq* (24 June 1992), 5-6.

¹⁴ *Mulhaq* (24 June 1992), 6-7.

¹⁵ 'Abd al-Rahim al-'Akor, *Mulhaq* (24 June 1992), 22-23; Yousef Khasawnah, *Mulhaq* (24 June 1992), 23; Kamal 'Omari, *Mulhaq* (24 June 1992), 25.

¹⁶ *Mulhaq* (24 June 1992), 37-38.

On 29 June, the House held a third session on the Political Parties Law to vote on Article 3. Independent Leftist Faris al-Nabulsi's proposal for a compromise had been selected to be voted upon first. In his definition Nabulsi offered the definition that

A party is every political organization (*tandhim*) formed by a group (*jama'ah*) of Jordanians in accordance with the Constitution and the regulations of the Law for the purpose of participating in political life and realizing specific goals relating to political, economic and social affairs and working by legal and peaceful means.¹⁷

The compromise definition passed with the support of 40 of the 61 deputies present. The final definition did lay closer to the original government draft, as it included both the term organization (*tandhim*) and the necessity for achieving goals. Yet, the goals required were not specifically labeled a 'program.' The compromise definition did seem to broaden the definition from the government's original position.

Passing the Political Parties Law

After the exhausting debate over the definition of a political party, the House moved on to discussing and passing the remainder of the draft law on 29 June. Despite the many recommendations proposed by the Law Committee, the House passed few changes to the draft law from the government. Only a handful exceptions to this trend were notable. First, Speaker al-'Arabiyyat broke a 30-30 tie to accept the Law Committee recommendation for Article 6, Paragraph D. The draft law listed a number

¹⁷ *Mulhaq* (29 June 1992), 12.

of social categories against which parties were prevented from discriminating. The Law Committee proposed the substitution that parties were required only to accord with the Constitution in their terms of membership.¹⁸

The House also altered Article 21, a long list of principles that parties were to uphold. The draft law contained thirteen different points. The Law Committee recommended scrapping the entire Article. Muslim Brotherhood deputy, ‘Abd al-Rahim al-‘Akor, proposed to change the article into one paragraph to cover much of the same material. Only 7 deputies of 61 supported the Law Committee’s motion; in contrast, Al-‘Akor’s proposal passed by a wide majority.¹⁹

The House passed the entire law on 5 July by a vote of 43 of 53 deputies present. The speed in which the House passed the Political Parties Law surprised many in the press.²⁰ After spending two sessions debating three articles, the remaining 25 articles were passed in only three more House sessions.

Compromise with the Senate

After the House passed the Political Parties Law, the Senate reviewed the law as well. The Senate passed the law on 24 July 1992. The Senate, however, made some changes that conflicted with the House’s version. When a joint committee from the two chambers could not reach a compromise the House and Senate met in a joint

¹⁸ *Mulhaq* (29 June 1992), 26-31.

session on 20 August 1992.²¹ In the joint session, the combined legislative chambers passed:

- The House's version of Article 5, Paragraph G which prohibited party members from being "a member in any other party, or any other non-Jordanian political partisan organization"²²
- The House's version of Article 18 which prohibited the searching of a party's headquarters²³
- The Senate's version of Article 21 which laid out principles by which parties needed to abide. The resultant list resembled the draft law, but did not contain the ban on religious or sectarian "extremism"²⁴
- A compromise on Article 24 which gives the penalties for violations of the law. The two chambers adapted the draft law, but kept the punishment of violations of the political parties law within the law, without recourse to the Penal Code.²⁵

The two chambers jointly passed the law which was signed by the Regent (the Crown Prince) on 23 August 1992 and the Political Parties Law as published as Law Number 32 for the year 1992.

¹⁹ *Mulhaq* (5 July 1992), 29-30.

²⁰ *Jordan Times*, 6 July 1992.

²¹ *Jordan Times*, 25 July 1992; 1 August 1992, 8 August 1992.

²² *Mulhaq al-Jaridah al-Rasmiyyah, Majlis al-'Ummah, Muhr al-Jalalah al-Awali (Mushtarakah) li-Majlisi al-'Ayan wa-al-Nuwab* [Supplement to the Official Gazette, National Assembly, Minutes of the first (joint) session of the Senate and House of Deputies], (20 August 1992), 19-22.

²³ *Ibid.*, 22-30.

²⁴ *Ibid.*, 30-31.

²⁵ *Ibid.*, 31-38.

Legalization and Party Development in the 1990's

The law gave final approval of political parties and their actions to the Ministry of Interior (Article 10). In the months that followed the promulgation of the law, a number of parties applied for licensing from the Interior Ministry. From December 1992 until the November 1993 elections, twenty parties obtained a license (see Table 4).

Approval by the Interior Ministry for some of the Leftist and Arab Nationalist parties, however, was not a smooth process. The Interior Ministry rejected the original applications of the Communist Party, the Arab Socialist Ba'ath Party, and the Jordanian People's Democratic Party.²⁶ Citing references to socialism that the Interior Minister felt contradicted the Constitution, the Ministry rejected the three applications on 3 December 1991. As allowed in Law's Article 11, the three parties then filed a lawsuit with the Court of Justice to appeal the decision. However, after pressure from the parliament and from the Prime Minister, the Interior Ministry worked with the three parties to change their charters and then legalized them during the second half of January 1993.²⁷

²⁶FBIS, 4 December 1992, 43.

²⁷FBIS, 22 January 1993, 38-39; FBIS, 26 January 1993, 51-52.

Table 4: Political Parties Legalized 1992-1993²⁸

Party	Political Tendency	Leader	Legalized
Jordanian National Alliance	Centrist-Conservative; Tribalist	Mijhem al-Khreishah	2 Dec 92
Popular Unity Party	Centrist; Arab Nationalist	Talal al-Ramahi	7 Dec 92
Al-'Ahd Party (Pledge)	Conservative; Jordanian Nationalist	'Abd al-Hadi al-Majali	7 Dec 92
Al-Mustakbal Party (Future)	Centrist	Suleiman Arar	8 Dec 92
Islamic Action Front (IAF)	Muslim Brotherhood	Ishaq Farhan	8 Dec 92
Progressive Democratic Party of Jordan	Left of Center: pro- peace process	'Ali 'Amer	16 Jan 93
Jordanian Communist Party	Original Communist party	Yaqoub Zayyadin	17 Jan 93
Jordanian Ba'ath Arab Socialist Party	Arab-Nationalist	Tayseer al-Homsi	18 Jan 93
Jordanian People's Democratic Party (HASHD)	Leftist; some former DFLP members	Tayseer al-Zibri	24 Jan 93
Progress and Justice Party	Centrist; pro-government	'Ali al-Sa'ad	27 Jan 93
Jordanian Democratic Socialist Party	Communist splinter	'Issa Mdanat	27 Jan 93
Yaqaza Party (Vigilance)	Right of Center; pro- government	'Abd al-Raouf al-Rawabdah	7 Feb 93
Jordanian Democratic Popular Unity Party	Leftist; some former PFLP members	'Azmi al-Khawaja	9 Feb 93
Hurriyah Party (Freedom)	Leftist; Communist splinter	Fawaz al-Zu'bi	10 Feb 93
Democratic Arab Union Party	Arab-Nationalist; Centrist	Anis al-Mu'asher	17 Feb 93
Arab Democratic Islamic Movement (DUA'A)	Progressive Islamist	Yousef Abu Bakr	12 Apr 93
Progressive Arab Ba'ath Party	Arab-Nationalist	Mahmoud al-Maitah	13 Apr 93
Jordanian Arab Popular Party	Arab-Nationalist	'Abd al-Khaliq Shatat	27 May 93
Al-Watan Party (Homeland)	Right of Center; Tribalist	Akef al-Fayez	14 Jun 93
Jordanian Arab Democratic Party	Arab-Nationalist; Leftist	M'unis al-Razzaz	12 July 93

With the approach of the 1993 parliamentary elections many thought that political parties would reshape the face of the legislature. The 1993 elections were to

²⁸Compiled from "A Democratization Scorecard: Political Parties in Jordan." *Jordan Issues and Perspectives*, 15 (June/July 1993), 4; Hani Hourani et al, *Jordanian Political Parties* (Amman: UJRC, 1993).

be the first multi-party elections in Jordan since 1956. However, with the decree of a change to the Election Law (see Chapter Six) to an electoral system that worked against organized political groups, parties faltered. A noticeable tendency of candidates associated with parties in the 1993 election was to run as individuals, not as party associates – in some cases even to go as far as running from their political parties. Of 98 party affiliated candidates, only 58 ran under their party label.²⁹ Moreover, only 18% of the 534 candidates were affiliated with a political party – only 11% explicitly so. Many parties – especially on the left – revealed their factionalization, thus compounding their weakness. In some cases, the concerns of party hierarchies overrode the potential for electoral success.³⁰ In general, only 33 of the 80 seats were taken by members of a political party (16 of which were held by the IAF). The results of the 1993 Elections are discussed further in Chapter Six.

The boycott of the 1997 Elections further weakened the role of political parties in the House (See Chapter Eight). The Muslim Brotherhood's IAF led the boycott in response to the 1993 Election Law amendments, the 1997 Press and Publications Law amendments and opposition to the 1994 peace treaty with Israel. A number of other opposition parties joined the boycott. However, many others did not.

²⁹ Iyad al-Shalibi, *et al. Intikhabat 1993 Al-Urdaniah: Dirasah Thliliah Raqamiah [Jordan's 1993 Elections: A Quantitative Study]* (Amman: UJRC, 1995), 28-30.

³⁰ e.g. *Jordan Times*, 30 October 1993.

The 1997 elections also saw the undoing of the National Constitutional Party (NCP), which had merged nine centrist and conservative political parties in April 1997.³¹ Legalized the next month, the NCP promised to challenge the IAF in parliamentary races across the country. However, the combination of the Islamists' boycott and the party's own contradictions resulted in the NCP faring poorly in the 1997 elections. Only 11 of its candidates won seats in the House.

In both the 1993 and 1997 parliamentary elections, political parties failed in one of the chief objectives of political parties – gaining election. Popular attitudes of Jordanians also reflect the poor perception of parties in Jordan, as Table 5 demonstrates.

Table 5: Opinion on the Degree of Success of Political Work by Parties³²

Degree of Success	Survey 1995	Survey 1996	Survey 1997
Great	3.9	2.3	2.9
Medium	12.0	21.8	14.8
Little	6.4	13.2	11.1
No Success	18.2	20.6	15.9
Absolutely No Success	15.2	8.2	10.9
Don't Know	44.3	24.1	43.8
Refused to Answer	-	-	0.2
Not Clear	-	-	0.4

³¹ The nine parties were: al-'Ahd, the Progress and Justice Party, al-Wa'ed, the Jordanian National Alliance, al-Watan, the Jordanian Arab Masses Party, the Reawakening Party, the Popular Unity Party, and the Jordanian Popular Movement. See *Jordan Times*, 8 April 1997; 6 May 1997.

³² University of Jordan Center for Strategic Studies (UJCSS), *Istitla 'a lil-Rai' Howla al-Demoqratiya fi al-Urdun 1997 – al-Natai'j al-Awaliyah* [Survey on Democracy in Jordan 1997 – Preliminary Results], (Amman: UJCSS, 1997), 15.

Despite their being relegalized in 1992, by 1999 Jordan did not have a cohesive party system. A 1997 UJRC study found 19 political parties still active.³³ The IAF remained the only strong political party – mainly because of its roots in the Muslim Brotherhood. Parties of the Left and Arab Nationalist trends remained factionalized and marginal. Centrists and Conservatives also did not organize themselves coherently through political parties. Socio-cultural factors, institutional factors, and a lack of leadership among party elites combine to provide Jordan with its weak party system. The effects of these factors, however, were not envisioned when the Political Parties Law was debated.

Collective Action and the Political Parties Law

During the House debates, the pro-government deputies generally remained united in their support for the government's draft of the Political Parties Law. Eleven deputies had been members of Tahir al-Masri's cabinet (including the PM himself) that had drafted the law. Five deputies remained in the cabinet of Bin Shaker; they were joined by an additional five House deputies in the new government. Thus, of the eighty member House, sixteen had served in a government with a vested interest in the draft of the Political Parties Law. While some regime liberals in the House sought to expand the definition of a party and generally loosen the regulations on parties in the law (e.g.

³³ Hani Hourani, *al-Ahzab al-Siyasiah al-Urdaniyah* [Jordanian Political Parties] (Amman:

Hosni al-Shyab), the regime supporters in the House generally stood with the government's draft.

The various opposition deputies in the House were united in supporting the relegalization of political parties. Although many deputies from the opposition wanted an expansive definition of political parties in Article 3, as the debate deadlocked some opposition deputies sought a compromise. In general, opposition deputies wished a definition of political parties that their weak organizations could easily meet. However, some deputies may have realized that paralysis within the House would also not get their nascent parties legalized any faster. Overall, the opposition supported legalizing parties because it had the most to gain from the Law. A majority of the parties legalized after 1992 could be considered within the opposition. Moreover, the opposition had already generally acquiesced to the regime's limits on parties by signing off on the National Charter.

Path Dependence and the Political Parties Law

The outcome of the process of passing the Political Parties Law in many ways had been determined by the National Charter's focus on allowing political party pluralism in return for a grant of legitimacy to the Monarchy. The Political Parties Law was the regime's upholding of that deal. It is ironic that during the long debates over

UJRC, 1997).

Article 3 only one deputy mentioned the National Charter by name.³⁴ Yet the compromise reached by the Royal Committee in drafting the National Charter, allowed the very existence of a law relegalizing political parties in 1992.

The National Charter, however, was silent on the two main issues of the Political Parties Law. First, the legal definition of a political party was not addressed by the Royal Committee. Second the exact procedures for licensing and rules regulating parties behavior were also not addressed in the National Charter. These arduous tasks were left to the parliament. The parliament, however, only had difficulty in determining the details of the prior. After the long debate over Article 3 there were only minor disputes over the more procedural articles of the law.

One of those controversies was the tenet agreed upon in the National Charter of political parties having a Jordan-only focus. The House easily passed the sections of Article 6 that prohibited parties from holding ties to groups outside Jordan.³⁵ Ironically, the Senate weakened this prohibition, only for it to be reinstated in the joint session. The deal made within the Royal Committee, that restricted political parties to working within a Jordan-only framework, stifled the debate of the issue later in the parliament.

³⁴ Faris al-Nabulsi. *Mulhaq*, (24 June 1992), 25.

³⁵ *Mulhaq*, 28-31.

Interestingly, the National Charter's provisions for exceptions to this limitation were not included by the government in the draft law.³⁶ The issue was not raised by deputies in the House either. Thus the National Charter's mitigation of the regime's demand for Jordan to come first in political parties' programs was left out of the Political Parties Law. This led to opposition critics outside of the parliament to see the law as flawed and biased towards the regime.³⁷

In general, the Political Parties Law was extremely path dependent on the National Charter. The debates of the Royal Committee preempted a great deal of debate over the issue of relegalizing parties in the parliament. The opposition tried and succeeded, to a limited extent, to broaden the definition of a party. But a core issue of the National Charter – the Jordanian focus of parties, remained untouched.

Contestation and the Political Parties Law

Aside from the debate over Article 3, the process in passing the Political Parties Law saw very little contestation by the actors involved. The debate over the law stayed within the venue of the parliament. Both sides used the rule of the House to pursue their agenda. The government and its supporters used their power to draft the law to their liking. The opposition deputies in the Law Committee tried to loosen the laws

³⁶ National Charter, 22. See also Chapter Three.

³⁷ Interview with Labib Qamhawi, 11 June 1998, Amman.

restrictions. Neither side used any creative procedural devices in the parliament to aid in inserting their agendas into the law.

In the debate over Article 3, the pro-government's cohesiveness outlasted the opposition's. Yet the definition of a political party did not result from the regime overriding the opposition. A compromise was reached catering to the entire House's fatigue. This, along with the rest of the Political Parties Law, demonstrated the consensus on relegalizing parties in Jordan that had been reached in the National Charter. The Political Parties Law of 1992 which relegalized political parties can be seen in this light as a negotiated success for the regime. This success was chiefly the result of path dependence from the National Charter and the opposition's lack of unity. The legalizing of political parties reduced the level of dissent from the opposition by, on one hand, allowing the opposition a degree of organizational autonomy, but on the other hand, reinforcing the state's ability to regulate and circumscribe the existence of political parties.

CHAPTER FIVE

THE PRESS AND PUBLICATIONS LAW OF 1993

Like the Political Parties Law of 1992, the Press and Publications Law of 1993 followed out of the National Charter. Both draft laws had been submitted to the parliament in the summer of 1991. The Press and Publications Law would follow the Political Parties Law on the parliament's agenda. The Press and Publications Law, however, would not gain the approval of the legislature and receive the King's signature until March 1993. The final text of the law reflected a great deal of the government's original language. However, the parliament made some significant changes during its deliberations.

Press freedom is guaranteed by the Jordanian Constitution, but it can be limited by legislation (Article 15: Paragraph 2). Until the 1993 law was passed, Jordan was under a Press and Publications Law from 1973 – with provisions that reflected the martial law of the time. In the early 1990's, Jordan's media was mainly held by the state. The mass media – television and radio were under full state ownership and control. The printed media – mainly the daily Arabic newspapers – were also under partial state ownership. Of Jordan's two main newspapers, *Al-Rai* was 60 percent state owned, and *Al-Destour*, was 35 percent state owned. The press could be

considered an institution of political society in Jordan because of its state connection on one hand and its role as a venue for elite debates and expression of public opinion on the other.¹

The Press and Publications Law can be seen as a regime institutional survival strategy because while the law opened up greater freedoms to relieve tension within society, the law also placed clear limits on those openings. This limited the space for the opposition to publicize its dissent to the regime's politics. The 1993 Press and Publications Law can be considered a successful survival strategy for the regime since this drawing of limits was reached through negotiations with the opposition in parliament. Strong use of the rules of the parliamentary venue by the regime coalition, as well as the coalition's strong unity helped bring about the successful result of these negotiations.

Drafting the Law

The law was written by the government of Prime Minister Tahir al-Masri and submitted to the parliament in August of 1991. However, it took the parliament until August 1992 to begin full debate on the law. The parliament's attention had been focused on the beginnings of the Middle East peace process as well as the Political Parties Law. The parliament finally turned to the press law after passing the Political

¹ See George Hawatmeh ed., *The Role of the Media in a Democracy – The Case of Jordan*

Parties law during the parliament's extraordinary session in the summer of 1992. However, debate dragged on into the next ordinary session of the parliament and the law did not pass with the approval of the parliament until March 1993. The law was then reviewed by the Senate and signed by the King on 29 March 1993.

Changes Made by House to the Draft Law

For many articles of the press law, the House of Deputies' Law Committee offered recommendations for changes to the draft law. These recommendations generally kept the limits that the government had recommended; however, in some cases the Law Committee aimed to expand press freedoms. The House's eleven-member Law Committee in 1992 held many opposition leaning deputies, including four members of the Muslim Brotherhood.

On a number of instances conservative and pro-government deputies went beyond the text proposed by the government and added further restrictions. Moreover, the Muslim Brotherhood-led, Islamist opposition made sure to include their view of public morality in the law. Notable instances from the debate in the House over the Press and Publications Law include: the definition of who is a journalist (Article 2), journalists' ability to keep their sources secret (Article 5), the insertion of vague language which could lead to restrictive interpretations (Articles 4 and 8), explicit

(Amman: University of Jordan Center for Strategic Studies, 1995).

restrictions on the press (Article 40), and penalties for violating those restrictions (Articles 46 through 51).

Defining a Journalist

In the debate over Article 2, which offered definitions of all the key terms of the law, the most controversial definition discussed was that of the “journalist.” The draft law proposed that a journalist is “any person who meets the conditions provided for in the operative Jordanian Journalists Association Law and adopts Journalism as his/her profession in accordance with the said law.”² The fierce debate over terminology mirrored the debate over definitions in the Political Parties Law.

However, the Law Committee recommended that the phrase “in accordance with the said law” be removed.³ The Law Committee aimed to open up the definition of the profession to include all journalists regardless of their membership in the Jordanian Press Association (JPA). The recommendation to expand the definition of who is a journalist, however, did not survive the debate on the floor of the House. Pro-

² *Mulhaq al-Jaridah al-Rasmiyyah, Majlis al-Nuwab, Muhdr al-Jalajah* (9 August 1992), 24. Hereafter, *Mulhaq*. Note that the Jordanian Journalists Association (*Naqabah al-Sahafiyyin al-Urdaniyyin*) is translated in this dissertation using the term common in the Jordanian press, the Jordanian Press Association (JPA). The operative law of the JPA is Provisional Law Number 1 for the year 1983, and is reprinted in: Hussein al-'Awdat ed., *al-Muwsu'ah al-Sahfiyah al-'Arabiyyah: Buldan al-Mashraq al-'Arabi* [Encyclopedia of the Arab Press: Countries of the Arab East] (Tunis: Arab Organization for Education, Culture and Sciences, 1990), 313-322.

³ *Mulhaq* (9 August 1992), 25.

government deputies such as ‘Abd al-Raouf al-Rawabdah and ‘Abdullah al-Nsour moved to keep the definition so that it only included members of the JPA.⁴

The JPA had vigorously lobbied House deputies to keep the Association’s monopoly over Jordanian journalists.⁵ The JPA’s governing law limits journalists to those who have received certain educational and training qualifications. A key component of such training is limited to having worked for certain Jordanian newspapers.⁶ However, many practicing journalists in Jordan remained unrecognized by the JPA, and thus faced restrictions on their work. The 1993 Press and Publications Law reinforced the JPA’s monopoly over the profession of journalism. This monopoly has led its critics to call the JPA, in terms of press freedom, a “stand in for the government,”⁷ which is an “egregious problem.”⁸ With a majority of 27 of the 53 deputies present, the House confirmed the JPA’s control over journalists by passing the text of the draft law’s definition of a journalist.⁹

⁴ *Mulhaq* (9 August 1992), 25-27, 31-21.

⁵ *Jordan Times*, 24 August 1992.

⁶ See JPA law reprinted in ‘Awdat.

⁷ Fakhri Q’awar, *Mulhaq* (9 August 1992), 29-30.

⁸ Article 19, *Blaming the Press: Jordan’s Democratization Process in Crisis* (London: Article 19, 1997), 39.

⁹ *Mulhaq*, (9 August 1992), 42. 18 of the 53 deputies had supported a vote on following the Law Committee’s recommendation to widen the definition of a journalist.

Keeping Sources Secret

In another article (Article 5 especially Paragraph D), the House imposed a more restrictive view of press freedom than called for by either the Law Committee or the government. Article 5 lists the components of freedom of the press. Paragraph D in the draft law stated that freedom of the press included “The right of the press publication, news agencies, editors and journalists to keep the sources of information and news they gather secret.”¹⁰ Conservative deputies Maher al-Bustanji and ‘Abd al-Majid al-Shreidah both demanded the limitation of this right in cases of court proceedings. The House added the clause, “except by the court,” to the text of the draft law; the motion passed with a vote of 32 of 57 deputies.¹¹ The addition of this restriction evoked the ire of many journalists.¹²

The Senate, however, weakened this restriction, and the House later concurred with the upper chamber in the final version of the law. The final text of the Article read that journalists have the right to “keep the sources of information and news they gather secret, unless the Court decides otherwise when hearing criminal cases involving the security of the State, prevention of crime or realization of justice.” Once again the Senate showed a somewhat more liberal view of freedom than the House (See Chapter Four).

¹⁰ *Mulhaq*. (12 August 1992), 26.

¹¹ *Mulhaq*. (12 August 1992), 33.

Restrictive Red Lines

Journalists also critiqued the vague language of a number of the articles of the draft of the 1993 Press and Publications Law.¹³ For example, according to Article 8,

Publications shall refrain from publishing anything that contradicts the principles of freedom, national obligation, human rights, and respect of truth and values of the Arab-Islamic *Umma* and shall regard the freedom of thought, opinion, expression and access to information as a right for all citizens as much as it is a right for themselves.

According to its critics, such vague terms as “values” would leave the interpretation of this prohibition up to the government to enforce as it saw fit.¹⁴ A long debate ensued with the recommendation by the House’s Law Committee to delete this article. Even with a number of proposed possible compromises, 49 of the 59 deputies present endorsed the text of the draft law.¹⁵

However, more explicit, but more restrictive limits to the freedom of the press were drafted into Article 40. This article sets a number of ‘red lines’ for the press not to cross. According to the law, publications are prohibited from publishing:

1. News which offends the King or the Royal Family
2. Unsanctioned news of the Jordanian Armed Forces, or comments offensive to the military or security forces
3. Articles or materials contemptuous to religion
4. Articles which damage national unity
5. Minutes of closed sessions of Parliament
6. News which shakes confidence in the national currency

¹² See Ayman al-Safadi in the *Jordan Times*, 20 August 1992.

¹³ *Ibid.*

¹⁴ See for example comments by Salim al-Zu’bi, *Mulhaq*, (12 August 1993), 41.

¹⁵ *Mulhaq*, (12 August 1992), 52.

7. Personal Insults to Heads of State of Arab, Islamic or friendly countries
8. Articles or news which may offend the dignity or personal freedoms of individuals or damage their reputation
9. News, reports, dispatches, articles and drawings which are contrary to public morals and ethics
10. Advertisements for unapproved medicines¹⁶

The Law Committee again recommended that the House delete the article.¹⁷ In the House debate over Article 40, opponents of the article focused on the duplication of these restrictions in the Press and Publications Law and the Penal Code.¹⁸ The government and its supporters argued that such restrictions are common not only in the Third world, but in developed democracies, like Great Britain, as well.¹⁹ In the end, 14 deputies of the 56 present supported the Law Committee, 37 deputies voted to keep the draft law's list of restrictions in Article 40.²⁰

Penalties for Violations

One of the few successes of the Law Committee in the debate over the 1993 Press and Publications Law came when the House rejected the article that contained the penalties for Article 40. The draft law proposed that violation of any of the restrictions in Article 40 could be punished by six months imprisonment or a 2,000 to 5,000 dinar

¹⁶ See Article 40 for the complete text of each item.

¹⁷ *Mulhaq*, (9 December 1992), 60.

¹⁸ Islamist 'Ali al-Faqir, *Mulhaq*, (9 December 1992), 61.

¹⁹ Minister of Information, Mahmoud al-Sharif, *Mulhaq*, (9 December 1992), 61-62.

²⁰ *Mulhaq*, (9 December 1992), 73.

fine (5,000 to 10,000 dinars for corporations).²¹ The House deleted this article from the draft law with a majority of 38 of 61 deputies.

Punishments for violating the Press and Publications Law, however, remained in the law. The most severe punishment – up to a 6,000 dinar fine – is for writers and editors receiving improper gifts (prohibited by Article 44, punished by Article 49). Publishing or distributing banned material (Article 45) can be punished by a 500 to 2,000 dinar fine (Article 50). Most other violations, including those of the prohibitions in Article 40, are punished by a 1,000 dinar fine (Article 51). However, during the House debate it took two votes and a narrow majority to approve Article 51.²²

The entire Press and Publications Law was passed by the House on 27 December 1992. The Senate made minor modifications to the law in the course of its debate (e.g. in Article 5). The House accepted the changes of the Senate on 14 March 1993. The King signed the Press and Publications Law into law on 29 March 1993.

Enforcement of the 1993 Press and Publications Law

The situation of the press in Jordan underwent a number of changes after the 1993 Press and Publications Law went into force. The major Arabic dailies, all with some form of government ownership, remained the same. However, their content began to take a slightly more open tone, with more articles on or by opposition

²¹ *Mulhaq*, (27 December 1992), 34. 1 JD = 1.41 USD.

personalities. More importantly after the passage of the 1993 Press and Publications Law, a number of new weekly newspapers received licenses. Between 1993 and 1995, many weekly newspapers began publishing in Jordan. A number of these newspapers, known as tabloids for their format, proved to be quite controversial. Some tabloids caused controversy for their publication of material with unusual or sexually provocative content. Others challenged the official government line on matters of politics, especially on corruption and relations with Israel. Some weekly tabloids sensationalized news to boost their readership and increase their slim revenue base. The weekly press defended its right to publish the news at it saw fit. Over time, however, the tabloids began to anger social conservatives and regime officials. This led to the greater enforcement of the 1993 Press and Publications Law of the law's many restrictions.

During the period of May 1993 to May 1997, the government, through the Department of Press and Publications, filed 66 lawsuits against individuals and newspapers for violations of the Press and Publications Law and the Penal Code. Table 6 breaks down these prosecutions by the type of newspaper. Many violations were the result of publishing of interviews with members of the illegal Hizb al-Tahrir. Also, comments which were deemed as insulting to heads of other Arab states were

²² *Mulhaq*, (27 December 1992), 39-49.

prosecuted. Sensational material often was charged with violating public morals under Article 40 of the Press and Publications Law.

Table 6: Prosecutions for Violations of the PPL, 1993 - 1997²³

Year	Violation	Jordanian Daily	Jordanian Non-Daily	Non-Jordanian	Total
1993 (May-Dec)	PPL	1	11	0	12
	PC	0	1	0	1
1994	PPL	0	7	0	7
	PC	4	14	0	18
1995	PPL	0	9	1	10
	PC	0	2	0	2
1996	PPL	0	15	0	15
	PC	0	0	0	0
1997 (Jan-May)	PPL	0	1	0	1
	PC	0	0	0	0
Total		5	60	1	66

The vast majority of violations were committed by Jordan's weekly newspapers. The daily newspapers – generally under partial state ownership – provoked less controversy. Moreover, four weekly newspapers – as strident critics of the government and Jordanian society – accounted for a majority of those violations (see Table 7).

Table 7: Number of Violations of Selected Weekly Newspapers²⁴

Paper	1993	1994	1995	1996	Total
<i>Al-Bilad</i>	5	6	4	2	17
<i>Al-Ahali</i>	2	4	2	1	9
<i>Al-Majd</i>	-	3	3	0	6
<i>Al-Haqiqa</i>	-	-	-	6	6
Total	7	13	9	9	38

²³ Article 19, 99-104.

²⁴ Article 19, 99-104.

The government tried to enforce the Press and Publications Law unilaterally. The courts, however, reclaimed their position as the only power who could enforce the Press and Publications Law. For example, the Higher Court of Justice ruled in April 1995, that while the weekly *Hawadith Al-Sa'ah* did not have a chief editor who was a member of the JPA, and thus not qualified under Article 13 of the Press and Publications Law, the Press and Publications Department had no right to suspend the license of the paper.²⁵ The Department of Press and Publications accused many newspapers of violating of the Press and Publications Law and the Penal Code. It, however, could not generally convince the courts to convict the journalists.

The courts often found that the government could not prove its case even with the generally vague wording of the Press and Publications Law.²⁶ In 1996, Fahd al-Rimawi, editor of *Al-Majd*, was accused of insulting the Amir of Bahrain and tried under Article 40 of the Press and Publications Law. The court found that Rimawi was innocent since he had not disrupted relations with Bahrain.²⁷ Thus, the courts found that with the vagueness of the Press and Publications Law there was room to protect the freedom of expression.

Another example of the government's failure to convict offenders of the Press and Publications Law came in October of 1995. Salameh Na'mat, a correspondent for

²⁵ *Jordan Times*, 26 April 1995.

the London based *Al-Hayat* newspaper, was jailed without bail for accusing that many Jordanian businessmen were on the payroll of the Iraqi government. Na'mat based his report on unnamed Jordanian officials. After two days in prison, Na'mat was released on bail. He was later cleared of all charges that he had violated the Press and Publications Law.²⁸

The government, however, did obtain convictions for violations of the Press and Publications Law. In May 1994, *The Jordan Times* was convicted of violating Articles 40 and 42 of the Press and Publications Law for publishing a report about soldiers on trial for an attempted coup.²⁹ The English language daily was fined 300 dinars.

The only prison sentence handed down by the courts in this period was to Abdullah Bani 'Issa, editor of the weekly *Al-Hiwar*. Bani 'Issa was convicted for violations of Article 40 of the Press and Publications Law and violating three other articles of the penal code because of his *lese-majesty* and his publishing of a statement for the illegal party Hizb al-Tahrir. Bani 'Issa was sentenced to six months in prison

²⁶ *Jordan Times*, 9 May 1995, 20 July 1996.

²⁷ *Jordan Times*, 19 March 1996.

²⁸ Interview with Salameh Na'mat, 14 July 1998, Amman; Committee to Protect Journalists (CPJ), *Attacks on the Press in 1995* (New York: CPJ, 1996), 217.

²⁹ CPJ, *Attacks on the Press in 1994* (New York: CPJ, 1995), 277.

and a 500 dinar fine. This sentence was the first time a Jordanian journalist had been sentenced by the courts to a prison term.³⁰

However, such convictions and sentences were rare. In general, the courts upheld the freedom of the press. In the venue of the courts, journalists could contest the government's interpretations of the law. With prosecutors failing to obtain convictions for violations of the 1993 Press and Publications Law, the government turned to tightening up the law. This is the focus of Chapter Seven.

Collective Action and the 1993 Press and Publications Law

During the parliament debates over the 1993 Press and Publications Law, the regime coalition's unity was generally strong. Lobbying by the government and its allies kept the demands of journalists and opposition deputies in check. Moreover, with nine deputies in PM Bin Shaker's cabinet, the government had the support of two crucial blocs of deputies in the House. However, the regime coalition's unity was challenged by the insertion of amendments to the government's draft law by conservative deputies. On a number of occasions the government's draft law was more liberal in terms of granting freedom to the press than the changes made by pro-government deputies.³¹

³⁰ FBIS-NES, 20 January 1997; the CPJ database of attacks against journalists on the internet at <http://www.cpj.org>.

³¹ Information Minister at the time, Mahmoud al-Sharif, expressed his dismay of attacks from the Right. Interview with Mahmoud al-Sharif, 30 June 1998, Amman.

In contrast, the unity of the opposition trends in the parliament were not as strong. House deputies of the Leftist and Arab Nationalist trends were unable to converge with the Islamists to protect freedom of the press during the Press and Publications Law debate. A high degree of absenteeism in House meetings also weakened the ability of the near majority of opposition deputies to gain victories. During the debates of the Press and Publications Law often a quarter of the deputies were absent. The House could not finish the debate of the Press and Publications Law in the summer extraordinary session of 1992 because of a lack of a quorum of deputies on the day of the final session.³²

Moreover, the ideological factionalization of the opposition in the House also prevented a consensus to defend the freedom of the press. Strong proponents for liberalizing the press law were few in the House (Leftist journalist Fakhri Q'awar was a notable exception). The factionalized opposition did not in general unify on the seemingly non-threatening and abstract issue of freedom of the press.

Path Dependence and the 1993 Press and Publications Law

The National Charter influenced outcome of the debates over the Press and Publications Law of 1993 less than it influenced the than debates over the Political Parties Law. While both items of legislation were inspired by the Charter, by late 1992

³² *Jordan Times*, 26 August 1992.

the momentum for compromise fostered by the Royal Committee seemed to have faded. Moreover, while key tenets of the Political Parties Law had been negotiated by the Royal Committee, the National Charter's discussion of press freedom was much more vague. The Charter stated that

Freedom of thought and expression, and access to information, must be viewed as a right of every citizen, as well as of the press and other mass media. It is a right enshrined in the Constitution and should under no circumstances be abridged or violated.³³

However,

All information media must strive to provide a climate of freedom conducive to the growth of Jordanian society through enlightened knowledge and honest reporting. They must shun any encroachment on the freedom of individuals or their personal lives.³⁴

Thus, the National Charter saw the press as free, but within limits. Likewise, the Jordanian Constitution guaranteed the freedom of the press (Article 15). However, the phrase "within the law" circumscribes the press' freedom (Article 15: Paragraph 2). The successive Press and Publications Laws in Jordan stem from that provision.

The House deputies during the debates over the 1993 Press and Publications Law were influenced to a certain extent by both the Constitution and the National Charter. The previous Press and Publications Law from 1973, was seen as much worse by strong opponents of the 1993 law. Most deputies took the view that while the 1993

³³ National Charter, 37.

³⁴ National Charter, 38.

law may not meet everyone's desires, it was at least an improvement over the old martial-law era Press and Publications Law.³⁵

However, the fractiousness of the opposition and the strength of the unity of the regime coalition seemed to greatly influence the outcome of the episode. Previous episodes did shape actors' strategies. However, not the same extent as the unity or action of the actors.

Venue Contestation and the 1993 Press and Publications Law

Venue contestation was also important in the outcome of the 1993 Press and Publications Law. Inside the venue of the parliament, the regime coalition did its best to lobby House deputies to support the government's draft – if not go beyond it. The JPA responded to a threat to its organizational monopoly in the debate over the definition of a journalist in Article 2.³⁶ In contrast, independent journalists also tried to lobby the parliament to remove many of the restrictions of the Press and Publications Law, though not as effectively as the government.

In contrast, the House spurned attempts by opposition deputies to revisit some controversial articles. The House rejected a proposal on constitutional grounds to

³⁵ *Jordan Times*, 26 August 1992.

³⁶ See Article 19, 36.

revisit articles that it had already passed.³⁷ The opposition's disunity limited its ability to contest the government's draft law within the venue of the parliament.

Outside of the venue, the regime used coercive tactics as well to 'lobby' House deputies to temper their opposition. In late August and early September 1992, two vocal independent Islamist deputies, Y'aqoub Qarash and Layth Shbeilat were arrested in connection with a case of an Islamist group illegally possessing weapons. Despite the suspicious timing and weak evidence of the prosecution, Qarash and Shbeilat were each convicted to 20 year prison sentences. King Hussein, however, pardoned both immediately.³⁸ The regime had sent a message that extreme opposition by House deputies would not be tolerated.

The 1993 Press and Publications Law can be seen as a regime survival strategy because, with one hand the law granted greater freedom to the press, while with the other it held strong restrictions and penalties over journalists. The Press and Publications Law was passed through the parliament and faced a great deal of fierce debate in the House of Deputies. The deputies compromised on some points – on others the government relied on a conservative majority to overcome the fractured

³⁷ *Mulhaq*, (27 December 1992), 32-38.

³⁸ MEI, 20 November 1992, 13-14.

opposition. Lobbying by the regime – inside and outside of the venue – reinforced the outcome of the episode resulting in the government’s favor.

CHAPTER SIX

THE ELECTION LAW AMENDMENTS OF 1993

In August 1993 during the parliament's absence, the regime used its constitutional power to decree a provisional law to amend the Election Law. The changes altered the electoral system to the disadvantage of the organized opposition parties that had recently been relegalized. The new electoral system, not surprisingly, benefited regime supporters – especially those with tribal support. The change to the Election Law would make the regime's life much easier by manipulating the composition of the House of Deputies to be elected in November 1993. With a more pro-regime parliament, the challenges to the government's legislative agenda would be reduced, the power of opposition dissent lessened. If the legitimacy of the parliament was not compromised in the process, the decree would help ensure the regime's survival by manufacturing support for the regime's preferred policies. The 1993 amendments to the Jordanian Election Law are further evidence to the voluminous literature on the potential distributive power of electoral institutions.

The decree presented the opposition with a *fait accompli*. The regime overrode the objections of the opposition. The regime refused to negotiate with the opposition through the venue of the parliament. Once decreed, the opposition failed to challenge

the decree through the courts or by a boycott of the elections. The opposition participated in the 1993 elections, but saw its representation in the new parliament severely diminished. Thus, the regime succeeded with its survival strategy due to its much more resourceful use of venues in political society to achieve its ends. This strength contrasted with the weak unity of the opposition in reacting to the decree.

Prologue: Previous Election Laws in Jordan

The 1993 amendments are but the latest development in a long series of electoral laws designed by the regime to fine-tune the composition of the legislature.¹ Jordan saw its first Election Law in 1928 with the creation of the Legislative Council. The council was composed of members indirectly elected or appointed by Amir Abdullah. This Mandate law established two precedents. First, the 1928 law gave a degree of over-representation to minorities – namely Christians, Circassians and Bedouins. Second, electoral constituencies were based on geographical divisions that did not correspond to population distribution.² These two factors have been present in

¹ For an overview see Mohammed Muhasanah, "Tatawwur al-Tashry'at al-Intkhabyah al-Urduniyah [Development of Jordanian Electoral Legislation]," in Hussein Abu Ramin, ed., *Nadwah Tashry'at al-Intikhab Hajr al-Asas fi al-Nidham al-Dymuaqraty* [Conference on Electoral Legislation, the Cornerstone of the Democratic Regime] (Amman: Al-Urdun Al-Jadid Research Center (UJRC), 1995), 16-20.

² Ma'an Abu Nowar, *The History of the Hashimite Kingdom of Jordan, Volume 1: The Creation and Development of Transjordan; 1920-1929* (London: Ithaca Press, 1989), 232-233, for the text of the law see 303-307.

some form in all subsequent electoral laws in Jordan since 1928 – including the 1993 law.

With independence from Britain in 1946, a new Election Law was made in 1947. Two years later this law was amended to incorporate the annexed West Bank territories. Just before the loss of the West Bank to Israel in 1967, elections had just been held. When the term of this parliament ended in 1971, parliamentary life was suspended for over a decade.³

Parliament was recalled in 1984. Any vacant seats from the East Bank were filled through by-elections, while vacant West Bank seats were then filled by appointment. In 1986, the parliament passed an entirely new electoral law. The 1986 Election Law also continued the tradition of over-representing rural areas, as well as including quotas for the Christian, and Circassian and Chechen minorities, as well as certain Bedouin tribes.⁴

The 1989 Election Law

With the riots of April 1989 the necessity of a political transformation became clear to the regime. Included among the many demands of the rioters was the desire for

³ Aside from brief emergency sessions to pass constitutional amendments in 1974 and 1976.

⁴ Philip J. Robins, "Politics and the 1986 Electoral Law in Jordan." in Rodney Wilson ed., *Politics and the Economy in Jordan* (New York: Routledge, 1991), 184-207. Robins thoroughly explains the passage and the characteristics of the 1986 Electoral Law.

a new freely elected parliament.⁵ The new government of Sharif Zeid bin Shaker hastily adapted long stalled amendments for the 1986 Election Law to the fact that Jordan had disengaged from the West Bank. Electoral constituencies were realigned to an East Bank only electorate; special mechanisms for representing Palestinians were eliminated. The 1989 amendments to the 1986 Election Law were decreed as a provisional law in July 1989 (Number 23 for the Year 1989).

The seats and constituencies set up with the 1989 amendments remained mostly constant (with minor changes) during the 1993 and 1997 elections. The 1989 amendments created an electoral system with 80 seats from 20 electoral constituencies. However, district magnitude varied from constituency to constituency. The distribution of constituencies and seats can be found in Table 8. The electoral system of 1986/1989 warrants comment in four areas: voting procedures, apportionment of constituencies, minority quotas, and the voting list system.

A number of procedural features of the 1986 Election Law remained unchanged with the 1989 amendments. Voters must be 19 years of age (Article 3). Members of the military and security forces were barred from voting (Article 5). Also, in order to vote, potential voters must not have only registered to vote in advance (Article 8), but also have obtained a personal election card (a voting card), in order to vote (Article 35).

⁵ See the demands of various groups during the 1989 riots reprinted in "Watha'iq al-Intifadhah, [Documents of the (Jordanian) Intifada]" *al-Urdun al-Jadid* [New Jordan Review] 14 (Summer 1989), 56-84.

Table 8: Constituency Seat Magnitude, Distribution, and Representation⁶

Constituency (Shaded Signifies Urban Area)	Total Seats	Muslim Seats	Christian Seats	Circassian Seats ⁷	Malappor- tionment ⁸
Amman 1 (Far Eastern Suburbs)	3	3	0	0	-2
Amman 2 (Eastern Amman) ⁹	3	3	0	0	-7
Amman 3 (Center / West Amman) ¹⁰	5	3	1	1	0
Amman 4 (Southern Suburbs) ¹¹	2	2	0	0	-1
Amman 5 (Far Western Suburbs) ¹²	5	4	0	1	0
Madaba	3	2	1	0	+1
Balqa	8	6	2	0	+2
Karak	9	7	2	0	+4
Tafilah	3	3	0	0	+2
Ma'an ¹³	5	5	0	0	+3
Zarqa	6	4	1	1	-2
Ma'raq	3	3	0	0	+1
Irbid	9	8	1	0	-1
Ajloun	3	2	1	0	+1
Jarash	2	2	0	0	-1
Ramtha & Bani Kinanah	3	3	0	0	0
Kourah & North Jordan Valley	2	2	0	0	-2
Northern Bedouins (Bani Khalid, Azamat)	2	2	0	0	+1
Central Bedouins (Bani Sakhr)	2	2	0	0	0
Southern Bedouins (Huwaitat)	2	2	0	0	+1

However, more important to the outcome for the 1989 elections was the distribution of seats and districts under the 1989 amendments. Constituencies were

⁶ UJRC, *Intikhabat 1989: Haqa'iq wa-Arqam [Election 1989: Facts and Figures]* (Amman: UJRC, 1993), 6.

⁷ Includes the Chechen minority as well.

⁸ Computed from, UJRC, *Intikhabat 1989*, 6, on the basis of actual seats assigned to the constituency less the number of seats hypothetically assigned if district magnitudes were proportional to their population.

⁹ A high concentration of Palestinians live in this area.

¹⁰ The most wealthy and politically active constituency.

¹¹ And some Eastern suburbs of Amman, a more industrialized, but tribally inhabited area.

¹² Far-Western suburbs, including Wadi Seir and Na'our, a more tribally inhabited area.

distributed based on administrative and geographical boundaries that often trace back to the 1920's – not on population. Thus, under the 1989 Election Law amendments Jordan's electoral districts were severely malapportioned and remained so with the 1993 amendments (see Table 8). Consequently, most urbanized areas tended to be under-represented. Rural over-representation generally has helped traditional regime allies in gaining seats in the parliament. In contrast, urban under-representation tended to minimize the inclusion of Palestinians and ideological groups in parliament.

Under the distribution of seats in the 1989 amendments, Christians, Circassians, Chechens, and Bedouins were again all over-represented in comparison to their proportion of Jordan's population. Christians received 11.25% of the seats despite their comprising only 6% of the general population; Circassians and Chechens were allotted 3.75% of the seats despite their less than 1% of the population, and Bedouins of the scheduled tribes were assigned 7.5% of the seats compared to their 3.25% of the total population.¹⁴ Rewarding these traditional allies of the regime has been a long established practice in Jordanian election laws.

However, given this malapportioned distribution of seats in geographically determined constituencies, the key factor in determining the make up of the parliament elected in 1989 was the fact that voters were able to cast multiple votes under an open-

¹³ For the 1997 election, a district for Aqaba was carved out of the Ma'an district. Aqaba received 2 Muslim seats, leaving Ma'an with 3 seats.

list plurality system.¹⁵ Voters were able to choose from among all the candidates in their district and vote for any combination of candidates up to the number of seats in the district for each quota category (Muslim, Christian, or Circassian/Chechen). Candidates won seats by receiving the highest total votes in each category of the district until the number of seats in each category were filled.¹⁶ All voters could vote for minority quota candidates as well as for Muslim candidates, regardless of the voter's religion or ethnicity. Thus, for example, a Christian voter in Amman's third district could vote for up to three Muslim candidates, one Christian, and one Circassian/Chechen candidate, for a total of five votes. Likewise, a Muslim voter in Irbid could select up to eight Muslim candidates and one Christian.

The electoral system in 1989 was one of the major factors that led to the success of the Muslim Brotherhood in the elections. The Muslim Brotherhood often teamed with other independent opposition figures (often leftists or Arab nationalist Christians) in an electoral list. With 562 individual candidates, voters tended to notice

¹⁴ From HKJ, *Jordan Diary 1997* (Amman: International Press Office, Royal Hashimite Court, 1997), 100-101; UJRC, *Intikhabat 1989*, 6.

¹⁵ This system is similar to the classic Lebanese electoral system. See Arend Lijphart, "Proportionality by Non-PR methods: Ethnic Representation in Belgium, Cyprus, Lebanon, New Zealand, West Germany and Zimbabwe," in Bernard Grofman and Arend Lijphart eds., *Electoral Laws and Their Political Consequences* (New York: Agathon Press, 1986), 113-123. The author thanks Ilyia Harik for pointing out this comparison.

¹⁶ With an average district magnitude of 4, this plurality system tends to violate the assumption that plurality electoral systems require either single member districts, or perhaps dual member districts. See Arend Lijphart, *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies 1945-1990* (New York: Oxford University Press, 1994), 16-18. However, it should be noted that Cyprus and

organized electoral lists. The regime greeted the opposition's success in the elections through such lists with dismay. In spite of the severe malapportionment of constituencies to favor likely pro-government candidates, the opposition nearly won a majority of seats in the 1989 election (See Chapter Two).

Validating the 1989 Provisional Law

As a provisional law, the parliament could constitutionally review the 1989 amendments to the Election Law in its next session (Article 94). The Election Law's turn for review came in March 1992. At that time the parliament had the opportunity to accept, reject, or revise the text of the temporary law. Despite any theoretical objections that the deputies had to the 1989 electoral law, when it came time for their ratification, the amendments faced little opposition.

The debate in the House over the amendments and the Election Law in general was minimal. The deputies did not address the controversial issues of the malapportionment of districts or disproportional representation, even though under the House's rules they had the chance to do so. The distribution of seats and districts under the 1989 amendments were passed without any discussion.¹⁷ Thus, all the 1989 provisional amendments to the 1986 Election Law were passed with a majority of at least 40 deputies of the 64 present (depending on the article under question). Thus, the

Lebanon also have had average district magnitudes exceeding 2.0. see Lijphart, "Proportionality by non-

1989 Election Law was upheld for the scheduled 1993 elections. However, the regime made sure that the 1993 elections would not be held under the open-list system.

Government Actions Before the Amendments

The amendment of the Election Law was not greeted as a surprise; changing the electoral law had been publicly on the regime's agenda since the middle of 1991. Despite the fact that neither the government nor the opposition made any changes to the Election Law in March 1992, both sides complained about the shortcomings of the law. At that time, a senior government official told the *Jordan Times* that the government intended to have the 1993 elections run under a new Election Law.¹⁸ The regime's active desire to change the Election Law resurfaced in the spring of 1993 as the term of the parliament elected in 1989 came to a close.

In May 1993, King Hussein appointed a new Prime Minister considered by many to be a regime hard-liner, Dr. 'Abd al-Salam al-Majali. Majali headed a 'caretaker' government to run the 1993 elections. The King's letter of designation to Majali charged the PM with holding elections. The letter also asked Majali to make sure that the elections would be held in line with the constitutional guarantee of equality between citizens, hinting at a change in the Election Law.¹⁹ The proposed idea

PR Methods." in Grofman and Lijphart eds., 115.

¹⁷ *Mulhaq al-Jaridah al-Rasmiyyah, Majlis al-Nuwab, Muhdr al-Jalalah* (24 March 1992), 58.

¹⁸ *Jordan Times*, 26 March 1992.

¹⁹ FBIS-NES, 1 June 1993, 47.

of a 'one-person, one-vote,' system – in contrast to the list voting system of the 1989 law – began to be commonly seen in the Jordanian press.

Majali and his government, however, kept references to the substance of any proposed changes vague. Moreover, the PM also avoided any fixed reference to how the proposed changes would be adopted – by saying, for example, that the law had “gaps” or “loop-holes.”²⁰ At the time, the parliament was out of session; it did not have an extraordinary summer session scheduled. Over the summer, Majali repeatedly denied any plans for changing the Election Law without ‘national consultation,’ especially upon meeting the Speaker of the House of Deputies, a Muslim Brotherhood member.²¹ At times, the King even alluded to a National Charter style royal commission for a dialogue to endorse a change in the Election Law.²² Through June and July 1993, debate circled over the possibility of a change in the Election Law, the proper process for amending it, and the exact meaning of ‘one-person, one-vote.’

Opposition Reaction Before the Amendments

The opposition reacted to the government-induced controversy over the Election Law by expressing their desire that any change be processed through the parliament. As the public debate began, various opposition groups aired preferences for different changes in the Election Law. However, as the government resolve for a

²⁰ *Jordan Times*, 28 July 1993.

'one-person, one-vote' system became clearer, opposition threats of a boycott of the elections emerged. Yet these threats seemed weakened by questions about the ability of the opposition to unite its disparate ranks over the Election Law issue.

Many opposition groups disliked the proposed 'one-person, one-vote' system, especially the Muslim Brotherhood. During the summer of 1993, however, most opposition activity centered around processing any changes to the Election Law through the parliament. With the parliament in recess, but ready to be recalled into an extraordinary session, opposition deputies demanded that the parliament determine the method of its next election.

The Muslim Brotherhood member and Speaker of the House, Dr. 'Abd al-Latif al-'Arabiyat, was "satisfied" with the assurances of consultation during his meeting with Prime Minister Majali on 7 June. However, the government's pledge was not concrete.²³ On 9 June, in reaction to these vague commitments on parliament's role in a change in the Election Law, 57 House deputies met to discuss the matter. The deputies issued a statement demanding that

Any change or amendment to the Election Law should pass through the legislative authority in accordance with the Constitution and in commitment to cooperation between the two branches of which none should ignore the other.²⁴

²¹ *Jordan Times*, 9 June 1993.

²² FBIS-NES, 6 July 1993.

²³ *Jordan Times*, 9 June 1993.

²⁴ *Jordan Times*, 10 June 1993.

Representatives of the Muslim Brotherhood, leftist and Arab nationalist groups, as well as independent Islamists, reiterated these calls at a rally on 4 July.²⁵ Even after the King dissolved the parliament on 4 August, opposition groups still called for changes to go through the next parliament, after the November 1993 elections. The Muslim Brotherhood stated that holding elections under the 1989 system “in spite of its many defects.” would be “far better than holding them under an unknown law... which has not been adopted in accordance with the acknowledged constitutional stages.”²⁶

While united on their desire to see that the parliament authorize any changes to the Election Law, the debate over the Election Law also revealed the vast range of preferences held by different groups over the proper shape of the electoral system. On 27 July, fifteen political parties agreed that any new Election Law should be “more democratic and modern.” The parties also agreed that: the voting age should be lowered to 18 years of age, the number of seats in the house should be increased, the judiciary should supervise the elections, the ban on members of illegal political parties from running should be cancelled, and the district boundaries should be redrawn to “ensure equality among all citizens.”²⁷ However, the parties, which spanned the

²⁵ *Jordan Times*, 6 July 1993.

²⁶ *Al-Rai*, 9 August 1993.

²⁷ *Jordan Times*, 29 July 1993.

Jordanian political spectrum, agreed on little else – especially the specific electoral system.²⁸

Surveys by newspapers of preferences of various parties and opposition groups revealed a wide range of opinions. While most groups expressed a desire to keep the present electoral system, some groups, especially leftist and Arab Nationalist parties called for a Proportional Representation (PR) system in a single national district.²⁹ Yet, the IAF did not seem to call for any changes to the electoral system, save removing the quotas for minorities.³⁰ Nor did the various opposition groups rally behind a single proposal for the electoral system – except (in some cases, begrudgingly) for the 1989 open list system.

Calls for a boycott of the election grew as the government moved closer to decreeing the one-person, one-vote system. In July, Independent Islamist Layth Shbeilat also called for a boycott if the government acted “without acquiring appropriate constitutional backing.”³¹ In early August, IAF deputy Hammam Sa’id reiterated the call for a boycott, stating that “We will seriously consider boycotting the

²⁸ Signatories included the conservative al-‘Ahd party (run by PM Majali’s brother) and the Jordanian National Alliance, the IAF, the Jordanian Socialist Arab Ba’ath Party, the Popular Unity Party, the Arab Democratic Party, the Jordanian Democratic Popular Unity Party, the Democratic Arab Islamist Movement, the Freedom Party, the Jordanian People’s Democratic Party, al-Mustaqbal Party, the Jordanian Progressive Party, the Justice and Progress Party, and the Democratic Arab Unionist Party. *Jordan Times*, 29 July 1993.

²⁹ See *al-Rai’*, (exact date unknown, Summer 1993). The JPDUP and the Democratic Socialist parties both called for a PR system. See also *al-Rai’*, 10 June 1993, and *al-Akhhbar al-Isbow’a*, 10 June 1993.

³⁰ *Jordan Times*, 29 July 1993.

elections if the government changes the Election Law outside the Lower House of Parliament and introduces the one-man-one-vote formula.”³²

The Muslim Brotherhood and IAF, however, reacted to the threatened change of the Election Law with mixed voices. Muslim Brotherhood deputy ‘Abd al-Rahman ‘Akor threatened in early June that the Brotherhood would boycott the elections if the Election Law was changed through a decreed provisional law. However he was not publicly supported by the Brotherhood’s Parliamentary spokesman.³³ Moreover, internal debates between Brotherhood ‘hawks’ and ‘doves’ moved into public view. Brotherhood ‘hawks’ wished to respond to a change in the Election Law with a full force campaign entering as many candidates as they could to demonstrate their strength in the elections. ‘Doves’ on the other hand, sought to avoid a confrontation with the regime while keeping its support with its grassroots by boycotting the elections. By early August, the *Jordan Times* reported that the more moderate point of view had prevailed.³⁴

However, a most critical failure for the opposition was to not request a parliamentary extraordinary session to discuss the Election Law. Constitutionally, the parliament can be called into an extraordinary session if a majority (41 deputies)

³¹ *Jordan Times*, 6 July 1993.

³² *Jordan Times*, 1 August 1993.

³³ *Jordan Times*, 9 June 1993.

³⁴ *Jordan Times*, 5 August 1993. A point also communicated to the author in an interview with Ishaq Farhan, 22 July 1998, Amman.

request so in a petition to the King (Article 82, Paragraph B). However, when 57 deputies requested that any changes to the Election Law be sent through the House in June, the Muslim Brotherhood bloc of deputies failed to gain the 41 signatures. Other deputies put “priority to other courses of action.”³⁵ Thus, the Islamist led opposition, which could gather a majority in the House with the support of a handful of moderates, failed to exert the House’s full constitutional power. This failure allowed the government to dissolve the parliament and decree a provisional law to amend the Election Law – overriding any opposition desires for the House to have a say in its own destiny.

The 1993 Amendments

On August 4, King Hussein dissolved the parliament, mooting any calls for a new electoral law to go through the legislature. Moreover, with parliament unable to be recalled into an extraordinary session, the government could more easily use its constitutional power to issue provisional laws.

On 17 August 1993, King Hussein signed the decree for (Provisional) Law Number 15 for 1993, amending the Election Law once more. He followed the decree with a speech on television.³⁶ Although the changes made by the 1993 amendments to

³⁵ *Jordan Times*, 11 June 1993.

³⁶ For the text of that speech see “Address on Election Law Amendments,” in *Selected Speeches by His Majesty King Hussein I: 1989-1994* (Amman: International Press Office, Royal Hashimite Court, 1994) 87-93.

the 1986 Election Law were extremely simple, the consequences dramatically affected the way Jordanians voted.

The 1993 amendments changed Article 46:B of the 1986 law which had read:

The Voter shall write the *names* of the candidates he wishes to elect on the Ballot Paper given to him by the Chairman of the Balloting Panel and shall return to the Ballot Box to deposit the Ballot Paper therein. An illiterate Voter may ask the Chairman of the Balloting Panel to write the *names* of the Candidates the Elector wishes to elect; after having written down the *names*, the Chairman shall read the names out within earshot of the Balloting Panel.³⁷

The 1993 amendments changed the above italicized words, “names,” from the plural to the singular. The amendments also covered for this change in number of votes in any other part of the 1986 Election Law.

The 1993 amendments introduced the formula known in Jordan as the ‘one-man, one-vote’³⁸ The ‘*sawt wahad*’, (one-vote) formula, eliminated the open-list system of voting. However, under the 1993 amendments all other features of the 1986/1989 electoral system remained the same. The disproportional district boundaries, seat magnitudes, and the quotas were all kept. Regardless of the number of seats in an elector’s district, he or she could only vote for one candidate as an individual. In the technical literature on election laws, Jordan’s new electoral system would be classified as the rare semi-proportional system – the Single Nontransferable

³⁷ Emphasis added by the author

³⁸ Despite the fact that women’s suffrage was introduced in 1974.

Vote (SNTV).³⁹ Lijphart *et al* argue that the SNTV system tends to aid small minorities, while offering disadvantages to large parties.

The regime proclaimed that the change in the Election Law was making Jordanian elections more democratic. The King's and Prime Minister Majali's defense of the amendments tended to break down into six types of justifications.

First, the central justification for changing the voting system from an open-list to the one-person, one vote system focused on the constitutional equality of Jordanians (Article 6). In this view all voters were not equal under the 1989 voting system as some voters could cast as many as nine votes, while others only as few as two. With all voters having one vote, this inequality was remedied. Critics would later point out that this justification focused on the equality in the act of voting, not in representation (malapportionment).

A second justification of the regime's changing to the one-person, one-vote system, centered on the desire on the part of the regime for a consolidation of political currents in Jordan. Since the relegalization of political parties in 1992, over twenty parties had come into existence (See Chapter Four). Both the King and the Prime Minister expressed a clear desire for Jordan to have four or less distinct, organized

³⁹ On the rarity of applications of the SNTV see Arend Lijphart *et al*. "The Limited Vote and the Single Nontransferable Vote: Lessons from the Japanese and Spanish Examples," in Grofman and Lijphart eds., 154-169.

political groupings.⁴⁰ However, as the 1993 and 1997 election results would show, this consolidation of parties would not occur, and even be hampered by the SNTV system. By voters only being able to choose one individual candidate, the law ironically promoted party factionalization rather than consolidation.

Third, the regime reiterated that the 1993 Election Law amendments had been decreed in the same manner the 1989 amendments had been, as a provisional law.⁴¹ The regime thus attempted to undercut criticism of the 1993 decree by pointing to the process that the (more preferred) 1989 electoral system had been implemented. The regime's use of precedent struck many in the opposition as disingenuous, since the parliament had been dissolved just two weeks prior to the decree. Many pointed out, in comparison, that in 1989 the parliament had been dissolved over a year before and the "urgency" of the matter was much greater after the April 1989 riots. Yet technically, the regime was correct in using of the 1989 law as a precedent.

Fourth, the regime coupled this precedent with the claim that the 1993 amendments needed to be limited in scope. To account for leaving the district boundaries and magnitudes the same, the King argued:

At this delicate stage, I have taken into consideration the necessity of limiting the amendment to the election law to this aspect, due to my belief that any other amendment that aims at equating the number of the electorate in a constituency with that of another would mean depriving larger parts of the country of the

⁴⁰ See "Address on Election Law Amendments," 90; for Majali's view see FBIS-NES, 16 August 1993, 45.

⁴¹ "Address on Election Law Amendments," 91.

right to effective parliamentary representation, which is necessary to improve their conditions, and ensure equal distribution of Jordan's comprehensive development. This is in addition to the fact that the regional political situation is not yet stable, which would affect the status of Jordan and Jordanians irrespective of their origins. Therefore the electoral districts will remain unchanged during the upcoming parliamentary general elections.⁴²

Thus, matters of development and national security excused the keeping of the 1989 districts and division of seats. This claim was also reiterated in 1997 for the continuation of the same electoral system.⁴³

Fifth, the regime also justified the decreeing of the amendments on the basis that despite demands from parliament for any change of the Election Law to go through the legislature, enough "dialogue" had been held on the subject. Prime Minister Majali claimed that a national dialogue, which had been called for by the King, was "going on in the media and the press."⁴⁴ Thus, parliament's constitutional role in deciding the manner of its own election was a closed topic.

Sixth, the regime justified the 1993 amendments by claiming that the idea of changing the Election Law was not a new idea, which was true. The regime had officially supported electoral reform since 1991. In June 1991, King Hussein in his letter to then outgoing Prime Minister Mudar Badran spoke of the need to give voters

⁴² *Ibid.*, 91.

⁴³ *Jordan Times*, 20 September 1997.

⁴⁴ *Jordan Times*, 28 July 1993.

“the chance to choose one candidate.”⁴⁵ The King cited this letter in his August 1993 speech.⁴⁶

The reasoning behind the regime’s desire to change the Election Law in 1991 generally remained unchanged in 1993. Despite the other justifications given by the regime, the not so subtly veiled intent behind the law was to reduce the strength and number of the parliamentary opposition – especially the Muslim Brotherhood. Badran’s cabinet had included four Brotherhood members during the Gulf War in the first half of 1991. The vocal, but fractious, near majority of opposition deputies elected in 1989 constantly challenged the regime, but never significantly overrode its policies. However, in 1993 with criticism from the opposition stinging regime hard-liners, a peace treaty with Israel on the horizon, and a general disgust at the low productivity of the parliament, the regime decided to act.

The SNTV system was generally recognized as being aimed at the Muslim Brotherhood. The Brotherhood greatly benefited in 1989 from the open-list system, which annoyed the regime.⁴⁷ By Brotherhood members forming electoral alliances with other candidates, the Islamists took a greater percentage of seats than their

⁴⁵ FBIS-NES, 28 June 1991, 29.

⁴⁶ “Address on Election Law Amendments,” 90.

⁴⁷ See the King’s letter to Badran, FBIS-NES, 28 June 1991, 29; a cabinet minister at the time confirmed this with Glenn E. Robinson, “Defensive Democratization in Jordan,” *International Journal of Middle East Studies* 30:3 (August 1998), 409ff.

percentage of actual votes.⁴⁸ The one-person, one-vote system, however, eliminated the Muslim Brotherhood's ability to form alliances with other candidates. Brotherhood candidates in the same district would even be in competition with each other. Thus, the regime expected that the 1993 elections, under the amended system, would produce a parliament with fewer opposition deputies --especially from the Islamist trend.

Opposition Reaction to the 1993 Amendments

Opposition threats to boycott the elections if the regime decreed the SNTV system faded after the decree of the amendments and the King's speech on television. Despite a general trend of keeping references to specific individuals and groups veiled in his speeches, King Hussein took an unusual step by singling out the IAF in his speech announcing the amendments.

I am concerned with safeguarding the unity of the country; I am also most concerned about our sons, some of whom have been chosen to belong to a front, which they have named, the Islamic front. What I wish for them, and from them, is that they truly practice their historic responsibilities in striving to live up to the name they have chosen, and to proceed, with Allah's help, towards true Islam, in fulfillment of their spiritual and worldly duties, and in the defense of that which is most precious to us against attempts to undermine and distort Islam from within the Islamic *Umma* and from without.⁴⁹

This challenge to the IAF moved moderates in the party to abandon thoughts of a boycott of the elections.⁵⁰ The party registered loud complaints, but proceeded to

⁴⁸ UJRC, *Intikhabat 1989*, 20.

⁴⁹ "Address on Election Law Amendments," 91.

⁵⁰ *Jordan Times*, 28 August 1993; Interview with Ishaq Farhan, 22 July 1998, Amman.

campaign for the parliament, adjusting its tactics to accommodate for the new voting system. As the major Islamist party chose to participate, parties on the Left and Center followed. Without the support of the IAF, leftists and Arab nationalists saw that a boycott of the 1993 elections would be futile.⁵¹

Effects of the Election Law Amendments on the 1993 Election

After the IAF and other opposition groups decided to participate, the campaign began in earnest. A total of 534 candidates ran for the 80 seats. Being the first parliamentary elections since political parties had been relegalized in 1992, one would expect that political parties would have dominated the political field in the 1993 campaign. However, the SNTV system forced candidates to campaign as individuals, not as part of a lists – a factor that worked against political parties (See Chapter Four).

Two non-electoral law factors also influenced the 1993 campaign: the signing of the Oslo Accords between the PLO and Israel in September 1993, and the regime's continued harassment of the Muslim Brotherhood. The prior caused some doubt in the scheduling of the elections. However, the elections proceeded as scheduled on 8 November.⁵² The latter appeared through a government imposed ban on public rallies

⁵¹ *Jordan Times*, 19 August 1993.

⁵² MEI, 5 November 1993, 10-11; FBIS-NES, 29 September 1993, 29.

that was overturned late in the campaign by the courts, as well as through more subtle forms of harassment and fraud.⁵³

The amendments to the Election Law affected the results of the 1993 elections as most had expected. The Muslim Brotherhood, and the opposition in general, lost seats. In contrast, conservatives and independents, often tribally affiliated candidates, nearly swept the elections. The IAF, however, remained the largest organized group in the House with 16 seats. The results of the 1993 elections are outlined in Table 9.

Public turn-out for the 1993 elections was slightly higher than the 1989 elections. In 1993, 55.6% of the registered voters participated in the elections.⁵⁴ Turn-out was significantly higher in rural constituencies and lower in urban and Palestinian inhabited districts.

⁵³ *Jordan Times*, 30 October 1993, 10 November 1993.

⁵⁴ Iyad al-Shalibi et al, *Intikhabat 1993 Al-Urduniah: Dirasah Tahliliah Raqamiah [Jordan's 1993 Elections: A Quantitative Study]* (Amman: UJRC, 1995), 22.

Table 9: Results of the 1993 Elections Compared with the 1989 Elections⁵⁵

Trend or Party	Number of Votes for Winners		Percentage of Popular Vote		Number of Seats Won		Percentage of Seats Won	
	1989	1993	1989	1993	1989	1993	1989	1993
Islamic Action Front	292,279	90,087	14.54	11.08	22	16	27.50	20.00
Independent Islamists	105,027	17,943	5.22	2.21	11	6	13.75	7.50
Tribal, Conservative, or Centrist Independents	258,569	120,103	12.86	14.77	33	32	41.25	40.00
Pro-Government Party Affiliates	NA	51,168	NA	6.29	NA	13	NA	16.25
Leftists	59,425	30,685	2.96	3.77	6	10	7.50	12.50
Arab Nationalists	51,118	9,968	2.54	1.23	8	3	10.00	3.75

Table 10: Incumbents in the 1993 Elections⁵⁶

Members of 1989 Parliament	Number	Percentage
Successful in 1993	25	31.25
Unsuccessful in 1993	37	46.25
Not Running in 1993	18	22.50

Incumbents fell particularly hard in the 1993 elections; Table 10 displays the difficulties of incumbents from the 1989 parliament. Only 25 sitting deputies were reelected. Of the 25, however, 13 of them saw an increase in the actual number of votes they received in 1993.⁵⁷ In many cases the new SNTV system worked against

⁵⁵ Shalibi, 32-34; UJRC, *Intikhabat 1989*, 17-19; Kamel S. Abu Jaber and Schirin H. Fathi, "The 1989 Jordanian Parliamentary Elections," *Orient* 31:1 (1991), 67-86; Tim Riedel, *Who's Who in Jordanian (sic) Parliament 1989-1993* (Amman: Friedrich Ebert Stiftung, 1993); and Hani Hourani et al., *Who's Who in the Jordanian Parliament 1993-1997* (Amman: UJRC, 1995), 181-183.

⁵⁶ 'Assaf, 60.

⁵⁷ No small feat considering that voters could only cast one vote in 1993 as compared to the two to nine votes they had in 1989. Nidham 'Assaf, *Al-Intikhabat Al-Niyabiah wa Al-Mujtama' Al-Madani: Arqam wa Dalalat Intikhabat 1993 [Parliamentary Elections and Civil Society: Figures and Indicators of the 1993 Election]* (Amman: Al-Riada Center for Sciences and Studies, 1997), 60-64.

incumbents, but also a number of deputies suffered from the popular perception of the parliament's poor performance.

The one-person, one-vote system further weakened the ability of political parties to achieve one of their major goals in 1993 – representation in parliament. Aside from the IAF's sixteen seats, the diverse new parties combined to win only eighteen seats between nine parties.⁵⁸ The combination of the new choice situation facing voters, and the opposition's general inability to accommodate the new voting formula, produced a relative disaster for the opposition.

The SNTV system strengthened the influence of identity in the election. With only one choice, voters often turned back to their core identities, a Palestinian or a tribal identity. The tribal representatives in the 1993 parliament often owe their seats to the 'politics of identity,' where candidates focused on family support and alliances.⁵⁹ Likewise, Palestinians often rallied around their community to elect one of their own, as in the case of incumbent Tahir al-Masri.⁶⁰ The SNTV system also reinforced key issues, such as jobs and education, when voters elected the candidate who would most likely 'deliver the goods.'⁶¹ Thus, the Election Law amendments provided the structural ground for the landslide of the centrists in the 1993 election – just as the regime had intended.

⁵⁸ Hourani, *Who's Who in the Jordanian Parliament 1993-1997*, 183.

⁵⁹ MEI, 5 November 1993.

⁶⁰ *Jordan Times*, 8 November 1993.

Collective Action and the 1993 Election Law Amendments

The regime coalition maintained a unified stance during this episode. The decreed amendments to the Election Law produced the regime's desired effect: a reduction of opposition deputies and greater representation of pro-government candidates. The effects of the change directly benefited some sectors of the regime coalition. However, these benefits did not come at the expense of other regime supporters, rather at the expense of the opposition. Urban regime liberals and pro-regime Palestinians either did not suffer from the change or maintained their previous less formal connections to the regime. Thus, the regime coalition remained united in response to 1993 electoral law amendments.

Meanwhile, the opposition failed to block the change because of a lack of unity among the opposition as well as a lack of coordination with liberals and centrists in the parliament. The opposition failed to claim a central role for the parliament in this episode by not requesting an extraordinary session in the summer of 1993 to discuss a change in the Election Law. Moreover, opposition threats to veto the amendments through the courts or boycott the elections never materialized once the King explicitly called for opposition participation in the elections. Also, a general uncertainty on the exact effects of the SNTV system also contributed to the opposition's failure. Despite the fact that most sectors of the opposition rejected the one-person, one-vote electoral

⁶¹ MEI, 5 November 1993.

system, divisions within the opposition forced them to acquiesce to the decreed amendments.

Path Dependence and the 1993 Election Law Amendments

Previous interactions between the regime and the opposition only weakly influenced the course of the 1993 Election Law amendments. The National Charter had called for legislation to ensure that elections were “dedicated to safeguarding the citizens’ basic rights and public freedoms.”⁶² However, the vague commitment did not specify the type of electoral system needed to do this.

Previous interactions between the regime and opposition in negotiating through parliament over the Political Parties Law and the Press and Publications Law may have influenced the regime’s decision to decree the amendments to the electoral law rather than send them through the parliament. One can speculate that the regime witnessed the speed – or lack of it – that these two laws passed through parliament. Based on that observation the regime may have judged that any changes to the Election Law would not be completed in time for the November 1993 elections. Moreover in 1992, the parliament passed the 1989 amendments to the Election Law with little controversy. Since the open-list electoral system helped elect the deputies, it is unsurprising that the

⁶² National Charter, 19.

incumbents refused to undercut their chances for reelection.⁶³ If the regime had sought a change to the electoral system through the parliament, the opposition may have demanded changes in constituencies in return. Such counterfactual analysis, however, cannot demonstrate that the previous interactions over institutions in parliament significantly influenced the regime's strategy to decree the 1993 Election Law amendments.

Venue Contestation and the 1993 Election Law Amendments

Regardless of its reasons, the regime changed the institutional venue for the Election Law from the parliament to an executive decree to avoid compromising with the opposition in the legislature. The regime used the advantages written into the Constitution to present those opposed to the SNTV electoral system with a *fait accompli*. By waiting until the parliament's session had ended and then dismissing the legislature before its term had ended, the government was on firm constitutional ground for its ability to use a decree – if necessary.

The opposition, however, failed to challenge the Election Law amendments on three counts. First, the parliament could have preempted any regime move to decree changes to the electoral law by requesting an extraordinary session of parliament. The Muslim Brotherhood failed to obtain the signatures of the majority of House deputies

⁶³ *Jordan Times*, 27 March 1992.

to demand a special session to legislate changes to the Election Law. Before the fact, the opposition could not have known that the regime would resort to a decree to change the electoral system.

Second, the opposition once presented with the decree could have turned to the courts to overturn the provisional law that amended the Election Law. The opposition had threatened to challenge the government in yet another institutional venue.

However, it did not. Opponents to the changes to the Election Law have pointed out that the amendments did not meet Article 94's requirement for the 'urgent necessity' of a decreed provisional law. The constitutionality of the 1993 decree could have been susceptible to overturning by the courts on this merit – as the 1997 Press and Publications Law amendments would later be (see Chapter Seven).

Nor did the opposition attempt to combat the new electoral system in a third possible venue. The opposition did not boycott the November 1993 elections. The opposition could have taken the issue to the public in an attempt to delegitimize the Election Law with a low voter turn-out.

The opposition did not choose to contest the decree in any of these other venues because of the weight that the King had placed behind the decree. Normally in Jordan, the King would give the appearance that the Prime Minister was responsible for the decision making. In this instance, King Hussein made it clear that the change in the Election Law was his decision. He also expressed his desire for all political trends to

participate in the elections. The King stepped down from his normal posture of attempting to be 'above politics' to increase the strength of the regime's venue contestation in this episode. The threatened punishment for boycotting the 1993 elections remained unstated. Faced with a head-on challenge from the regime, the Muslim Brotherhood and the other opposition groups relented to the change in the Election Law – and suffered in the elections.

In conclusion, the government decreed the amendments to the Election Law in 1993 to ensure that the opposition was as not strongly represented in the new parliament. The decree overrode the opposition's objections; institutional change came from a game of chicken rather than through negotiations. The institutional venue of the executive decree presented the opposition with a choice of acquiescing to the change or appearing to challenge the King – and thus the whole regime. The opposition's disunity led it first to fail to prevent the changes to the electoral law and then to fear a collision with the regime. This resulted in the opposition being overridden by the decree of the 1993 amendments to the Election Law.

CHAPTER SEVEN

THE PRESS AND PUBLICATIONS LAW AMENDMENTS OF 1997

After months of failing to persuade the parliament to revise the 1993 Press and Publications Law, the regime sought to limit the ‘excesses’ of the press by using an executive decree to amend the press law. The regime also sought to help influence the November 1997 elections by denying a voice to the opposition candidates. The May 1997 decree brought not only an outcry from the opposition and international human rights observers, but from liberals within the regime coalition as well. When the newly amended law was used to shut down most of Jordan’s weekly newspapers, the aggrieved asked the courts to overturn the decree. The courts concurred saying that there was no necessity for a decreed provisional law to amend the Press and Publications Law at that time. The 1997 decree of amendments to the Press and Publications Law can be considered a failure of the regime to insure its survival by restricting the opposition’s voice in the press. The resourceful use of the venue of the courts helped the opposition block the decreed amendments.

Prologue – Towards a New Press and Publications Law

With the combination of the growth of perceived tabloid excesses and a lack of success of prosecuting violations of the Press and Publications Law (See Chapter Five),

the government made several attempts to amend the legal frameworks regulating the press. First the government turned to the JPA and its governing law to limit the press. Next the regime turned back to the Press and Publications Law and began consultations on amending it to remedy the situation. Resistance and lack of government cooperation with the JPA, the parliament, and journalists, however, doomed these efforts to further regulate the press.

As early as August 1993, the government of 'Abd al-Salam al-Majali, proposed amending the JPA law to include a 'code of honor.' The code included clauses about the "respect of citizens' honor and dignity," "support for higher national and humanitarian interests" and "respect for human rights."¹ According to Ma'an Abu Nuwar, the Minister of Information, in an interview with *The Star*:

"The code of ethics is a reaction to what has happened in Jordan, where certain journalists have lied" and are accused of "incitement to rebellion. The law is to protect the good name of journalism in this country and the freedom of the press."²

Journalists' reactions to the proposed code were mixed. The leadership of the JPA rejected Abu Nuwar's code because it had not been consulted on the issue.³ However, Nabil al-Sharif, the editor of the partially government owned daily *Al-Dustour*, commented that the proposed code would let journalists "solve the problems

¹ *The Star*, 19 August 1993.

² *Ibid.*

³ *Jordan Times*, 17 August 1993.

within” the association.⁴ In contrast, Jamil al-Nimri, editor of the weekly *Al-Ahali* the voice of the leftist party HASHD, argued that the code and the press law were “intimidation” on the part of the government.⁵ Eventually, the controversy over a press “code of honor” died down without the JPA ratifying any changes to its organizing law.

The regime again tried to limit the press after the peace treaty with Israel. The November 1994 treaty had caused a rash of criticism of the agreement from the opposition in the press. In May 1995, the King criticized the poor standards of the press,⁶ and in December 1995, he directed the government to make the press more “responsible.”⁷ The government of Prime Minister Sharif Zeid bin Shaker then drafted new amendments to the Press and Publications Law. The amendments reportedly would have added much greater restrictions to the 1993 law, including harsher fines and prison sentences for violating Article 40, as well as raising the minimum capital requirements for newspapers as high as 100,000 dinars.⁸ The PM argued that the amendments were aimed at only the “irresponsible” behavior of some journalists, and tried to bring “responsible” journalists to his side in a meeting with editors of the government owned daily newspapers.⁹

⁴ *The Star*, 19 August 1993.

⁵ *Ibid.*

⁶ *Jordan Times*, 4 May 1995.

⁷ *Jordan Times*, 3 December 1995.

⁸ *Jordan Times*, 11 December 1995.

⁹ *Ibid.*

The government's amendments met with harsh criticism from the opposition and journalists. The JPA completely rejected the new Press and Publications Law amendments.¹⁰ Moreover, former Minister of Information, Mahmud al-Sharif, who had shepherded the 1993 Press and Publications Law through the parliament, also publicly opposed the amendments. He argued that "press violations do not give the government the excuse to amend the current law."¹¹ Other editors, especially from weekly newspapers, also saw the law as "muzzling" the press.¹²

Bin Shaker's government however did not submit the draft of the amendments to the parliament. Soon afterwards, bin Shaker's government was replaced by a new cabinet led by House deputy 'Abd al-Karim al-Kabariti. Kabariti's government promised to lead a 'white revolution' with a more liberal inclination. Early on, the new Information Minister, Marwan al-Mu'asher, announced a new information plan for the government. In Mu'asher's plan, the Ministry of Information would eventually be abolished, the state owned radio, television, and the government news agency would all be privatized. The plan also envisioned amending the Press and Publications Law to enhance the freedom and responsibility of the press.¹³

The parliament joined the government in reexamining the press regulations. Later in February 1996, the House judiciary committee met with media representatives

¹⁰ *The Star*, 7 December 1995.

¹¹ *Ibid.*

¹² *Ibid.*

to investigate demands for a new JPA law and for amendments to the Press and Publications Law.¹⁴ In June 1996 the cabinet finalized a new draft JPA law to send to parliament.¹⁵ However, controversy over details of the law kept the cabinet and the JPA from agreeing on the specifics of a new draft law to send to the parliament for ratification.¹⁶

During this time, the House also offered its input on changes in press regulations. In July 1996, the House met to informally discuss the excesses of the weekly newspapers. House Speaker, Sa'ad Hayl al-Srouf, noted that deputies agreed that parliament may need to issue new legislation to deal with "loopholes" in the Press and Publications Law.¹⁷ Islamists joined pro-government conservatives in expressing their concern over press stories that had harmed "national unity" and "Islamic values."¹⁸ However at that time, the House restricted its action to releasing a statement calling for the press to "protect national unity," since some of the practices by some newspapers were "considered offensive."¹⁹

In July and August 1996, however, the attention of the government, the parliament, and the press turned towards the crisis inspired by the IMF economic

¹³ *Jordan Times*, 14 February 1996.

¹⁴ *Jordan Times*, 26 February 1996.

¹⁵ *Jordan Times*, 5 June 1996.

¹⁶ *Jordan Times*, 30 June 1996, 17 July 1996.

¹⁷ *Jordan Times*, 16 July 1996.

¹⁸ *Ibid.*

¹⁹ *Jordan Times*, 16 July 1996.

reform program. As part of the program, the government wished to eliminate the subsidies on the cost of bread. The government overrode fierce opposition in the parliament and removed the subsidies. The cut caused riots in the town of Karak and other southern Jordanian cities. The crisis severely damaged relations between Kabariti's government and the opposition in parliament. Many journalists in the press also criticized the subsidy cut and the cabinet's handling of the situation, which resulted in the prosecution of a number of journalists for violations of the Press and Publications Law.²⁰ The government's appetite for reforming the press laws declined in the face of parliamentary and press opposition,²¹ and the government instead focused on prosecuting Press and Publications Law violators (See Chapter Five).

The 1997 Press and Publications Law Amendments

When PM Kabariti was removed in March 1997 over foreign policy differences with the King, he was replaced by 'Abd al-Salam al-Majali. Majali's previous government had decreed the change in the election law in 1993 and signed the peace treaty with Israel in 1994. Many saw the return of Majali as an omen of hard-line policies to come; they did not have to wait long.

On 15 May 1997, the King endorsed (Provisional) Law Number 27 for the year 1997, amending the Press and Publications Law. The parliament had ended its last

²⁰ *Jordan Times*, 18 July 1996, 4 August 1996, and 21 August 1996.

regular session in March, but it had not been dissolved for new elections yet. As in 1993 (see Chapter Six), under these conditions, the cabinet could constitutionally use its power to decree temporary laws under Article 94 of the Constitution – if urgency necessitated the law. The government argued that the regulation of the press was an urgent matter and proceeded with the decree. However, the unstated urgency in decreeing the changes in the press law appeared to only be to influence the outcome of the upcoming parliamentary elections. By limiting the exposure of opposition candidates in the press, the regime hoped to insure that the parliament would be an even more compliant venue.²² Moreover, the amendments hoped to silence public discontent with the peace treaty with Israel and the economic reforms programs.

The 1997 amendments in many ways were similar to those proposed by the Kabariti government;²³ however, the restrictions and penalties for violations of the 1997 amendments were much stricter. The 1997 amendments restricted the freedom of the press in Jordan in five main areas: restrictions on editors, reversing privatization of state own newspapers, raising minimum capital requirements for newspapers, revising prohibitions on content, and increasing penalties for violations of the law.

²¹ Interview with Marwan al-Mu'asher, 30 October 1998, Washington DC.

²² Human Rights Watch. "Jordan: Clamping Down on Critics: Human Rights Violations in Advance of the Parliamentary Elections," *Human Right Watch Report 9:12E* (October 1997).

²³ Compare *Jordan Times*. 11 December 1995, 14 February 1996, and 26 February 1996 with the decreed May 1997 amendments.

The new amendments added restrictions to the necessary qualifications of an editor-in-chief (Article 4, amending Article 13 of the 1993 law). Before, the editor-in-chief only had to meet the qualifications of a journalist. Under the 1997 amendments, an editor-in-chief needed to have been a journalist for at least ten years. Moreover, under the new law the proprietor, the editor-in-chief, and the writer of an article were all held jointly responsible for any violations of the law (Article 13, amending Article 46 of the 1993 law).

The 1997 amendments also reversed the mandate contained in the 1993 Press and Publications Law for the government to sell its shares in any state owned newspapers. The company that published *Al-Rai'* (and *The Jordan Times*) and the company that published *Al-Destour* were 60 percent and 35 percent owned by the government, respectively. Under Article 19, Paragraph D, the state was to reduce its holdings to under 30 percent for each company. Article 7 of the 1997 amendments eliminated this mandate, allowing the state to continue to hold its stock in the two largest daily newspapers in Jordan.

The most far reaching of the amendments contained in the 1997 law regulated the minimum amounts of capital that newspapers should have (Article 8, amending Article 24 of the 1993 law). Newspapers under the various Press and Publications Laws were required to have a base value of capital resources or lose their license. In the 1997 amendments, minimum capital requirements for daily newspapers were raised

from JD 50,000 to JD 600,000; for non-daily newspapers the minimum was raised from JD 15,000 to JD 300,000. The two government supported and the two privately held dailies all could meet the new capital requirements – the privately held *Al-‘Arab Al-Youm*’s capital holdings approached JD 8 million.²⁴ Rather, the new capital requirements were aimed at the tabloid newspapers –which were privately owned and operated. Since most of the weekly newspapers were run on a shoe-string budget, the new requirements were particularly onerous. Most of the weeklies could not raise the potential capital to meet the new requirements. Under the newly amended Article 51 of the Press and Publications Law, the newspapers all had three months to rectify their capital holdings or face suspension. If they remained unable to meet the capital requirements after six months, the newspaper would lose its license.

The 1997 amendments to the Press and Publications Law also rewrote the list of prohibitions contained in Article 40 of the 1993 law. The general list of forbidden topics remained the same; a prohibition on reports containing “false information or rumors harmful to public interest” was added (Amended Article 40, A:8). However, the revised list included stiffer restrictions than the 1993 law. For example, in Article 40, Part A, Paragraph 2, under the 1993 “any information about the number, weapons, equipment, deployment or movements of the Jordanian Armed Forces, unless such

²⁴ Article 19, *Blaming the Press: Jordan’s Democratization Process in Crisis* (London: Article 19, 1997), 25.

Publication is sanctioned by a responsible authority,” was forbidden. With the 1997 amendments, news was prohibited from being published if “it involves the Jordanian Armed Forces or Security Forces, unless the publication thereof is permitted by the competent Authority.” In other words, it was now forbidden to write about the military unless authorized by the government. Under the 1997 amendments, other topics on the list of prohibitions were also either further restricted or given more vague language.

Increased penalties for violations of the law were also included in the 1997 amendments to the Press and Publications Law. Although the 1997 amendments eliminated any possibility of prison time as a punishment for violations, most fines were increased. Moreover, the related sections of the penal code, in which journalists could be tried and sentenced to prison time, remained on the books. Table 11 details the increase in punishments for violations of the amended Press and Publications Law.

Moreover, if a publication violated any of the articles in Table 11 twice in a period of five years, the publication could be suspended for three to six months in addition to the fine. If a publication violated any of the above articles for a third time the court could revoke the paper’s license – ‘three-strikes and you’re out.’

Table 11: Penalties for Violations of the 1993 and 1997 PPL's²⁵

Violation of (Amended) Article:	1993 PPL: JD Fine for:		1997 PPL: JD Fine for:	
	Individuals	Corporations	Individuals	Corporations
10 (No foreign funding)	1,000	1,000	30,000- 50,000	30,000- 50,000
11 (Providing government a copy of publishers budget)	1,000	1,000	1,000- 5,000	1,000- 5,000
15:C (Specialized publication publishing outside of specialty)	NA	NA	1,000- 5,000	1,000- 5,000
40:A (List of prohibitions)	1,000	1,000	15,000- 25,000	15,000- 25,000
42 (Publishing proceedings of court cases)	1,000	1,000	15,000- 25,000	15,000- 25,000
44 (Receiving gifts)	4,000- 6,000	4,000- 6,000	15,000- 25,000	15,000- 25,000
45 (Printing banned publications)	200- 2,000	2,000	500- 2,000	2,000- 5,000

Reaction to the 1997 Press and Publications Law Amendments

Needless to say, most journalists and political opposition figures were outraged by the decreed amendments. The writers and editors of the weekly newspapers were especially offended.²⁶ A protest on 20 May by journalists at the residence of the Prime Minister was broken up by the police leading to the arrest of at least 8 journalists.²⁷ The board of the JPA, with the exception of the president, Seif al-Sharif, resigned in

²⁵ Press and Publications Law of 1993, compared to its 1997 amendments. Article 48 (of the 1993 law) remained unchanged in punishing violators of Articles 28 and 29 (Inaccurate reporting without correction) a fine of JD 500-1,500.

²⁶ See for example, *Al-Dustour*, 19 May 1997, for interviews with a spectrum of Jordanian elites on the new Press and Publications Law.

²⁷ *Jordan Times*, 21 May 1997.

protest of the amendments.²⁸ After a few days, however, the board reversed their resignations in order to engage in a “dialogue with the government.”²⁹ Editors of a number of the weekly newspapers formed a committee to protect their interests and to foster collective action against the Press and Publications Law amendments.³⁰ Later, the Press and Publications Law amendments added to the list of the opposition’s grievances when boycotting the November 1997 parliamentary elections. Opposition groups and international human rights organizations expressed their concern about the decline of democracy and the apparent willingness of the government to use the Press and Publications Law amendments to help determine the outcome of the 1997 elections in advance³¹

Enforcement of the 1997 Amendments

After the three month grace period given by the 1997 Press and Publications Law expired, the government demanded that the weekly newspapers comply with the new minimum capital requirements. On 23 September 1997, the government suspended seven weekly newspapers: *Al-Majd*, *Al-Mithaq*, *Al-Hadath*, *Al-Bilad*, *Sawt Al-Mar’a*, *Al-Sayad*, and *Hawadeth Al-Sa’a* for not complying with the JD 300,000

²⁸ *Jordan Times*, 19 May 1997.

²⁹ FBIS-NES, 20 May 1997.

³⁰ *Jordan Times*, 19 May 1997; Article 19, 34.

³¹ Human Rights Watch; Article 19: Hani Hourani *et al*, *Press and Media Freedom in Jordan* (Amman: UJRC, 1998) details the proceedings of a conference held in Jordan on 28-29 October 1997 in reaction to the Article 19 report.

minimum capital requirement.³² Six more newspapers, *Al-Urdun*, *Tareq Al-Mustaqbal*, *Fares*, *Al-Najoum Al-'Arabi*, *Al-Ummah*, and *Al-Hadaf*, were suspended a few days later.³³ *Al-Majd* would reappear in December 1997 after having obtained additional funding to meet the JD 300,000 requirement.

Overturing the Press and Publications Law Amendments of 1997

In order to fight the 1997 Press and Publications Law amendments, and to stave off suspension, five weekly newspapers filed a law-suit against the government charging that the amendments were unconstitutional.³⁴ After the September suspensions, a second suit was filed by the same five newspapers with the addition of three more.³⁵ The court's decision, however, was postponed until after the November 1997 elections.

In January 1998, the High Court of Justice ruled that the 1997 Press and Publications Law amendments were unconstitutional in reaction to the second law-suit. The ruling of the ten judge panel centered on the issue of necessity for the amendments to be issued through a provisional law. The Jordanian Constitution allows provisional

³² *Jordan Times*, 25 September 1997.

³³ *Jordan Times*, 27 September 1997.

³⁴ Article 19, 34. The newspapers were: *Al-Hadath*, *Al-Bilad*, *Al-Sabeel*, *Al-Majd*, and *Sawt Al-Mar'a*.

³⁵ *Jordan Times*, 30 September 1997. The three additional papers were: *Al-Sayad*, *Al-Ummah*, and *Hawadeth Al-Sa'a*.

laws to be issued when there is an urgent need for such a law. However, the court ruled that while,

the law was issued when Parliament was in recess at the time, there was no necessitating circumstances (sic). The necessitating circumstances arise only in times of war, catastrophes or internal strife.³⁶

Therefore the court found that the temporary law was in contradiction with the Constitution and that all decisions based on the law should be canceled. Thus, the suspended newspapers could resume publishing. On 8 February the government issued an order allowing the newspapers to do so; but only after the weeklies had accused the government of delaying the implementation of the court's order.³⁷ The provisional law, which had been sent to the parliament for ratification, was sent back to the government by the House Law Committee after the High Court invalidated the law.

Again the Jordanian judicial system showed its independence from the executive authority.³⁸ The January 1998 ruling invalidating the Press and Publications Law amendments set a new precedent that severely restricted the executive's power to issue temporary laws. Now, except for truly extenuating circumstances, laws in Jordan must follow a course through the legislature in order to be constitutionally valid. Moreover, even if the regime can legally decree laws under these circumstances, the political costs may be even greater.

³⁶ As quoted in the *Jordan Times*, 27 January 1998.

³⁷ *Jordan Times*, 4 February 1998; 9 February 1998

Collective Action and the Press and Publications Law Amendments of 1997

In contrast to previous episodes, the unity of the regime coalition in this case was fractured. The limitation of press freedom was perceived as a loss not only to the opposition, but also to reform-minded supporters of the regime. The addition of the Press and Publications Law amendments added to a growing list of grievances regime liberals held against the regimes hard-line policies of the time. For example, Mahmoud al-Sharif, who had defended the 1993 Press and Publications Law in the parliament during his tenure as Information Minister, was outraged by the 1997 amendments.³⁹ Regime liberals, such as Senator Layla Sharaf and former Royal Court Chief Adnan Abu Odeh also questioned the necessity of such restrictions on the press.⁴⁰ Former Prime Ministers Tahir al-Masri and Ahmed Obeidat even joined the opposition's boycott of the parliamentary elections in protest of the Press and Publications Law amendments (amongst other issues – see Chapter Eight). Liberals and soft-liners in the regime coalition saw the 1997 amendments to the Press and Publications Law as a reversal of the process of political liberalization in Jordan. Coupled with the hard-liners' relatively small gain by silencing the press, their push for reshaping this institution of political society eventually ran out of steam. The opposition found allies

³⁸ Later in February 1998, High Court Judge Farouq Kilani accused the government of retaliating for the verdict by pushing him into retirement, see *The Star*, 26 February 1998.

³⁹ Interview with Mahmoud al-Sharif, 30 June 1998, Amman.

⁴⁰ Both were also former Ministers of Information. Interview with Layla Sharaf, 16 June 1998, Amman; Interview with Adnan Abu Odeh, 14 June 1998, Amman.

against the amendments inside the regime – in the form of the courts – to fight the hard-line policy.

In contrast to the splits within the regime coalition, the opposition unified its ranks in support of the press. Even though the Islamists did not object to limiting the more sensational and erotic stories of the weekly press, the Muslim Brotherhood came out strongly against the circumventing of the parliament. To protest the Press and Publications Law amendments, a number of opposition groups joined the boycott of the 1997 parliamentary elections (See Chapter Eight). Opponents of the amendments joined with regime liberals in protesting the decree. In this way the opposition exploited the splits within the regime coalition. Moreover, the most aggrieved by the new restrictions, the owners of the weekly newspapers, acted collectively to challenge the decree in the courts – and won.

Path Dependence and the Press and Publications Law Amendments of 1997

Previous interactions over reshaping of institutions in political society strongly affected the strategies of actors in this episode. The regime coalition proved with the decree of the amendments to the Election Law in 1993 that a troublesome parliament can be bypassed. The 1993 decree had presented the opposition with a *fait accompli* that was not challenged. It is quite likely that the regime did not foresee that the 1997 decree of amendments to the Press and Publications Law would be challenged.

The opposition, however, also remembered the 1993 Election Law episode. With a unified front – and a split regime coalition – the opposition learned from the 1993 decree that it could challenge an executive decree and win. Note that the court’s ruling on the decree only focused on the constitutionality of the procedure of legislation (decree) and not on the constitutionality of the content of the amendments.

Venue Contestation and the Press and Publications Law Amendments of 1997

Venue contestation also had a strong effect on the outcome of this episode for both the regime coalition and the opposition. Attempts by the regime to restrict the weekly press through prosecution under the 1993 Press and Publications Law had generally failed to silence the regime’s critics in the press (See Chapter Five). The drive by the bin Shaker and Kabariti governments to convince the parliament to amend the press law also came to little avail. Thus, the regime changed the venue from the parliament to an executive decree by using an interpretation of the executive’s constitutional power that the courts later invalidated.

Unlike the 1993 Election Law episode, however, the opposition also attempted to make other venues work to its advantage. The opposition attempted to mobilize the public against the Press and Publications Law amendments through the boycott of the elections (See Chapter Eight). However, the crucial venue for the opposition was the courts. With the regime coalition split, the united opposition overturned the regime’s

decree with the help of the judiciary. Nevertheless, by acting with unity and having learned to change the venue to the courts, the opposition limited the success of the regime's decree.

The key ingredient to making this episode result in a failure for the regime was the fact that with the overturning of the decree by the courts a precedent was set. In the future, an executive decree can only be used under the extreme circumstances of war, catastrophes or internal strife. Thus, legislation would generally need to go through the parliament. Thus, the 1997 amendments were not only a result of path dependency, but a path making event as well. The results of this interaction over institutional reform forced all future episodes of legislation into the parliamentary venue.

The 1997 decree of amendments to the Press and Publications Law can be considered a failure for the regime in trying to insure its survival through reshaping an institution of political society. The regime coalition split over the decree while the opposition united against it. Moreover, the opposition learned from previous episodes and challenged the decree in the courts. By winning this challenge, the opposition set a precedent essentially eliminating the regime's future use of executive decrees. However as Chapters Eight and Nine will show, the regime's failure in this episode was later mitigated.

CHAPTER EIGHT

THE BOYCOTT OF THE 1997 ELECTIONS

With the 1993 decree of the SNTV electoral system, which had reduced the opposition's power in parliament, and then with the 1994 peace treaty with Israel, which most of the opposition opposed, the 1997 decree of the press law amendments broke the proverbial camel's back for the opposition in Jordan. As the two decrees – to the Election Law and the Press and Publications Law – were designed to limit the opposition's chances in being elected to parliament, many sectors of the opposition chose to boycott the November 1997 parliamentary elections rather than face electoral defeat.

The opposition's boycott of the 1997 elections moved elite frustrations to the arena of public opinion. The boycott was a challenge to the regime by some of the opposition forces for the loyalty of the public. If the opposition could gather enough support for its cause, through the venue of public mobilization, then the legitimacy of the parliament elected in 1997 – and thus the regime – would be damaged. The opposition would be aided by regime liberals who joined the boycott.

The regime sought to counter this challenge with a counter-mobilization of its own. The challenge to the regime by the boycott was sufficient for the regime to

perceive the boycott as a severe threat to its legitimacy. The accumulation of institutional survival strategies, notably the 1993 Electoral Law change and the 1997 Press and Publication Law restrictions, were designed to insure the regime's survival by minimizing the opposition while still keeping regime opponents within political society. The results of these earlier episodes aided the regime's counter-mobilization by weakening and silencing the opposition. The elections proceeded on schedule without the boycotters. The dip in participation in the elections was significant, but turn-out was high enough for the elections to be seen as legitimate. The boycotting members of the opposition were locked out of parliament. The parliament elected in 1997 consisted almost entirely of regime supporters. The regime survived the boycott –by again overriding the opposition.

In contrast, the opposition can see the boycott as a failure. The boycott did not wring concessions from the government. Nor did the boycott result in a massive voter absence from the polls. Thus, the 1997 elections resulted in a landslide for pro-government deputies. A rump opposition, however, remained in the parliament.

Prologue I: Opposition Preferences for Electoral Reform

Since the decree of the 1993 amendments to the Election Law, the opposition had demanded a change to the electoral system. The opposition had learned by participating in the 1993 elections that the SNTV system worked to their disadvantage.

Between the 1993 and 1997 elections, however, the opposition never succeeded in uniting around an acceptable alternative to the SNTV system. During this period, various groups proposed different preferred alternatives to the SNTV system. Yet, none of the alternative electoral systems garnered the support of all the groups. In preparation for the 1997 elections the opposition could, therefore, not present the regime with a strong front to demand a change in the Election Law.

The Muslim Brotherhood, as the main target of the change in the electoral system, lost the most because of the SNTV system in the 1993 elections. The Muslim Brotherhood obviously preferred 1989's open-list system where it took a much greater number of seats than its percentage of the vote. However, other than a desire to go back to the previous system, neither the Muslim Brotherhood or the IAF presented a concrete proposal for a change from the SNTV system¹. At a 1995 conference on the Election Law, deputy Abdullah al-'Akaylah presented the IAF's point of view on the Election Law.² According to 'Akaylah, the IAF "looks to a contemporary, civilized Election Law that produces deputies of the nation not deputies of the neighborhood or tribe."³ In this view national representatives need to be drawn from a single national

¹ Interview with 'Abd Al-Latif Al-Arabiyyat, 20 May 1998, Amman; Interview with Ishaq Farhan, 22 July 1998, Amman.

² Abdullah al-'Akaylah, "Wajhat Nadhar Hizb Jabhat al-'Amil al-Islami [Theoretical point of view of the Islamic Action Front Party]," in Hussein Abu Ruman, ed. *Nadwat Tashry'at al-Intkhab Hajr al-'Asas fi al-Nidham al-Demoqrati* [Conference on Electoral Legislation, the Cornerstone of the Democratic Order] (Amman: UJRC, 1995) 35-38.

³ *Ibid.*, 36.

district, or at least from the governorate level. 'Akaylah does not, however, detail how such elections should be held, other than rejecting the one-person, one-vote system.⁴ For example, he does not call for a proportional representation (PR) electoral system. He does call for equalizing the distribution of seats.⁵ Moreover, he calls for eliminating the quotas for minorities, since they "deny equality to all Jordanians under the law."⁶ The IAF, however, did not rule out a single-member district (SMD) system, or a mixed electoral system. It did not explicitly endorse any single alternative to the SNTV.

The various groups of Leftists and Arab Nationalists likewise did not unify over a single proposal to combat the SNTV system. In general, however, these groups tended towards supporting PR systems. Since these parties tended to be small and fractious, a PR system would help to insure their representation. Under the open-list system, Leftists and Arab Nationalists needed to team up with a larger organization or a locally strong tribe. They fared even more poorly under the SNTV. Thus, even before the decree of the SNTV system, some groups supported a PR system in place of the open list system.⁷ Long time Leftist, 'Issa Mdanat remained constant in his support of

⁴ *Ibid.*, 36.

⁵ *Ibid.*, 36.

⁶ *Ibid.*, 37.

⁷ For example, the JPDUP, see *al-Rai'*, (date unknown).

a PR system in a national district.⁸ Moreover, Leftists and Arab Nationalists tended to be stronger in their criticism of the malapportionment of seats since their constituencies tended to be in urban areas. In contrast, they often remained silent on issues of minority quotas, or even defended them, since their leadership frequently was drawn from the Christian minority (e.g. Mdanat, Haddadin).

One proposal that seemed to gain currency over time was the proposal by HASHD⁹ for an Additional Member District (AMD – or mixed) electoral system. Although originally listed as a secondary, but more realistic, preference, HASHD proposed a combination of local and national districts.¹⁰ Voters would have two votes: one vote for a local representative, and one for a national representative. 60% of the seats would be given to national representatives in a list PR system, while local seats would be distributed to individuals. Over time, variations on this ‘German style’ AMD system would gain support among sectors of the opposition – though not necessarily as the preferred option.¹¹ After the imposition of the SNTV, opposition representatives proposed the keeping of the 80 seats assigned under the current system, but adding an

⁸ *Al-Rai*, (date unknown): ‘Issa Mdanat, “Wajhat Nadhar Hizb al-Tayyarr al-Dimoqrati al-Mowahhad” [Theoretical point of view of the Democratic Unity Movement Party],” in Abu Ruman, ed., 42-45; Interview with ‘Issa Mdanat, 14 July 1998, Amman.

⁹ Hizb al-Sha‘ab al-Dimoqrati al-Urdani or the Jordanian People’s Democratic Party.

¹⁰ *Al-Rai*, 10 June 1993.

¹¹ Interview with Ishaq Farhan, 22 July 1998, Amman; Interview with Bassam Haddadin, 13 July 1998, Zarqa.

additional 20 to 40 seats to be distributed on a list PR formula – often called a ‘quota’ for parties.¹²

Opinions, and primary preferences for the various opposition groups, however, remained far from unified. In a 1995 survey of the 23 political parties at the time (including those that would normally support the government), al-Urdun al-Jadid Research Center found that of the 18 parties wanting changes in the Election Law:

- 8 preferred a national electoral district with a list PR system
- 4 preferred a SMD system with 80 deputies in 80 districts
- 3 preferred an AMD system
- 2 preferred 40 to 50 two seat districts
- 1 preferred a three member district with voters holding three votes¹³

Moreover, 12 of the parties wished for a division of seats based upon population. This survey reveals the diversity of opinion and preferences held across the Jordanian political spectrum in 1995. By 1997 the situation had changed little.

A number of factors worked towards keeping the opposition fragmented on the issue of electoral reform. Most critical was the lack of concrete proposals by the opposition groups – especially the Muslim Brotherhood. Most groups made general or vague proposals for amendments to the electoral law. The opposition did not present a detailed proposal for boundaries for SMDs or aligning the current districts to their

¹² Interview with Khalil Haddadin, 9 July 1998, Amman.

proportion of the population. Also, many groups saw that they had retained their parliamentary seats despite the change to the SNTV system. Moreover, with the breadth of ideological positions among Jordan's opposition, consensus on many issues is difficult. With each group promoting its own interests in electoral reform, a common position remained out of reach.

In addition, electoral reform was a difficult issue for the opposition to keep in the public's attention. After the opposition groups participated in the elections of 1993, popular interest in electoral law amendments faded. Other issues, with much greater popular appeal and interest emerged – especially the 1994 peace treaty with Israel, the lifting of bread subsidies in 1996, and the amendments to the Press and Publications law in 1997. Finally, the distinction between the SNTV system and the fact that it took place in malapportioned districts often confused the presentation of alternatives to the system decreed in 1993. It is the combination of the electoral system and malapportionment that discriminates against the opposition in Jordan. However, the fact that the latter is more detrimental to opposition representation is often overlooked.¹⁴

¹³ Reported in Hussein Abu Ruman, ed., 86.

¹⁴ See Russell E. Lucas, "Do Elections Matter in Jordan?: The Regime, the Opposition, and the Election Law," a paper presented at the 32nd Annual Meeting of the Middle East Studies Association, Chicago, Illinois, 3-6 December 1998.

Prologue II: The Ratification of the 1993 Amendments

In January 1997 the amendments to the Election Law came up for review by the parliament. As in March 1992, the parliament had the possibility of accepting, rejecting, or amending the terms of the provisional law (See Chapter Six). However, the opposition was determined to not let the provisional law that created the SNTV system pass as the 1989 amendments had in 1992. Yet, despite their attempts, the opposition did not have enough votes to prevent the government from relying on its supporters in the parliament to override the opposition and to ratify the provisional law.

Before the decision of the whole House of Deputies, the House's Law Committee studied the provisional law and made recommendations upon it. During the 1996-97 session, the Law Committee held a majority of opposition deputies and was chaired by IAF member Ibrahim Zeid al-Kilani. The majority of the members of the Law Committee recommended that the provisional law be rejected and sent back to the government.¹⁵ Moreover, the Committee demanded that the government draft a new Election Law with equal number of districts as deputies (a SMD system). The majority decision argued that the provisional law "does not meet the demands put on it."¹⁶ Namely, that the law while amended the voting style, did not alter the voting age, quotas for minorities, or the districting of seats. Moreover, the committee argued that

¹⁵ *Mulhaq al-Jaridah al-Rasmiyyah, Majlis al-Nuwab, Muhdr al-Jalajah* (26 January 1997), 19-21. Hereafter *Mulhaq*.

public opinion did not support the provisional amendments in their content or in the process of their approval by decree. Finally, the Committee rejected the provisional amendments on the grounds that the inequality in the number of votes cited by the regime as the necessity for the change to the SNTV system was not covered by the Constitution's protection of equal rights.¹⁷ Thus, the opposition set the terms of the debate on the floor of the house with the Law Committee's recommendation that the provisional amendments to the Election Law be rejected and the SNTV system should be replaced with a new SMD system.

However, a minority of the Law Committee dissented to the majority's decision. The dissenters responded to the decision of the Law Committee by saying that the 1993 amendments to the Election Law did equalize citizens under the Constitution. Therefore for the dissenters, the House should approve the provisional law and keep the amendments.¹⁸ The debate on the floor of the House on 26 January 1997 centered on whether the House should follow the recommendation of the Law Committee and reject the provisional amendments, or approve them.

During the debate on the floor of the House, pro-government supporters of amendments generally echoed the dissenting opinion offered by the minority of the Law Committee. They argued that the 1993 amendments to the Election Law remedied

¹⁶ *Mulhaq*, 21.

¹⁷ *Mulhaq*, 21.

a constitutional deficiency in the 1989 election system – the inequality in the number of votes cast by different voters.

Independent conservative Farah al-Rabadhi's presentation can be seen as a typical presentation of the pro-government position. Rabadhi argued that the one-person, one-vote system represented Jordanians equally because each Jordanian under the system "has a representative" in the parliament, regardless of place, religion, or gender.¹⁹ Moreover, according to Rabadhi, all "developed democracies" rely on a one-person, one-vote system. Rabadhi noted that if there are electoral lists in such democracies, the lists are under control of the candidates, not the voters. Thus Rabadhi implied that Jordan's SNTV style of voting for individuals was superior. Rabadhi also reiterated the claim that the 1993 elections resulted in a more proportional translation of votes into seats. Finally, Rabadhi claimed that contrary to the opposition's charges, the 1993 elections were less "tribal" than the 1989 elections because there were fewer tribal candidates in 1993.²⁰ Most presentations of supporters of the SNTV system incorporated Rabadhi's themes. In this manner, pro-government deputies argued their position to keep the 1993 amendments to the Election Law.

The opposition deputies grievances also centered around a specific point during most of their presentations – malapportionment. The opposition agreed that the SNTV

¹⁸ *Mulhaq*, 22. Dissenters included 'Abd al-Karim al-Dugami, Ahmad al-Qadhah, Mahmoud al-Howimel, Hatim al-Ghazawi, and Hani al-Masalhah.

¹⁹ *Mulhaq*, 26.

system may constitutionally equalize Jordanians in the number of votes they have. However they noted that under the Election Law, the number of citizens represented by each deputy varies from district to district.²¹ In most opposition presentations, deputies also claimed that the SNTV system encourages deputies to represent a “tribe or neighborhood,” not the nation. Moreover, the opposition argued that the 1993 amendments should be rejected because the process of their decree by PM Majali and his government violated the spirit of the Constitution.²²

The opposition deputies in the debate on the floor of the House, however, continued to lack unity on presenting any alternative to the one-person, one-vote system. Under the Jordanian Constitution, if the opposition succeeded in rejecting the 1993 provisional amendments to the Election Law, then the electoral law would revert to its 1989 form. If it wanted a different system, the government would need to draft, and have the parliament approve, a new Election Law before the next election. Some deputies demanded a return to the 1989 open-list system.²³ However, most other deputies, seeing the resolve of the government and its supporters, instead seconded the Law Committee’s recommendation that the government draft a new SMD style electoral system.²⁴ The compromise would be one-person, one-vote but for one deputy

²⁰ *Mulhaq*, 27.

²¹ See, for example, the presentation by Ahmed al-Kasasbah (IAF), *Mulhaq*, 30-31.

²² See presentation by ‘Abd al-Rahim al-‘Akor (IAF), *Mulhaq*, 33.

²³ e.g. Talal Obeidat (Independent.) and Bassam Haddadin (HASHD) *Mulhaq*, 28, 43- 44.

²⁴ e.g. Bassam al-‘Amoush (IAF), *Mulhaq*, 41-43.

per district. In contrast to previous expressions of preferences for electoral systems, the PR and AMD systems did not receive much support during the debate.

At the conclusion of the House debate, PM Kabariti spoke to encourage the deputies to accept the provisional law's amendments. Kabariti welcomed the deputies' suggestions made during the debate. He promised that his government would look into drafting a new 'modern' electoral law. He stated, however, that under no conditions would the one-person, one-vote system be abandoned. Yet, division of electoral constituencies, the number of seats in parliament, quotas for minorities, and the voting age would be open for discussion – later.²⁵

The Law Committee proposed that the House send the 1993 provisional amendments to the Election Law back to the government. The Committee also demanded the government draft a new Election Law with a SMD system. The House voted and rejected both proposals. The House then voted and ratified the provisional law without amendments with the support of 51 of the 76 deputies present. Although the Islamists, Leftist, and Arab Nationalists in the opposition joined forces and gained the support of a handful of independents, the opposition could not override the support of the SNTV system among the pro-government deputies.

Thus, unlike parliament's 1992 review of the 1989 Election Law amendments to the 1986 law, the opposition in the parliament in 1997 used its constitutional power

to attack and offer an alternative to the provisional law. However, the opposition in January 1997 was again reminded that the Election Law held power in predetermining and distributing outcomes. Thus, the intention of the government to reduce the size of the opposition by changing the Election Law in 1993 again showed its utility. The change in the institution of the Election Law held within itself its own reinforcement mechanism – a more quiescent parliament. A majority of deputies that were elected under the 1993 electoral system refused to change the way they were elected.

Announcement of the Boycott of the 1997 Elections: Who and Why?

On 8 July 1997, to the surprise of many, the Muslim Brotherhood announced that the organization would boycott the November elections. Other individuals and parties would join the boycott to protest, among other things, the SNTV electoral system. The boycott would become the focal issue of the 1997 parliamentary election campaign. Moreover, it would be the first time in the 1990's that the opposition led a serious challenge to the regime's management of institutions in political society.

The Muslim Brotherhood justified its boycott of the 1997 elections as a protest against three controversial policies of the regime. The one-person, one-vote electoral system provided the Islamists four years of grievances with the regime.²⁶ The organization's reduced parliamentary strength did not diminish its voice in parliament,

²⁵ *Mulhaq*, 58-59.

but it did weaken the Brotherhood's ability to block or delay legislation. Notable in its legislative failures was the parliament's ratification of the 1994 peace treaty with Israel. The regime's continued normalization of ties with Israel was a second major justification of the Muslim Brotherhood's decision to boycott the 1997 elections. Finally, when the government of 'Abd al-Salam al-Majali returned to power and decreed the amendments to Press and Publications Law (See Chapter Seven), the Islamists finalized their decision to boycott. The Brotherhood made their participation in the elections contingent on: the reversal of the one-person, one-vote election formula; revocation of the Press and Publications Law amendments; and a suspension of normalization with Israel.²⁷

A number of prominent individuals and groups joined the Muslim Brotherhood in the boycott. After some controversy within the party, the IAF followed its parent organization in the boycott.²⁸ Jordanian offshoots of the PFLP, and the DFLP, the Jordanian People's Unity Party and HASHD, respectively joined the IAF. Smaller parties, like the Constitutional Front Party, the Jordanian Arab Partisans Party, and the Nationalist Action Party (Haqq) also joined in the boycott. However, more important additions to the boycott came from Suleiman 'Arar (former House Speaker and Minister of Interior) and his Mustaqbal Party, and independents Tahir al-Masri (former

²⁶ See *Jordan Times*, 9 July 1997, for a summary of the Muslim Brotherhood's list of complaints.

²⁷ *Jordan Times*, 9 July 1997.

Prime Minister and House Speaker), and Ahmed 'Obeidat (former Prime Minister and Security Chief).

While the Election Law, the peace process, and the amendments to the Press and Publications Law all were major driving factors behind the Muslim Brotherhood's decision to boycott the 1997 elections, two additional factors were present in the group's decision. The consolidation of the pro-government section of the political spectrum in 1997 led to the Muslim Brotherhood's unstated fear of continued electoral losses. The formation of the National Constitutional Party (NCP) out of nine centrist and conservative parties presented the IAF with a major competitor. With its array of former ministers and government officials, and led by the Prime Minister's brother 'Abd al-Hadi al-Majali, the NCP threatened to reshape the Jordanian political landscape. The regime's long desired consolidation of political parties seemed at hand.²⁹ The IAF greeted these developments with fear as informal pre-election surveys predicted the Islamists winning as few as ten seats in the 1997 elections.³⁰ These fears while not publicly used to justify their boycott, nevertheless influenced the decision announced on 9 July 1997 to boycott the elections.

²⁸ *Jordan Times*, 12 July 1997.

²⁹ Liberals and Leftists also began to scramble for unity, unsuccessfully, see *Jordan Times*, 25 May 1997.

³⁰ Interview with Samih Mu'aitah, 15 March 1998, Amman; Interview with Abdullah Hassanat, 23 June 1998, Amman; other analysts pointed to a reduction in the IAF's 16 seats as well.

Second, among the unstated reasons for the Muslim Brotherhood's boycott of the 1997 elections was the simmering tension between the Muslim Brotherhood and its political party, the IAF. Adding to this tension was the underlying philosophical and tactical differences between the 'hawkish' and 'dovish' wings of the Islamist trend. Underneath the apparently seamless facade of the Islamist trend in Jordan lies a profound split over the tactics of contesting power, the relationship with the regime, and even the basic goals of the Islamist movement.³¹ The dispute whether to boycott the 1997 elections brought these distinctions to the surface.

In contrast to the immediate reaction to the change to the Election Law in 1993, where doves sought a boycott of the elections and hawks argued for campaigning for a parliamentary majority in the elections, in 1997 the doves sought continued interaction with the regime while hawks argued for a boycott.³² Before the announcement of the provisional amendments to the Press and Publications law in May 1997, the IAF had announced that it would be campaigning with "full force" in the November elections.³³ And, even after the amendment of the Press and Publications law, the IAF held primaries to select the Front's candidates. The IAF was prepared to present 40-45 candidates in the hope of winning at least 20 seats, in spite of the SNTV electoral

³¹ See Glenn E. Robinson, "Can Islamists Be Democrats? The Case of Jordan," *Middle East Journal* 51:3 (Summer 1997), 373-388; and Glenn E. Robinson, "Defensive Democratization in Jordan," *International Journal of Middle East Studies* 30:3 (August 1998), 387-410.

³² Ahmad Jamil Azem, "The Islamic Action Front Party," in Hani Hourani ed., *Islamic Movements in Jordan* (Amman: UJRC, 1997), 113.

system.³⁴ A month later, however, the leadership of the Muslim Brotherhood declared that the organization would be boycotting the November 1997 elections for the reasons named above. The leadership of the IAF reacted somewhat coolly to this announcement.³⁵ While the IAF did eventually follow the lead of the Muslim Brotherhood, IAF leaders predicted that not all of its members would adhere to the boycott.³⁶ The decision to boycott the 1997 election helped reveal the underlying organizational distinctions between the Muslim Brotherhood and the IAF.³⁷ This lack of Islamist unity was put on full display when six IAF and Muslim Brotherhood members broke the boycott. They were later ejected from the Muslim Brotherhood.³⁸

Opposition Defectors from the Boycott

The boycott, moreover, was not supported unanimously among the various other opposition groups. Five opposition political parties joined the race for the thirteenth parliament in 1997. The Arab Socialist Ba'ath Party, the Democratic Unionist Party (an extended offshoot of the DFLP), the Jordanian Communist Party, and the Arab Land Party presented a total of nine candidates. A total of 32 independent

³³ *Jordan Times*, 8 May 1997.

³⁴ *Jordan Times*, 9 June 1997.

³⁵ *Jordan Times*, 10 July 1997.

³⁶ *Ibid.*

³⁷ For a general discussion see Azem, 114-119.

³⁸ *Jordan Times*, 15 October 1997.

Islamists and 28 Leftists and Arab Nationalists ran in spite of the boycott. Not all, however, could be considered as hard-core 'opposition.'³⁹

Candidates with a general tendency towards the opposition who nevertheless did not join the boycott in 1997 tended to fall into three categories. First, many prominent boycott breakers were incumbents from the 1993 parliament. Not wishing to lose the power and perks of office provided some deputies an incentive to not boycott. When questioned however, these incumbents pointed more to their role as opposition and the need of their parliament seats to keep their 'oppositional' voice in the public eye.⁴⁰ Yet, these reasons did not stop incumbents like Tahir al-Masri, or most of the IAF parliamentary delegation from boycotting the election.

Secondly, many non-boycotting candidates were running for either the Christian or Circassian minority seats. In Amman's third district, for example, the former head of the Communist Party, a current Communist Party politburo member, and the incumbent Ba'athist, all competed for the same Christian seat in west Amman. Moreover, many Leftists or Arab-nationalists did not follow the Muslim Brotherhood's political line and refused to back the boycott.

Finally, in less urban areas of the country, tribal support figured in the candidacies of non-boycotting opposition members. Abdullah al-'Akayleh, a

³⁹ See lists compiled on UJRC's internet site: <http://www.ujrc-jordan.org/research/elections/>.

⁴⁰ Interview with Khalil Haddadin, 9 July 1998, Amman.

prominent IAF member, combined strong tribal support with his dovish Islamist ideology to win a parliament seat easily in 1989, 1993, and in 1997. The SNTV system in Jordan system rewards candidates that can combine tribal and ideological constituencies. Some candidates saw this opportunity in the 1997 elections, with or without the boycott.

A council called the “High Coordinating Committee of Opposition Parties” kept the opposition boycott organized. The Committee had originally formed to support protests against normalization with Israel. On 17 August, the Committee released a statement supporting the boycott with the signatures of over 80 prominent Jordanians.⁴¹ In late September the Committee published a “National Salvation Program” highlighting the justifications and demands of the boycotters.⁴² While the Committee helped forge a rare degree of unity among the opposition groups supporting the boycott, it did not manage to persuade the government into acceding to any of the boycotters’ demands.

Regime Response to the Boycott

Despite calls and promises by both the government and opposition for a ‘dialogue’ to bring the boycotters back into the election process, such dialogue proved superficial and ineffective. The opposition hoped that their announcement of the

⁴¹ MEI, 29 August 1997.

boycott would spur the government to change its stance on the Election Law and the new Press and Publications Law. Although, leaders from the Muslim Brotherhood and other boycotting opposition groups did meet with PM Majali, such negotiations never got beyond the ‘talks about talks’ stage.⁴³ The government sought to include “all groups” in discussions about the demands of the opposition, and did meet with a number of groups not participating in the boycott.⁴⁴ However, the boycotting opposition eventually concluded that the government was “not serious” about the dialogue.⁴⁵ Eventually, King Hussein closed any of the opposition’s hopes of electoral reform when he announced that there would be no changes in Jordan’s Election Law until the “Palestine question” is resolved.⁴⁶ Thus, both the government and opposition went into the campaign for the 1997 elections resolute in their positions.

Election 1997: The Campaign

The campaign for the 1997 elections was cross-cut by the issue of the boycott. The boycott, however, did not prevent 524 candidates from running for parliament in 1997. Yet, by most accounts, the 1997 campaign was lackluster and mostly devoid of serious political content – save for the issue of the boycott.

⁴² *Jordan Times*, 20 September 1997.

⁴³ e.g. *Jordan Times*, 20 August 1997.

⁴⁴ *Jordan Times*, 31 August 1997.

⁴⁵ MEI, 29 August 1997; *Jordan Times*, 22 September 1997.

⁴⁶ *Jordan Times*, 20 September 1997.

Without the threat of the opposition in the campaign to unite its disparate ranks, the NCP alliance began to unravel even before the elections. In September a number of NCP supporters resigned to protest the lack of democracy in the party.⁴⁷ In addition to nominating an official list of 12 party candidates in the 1997 elections, the NCP also ran an unofficial list of approximately 15 ‘stealth’ candidates. These candidates did not hold any public link to the party – for some candidates feared that a party label would cost them votes or that it would put two party candidates in direct competition with one another in the same district.⁴⁸ The revelation of the ‘stealth’ list prompted even more resignations. The NCP limped rather than ran through the 1997 election campaign.

Accusations of electoral fraud also plagued the 1997 elections. Controversies over duplicated voting lists and disappearing voter cards prompted arrests and investigations.⁴⁹ To many observers such heavy handed manipulations seemed redundant given that most candidates were strong regime supporters.⁵⁰ Yet, the fraud also sought to alter races between various individual pro-regime candidates as well.

Finally, to improve turn-out for the elections, and to drown out the calls of the boycotters, the regime engaged in a media offensive over the state-owned Jordan

⁴⁷ *Jordan Times*, 23 September 1997; 27 September 1997.

⁴⁸ *Jordan Times*, 30 September 1997; UJRC analysts later ‘outed’ 15 NCP stealth candidates, *Jordan Times*, 16 October 1997.

⁴⁹ *Jordan Times*, 1 November 1997.

⁵⁰ MEI, 17 November 1997.

Television and Radio.⁵¹ But most importantly, the amendments to the Press and Publications Law were in effect during the campaign. The press feared giving the opposition boycott too much flattering attention lest the newspaper be punished. Observers, internal and external, saw the restrictive new press law as aiding the pro-regime candidates who tended to rely on tribal networks rather than news publicity.⁵²

Election 1997: The Results

A rainy election day seemed to reflect the general apathy to the 4 November 1997 elections. Not surprisingly, independent and pro-government candidates won in a landslide. The opposition boycott did somewhat lower voter participation. However, boycotters were locked out of the parliament. A token opposition was elected to the parliament, but it was as fractious as it was small. Women, despite support from the regime, fared poorly.⁵³ Nor did the NCP perform up to expectations; only three official NCP candidates were elected. Table 12 details the results of the 1997 elections.

⁵¹ Including giving candidates free air-time and bringing on a special media representative for the elections.

⁵² Human Rights Watch, "Jordan: Clamping Down on Critics: Human Rights Violations in Advance of the Parliamentary Elections," *Human Rights Watch Report 9:12E* (October 1997); Article 19, *Blaming the Press: Jordan's Democratization Process in Crisis* (London: Article 19, 1997); Hani Hourani *et al.*, *Press and Media Freedom in Jordan* (Amman: UJRC, 1998).

⁵³ *Jordan Times*, 5 October 1997; Interview with Toujan Faisal, 22 June 1998, Amman. Faisal lost her seat in the 1997 elections.

Table 12: Results of the 1997 Election⁵⁴

Trend	Number of Votes for Winners	Percentage of Popular Vote	Number of Seats Won	Percentage of Seats Won
Former IAF members	17,332	2.11	4	5.00
Independent Islamists	8,459	1.03	4	5.00
Tribal, Conservative, or Centrist Independents	196,293	23.87	51	63.75
NCP Affiliates	13,583	1.65	3	3.75
NCP Stealth Candidates	39,486	4.80	8	10.00
Leftists	15,335	1.86	5	6.25
Arab Nationalists	15,761	1.92	5	6.25

The boycott of the election by the opposition did somewhat reduce public participation in the elections. In 1997, 822,318 voters cast their ballots. With a turn-out of 44.7% of registered voters, 1997 saw an approximately 10% lower participation rate than 1989 or 1993.⁵⁵ Participation in heavily urbanized and Palestinian inhabited areas was quite low. In Amman's second district and in the district of Zarqa, both home to a number of Palestinian refugee camps and poor residents, turn-out stood at 26% and 29% respectively. In contrast, 72% of registered voters participated in the rural district of Tafilah.⁵⁶ However, the drop in voter turn-out in 1997 cannot be attributed to the boycott alone. A great deal of voter apathy, and – as all the newspapers noted – heavy rains, also contributed to decreased public participation in the 1997 elections.

⁵⁴ Hussein Abu Rumman, *Results of 1997 Elections: Facts and Figures* (Amman: UJRC, 1998).

⁵⁵ *Jordan Times*, 10 November, 1997.

⁵⁶ *Jordan Times*, 5 November 1997.

However, both enough opposition candidates broke ranks to run (and win) and voter turn-out rates were not significantly lowered to demonstrate to the opposition that their boycott had failed. Since the government had refused to cede to any of the opposition's demands and had pushed as hard as it could to boost voter turn-out, the opposition's boycott did not deliver any compensating benefits for being excluded from the parliament. The exclusion of the boycotters was complete when no Muslim Brotherhood figures or independents who boycotted (like 'Arar or Masri) were appointed to the 40-seat Senate later in November.⁵⁷

Moreover, the 1997 election proved not to be the year for the consolidation of the Jordanian Right. The NCP, hoping for a sweep of the elections, proved that without the threat of the IAF regime supporters would remain as factionalized as the opposition. The SNTV system also worked against the NCP, as it does against any organized group, by pitting allied candidates against one another for votes. Thus, the necessity for the 'stealth' list of candidates was proven – a greater percentage of 'stealth' candidates succeeded than those on the official NCP list.

Thus, what the regime's SNTV system began, the opposition boycott completed: the near 'tribalization' of the Jordanian parliament and the exclusion of the opposition from the legislature. The parliament elected in 1997, aside from a

⁵⁷ *Jordan Times*, 23 November 1997.

quarrelsome handful of opposition deputies, focused its activities on patronage as much as legislation.

Collective Action and the Boycott of the 1997 Elections

The boycott of the 1997 parliamentary elections caused splits within both the opposition and the regime coalition. For a variety of reasons, a number of opposition groups and personalities did not support the boycott. A number of Leftists and Arab Nationalists opposed the peace process, the Election Law, and the Press and Publications Law amendments as strongly as the Muslim Brotherhood. Nevertheless they participated in the elections. Ideological differences between opposition groups sometimes led to alienation between opposition personalities that was stronger than anger at the regime. Moreover, splits within the Islamist movement also revealed different philosophies on how to deal with the regime. Finally, the power of patronage and incumbency in the parliament pulled regime opponents away from the boycott.

The differences within the regime coalition centered along the fault between regime hard-liners and regime liberals. Grievances against the SNTV system among regime liberals were muted. However, with the regime signing a peace treaty with Israel in 1994, regime coalition unity began to fray. Former Prime Minister and president of the National Charter's Royal Committee, Ahmed 'Obeidat, began to voice some regime supporters' frustrations with the King and his government's policies.

After the decree of the amendments to the Press and Publications Law in 1997, a number of regime liberals, such as former PM Masri and former Minister of Interior ‘Arar, questioned the necessity of PM Majali’s rush to silence the press. The accumulation of these policy differences drove a number of prominent regime liberals to join the election boycott. Aside from these individuals, however, the regime coalition was generally able to mobilize support for the November 1997 elections. The possibility of a lower ranking regime supporter winning election to parliament – with all of its perks – increased with much of the opposition not contesting the race.

Path Dependence and the Boycott of the 1997 Elections

Previous episodes of the regime reshaping institutions in political society weighed heavily on the strategies of actors during the boycott of the 1997 elections, thus demonstrating the strength of path dependence. The two episodes of decrees, the 1993 amendments to the Election Law and 1997 amendments to the Press and Publications Law, factored centrally in the boycott controversy. In November 1997, the decree amending the Press and Publications Law had not been overturned yet; Jordan during the second half of 1997 was under heavy press censorship.

The opposition’s frustration with the regime’s decrees was the public grounds for the boycott. The opposition felt that the restrictions in the press were designed to silence the opposition’s critiques during the election campaign. However, underneath

these public justifications for the boycott lay a degree of learning from the 1993 decree. The opposition had participated in the 1993 elections despite the decree of the one-person, one-vote system. The opposition – especially the Muslim Brotherhood – learned that the combination of the SNTV electoral system and malapportioned districts severely hampered their electoral chances. The fear of losing even more seats in 1997 added to the opposition’s inclination towards challenging the regime through the boycott.

In contrast, the regime – then firmly under the sway of hard-liners – felt emboldened to override any opposition objections. The opposition’s boycott threatened to ignite public discontent. However, the success of the 1993 decree coupled with the short run effects of the 1997 press law amendments helped lead to PM Majali’s haughty attitude. From that position the government refused to acquiesce to any of the opposition’s demands.

Defectors from the opposition and regime coalition also were influenced by the 1993 and 1997 decrees. Opposition defectors had learned that they could live with the SNTV system. Boycott breakers, like former Muslim Brotherhood Deputy Abdullah al-‘Akayleh, had learned that combining tribal and ideological constituencies was a sure path to victory in the Jordanian SNTV system. In contrast, regime coalition defectors chose to join the boycott in protest to the hard-liners’ policies. Many regime

liberals felt that such heavy handed behavior undermined the survival of the regime they were supposed to be protecting.⁵⁸

The 1993 Election Law amendments and the 1997 Press and Publications Law amendments factored heavily in all the actors' positions. Coupled with the 1994 peace treaty and the later normalization with Israel, the decrees influenced the strategies of most of the actors involved.

Venue Contestation and the Boycott of the 1997 Elections

At its core the opposition's boycott of the 1997 elections was a contest for the loyalty of Jordanians. Some sectors of the opposition sought to challenge the regime's manipulation of the electoral arena by using venue contestation. By changing from the venue of the biased electoral system to making participation in the elections a referendum on the regime's policies, the opposition sought to mobilize public opinion in a measure of the legitimacy of the elections. This challenge by itself proved a significant threat to the regime. The reduced public participation in the 1997 elections demonstrated the effect of the boycott. The boycott tarnished the perception of the legitimacy of the parliament elected in 1997 both inside and outside of Jordan.⁵⁹ The decline in participation in the 1997 elections, however, varied across constituencies.

⁵⁸ See 'Arar's and 'Obeidat's justifications for joining the boycott. *Jordan Times*, 19 August 1997.

⁵⁹ U.S. Congress, *Country Reports on Human Rights Practices for 1998* (Washington DC: US Government Printing Office, 1998), 1725.

Opposition strongholds, such as eastern Amman, saw minimal public participation in the electoral process. Rural districts, in contrast, saw record voter turn-out. Since the latter types of constituencies are well over-represented in the parliament, the effects on generally lower voter turn-out were mitigated.

Before the elections, however, the regime did feel threatened by the boycott. Thus, it made sure that regime supporters were mobilized to vote through the mass media and tribal patronage networks. A tour of the country by the King in October helped rally support for the elections – especially in the traditionally loyalist rural regions.

In the normally no-holds-barred arena of public mobilization, in contrast, the opposition also had to face the 1997 amendments to the Press and Publications Law. The press restrictions reduced the coverage of the boycotters demands. Thus, the boycotters' attempts to mobilize public opinion were hampered. Even opposition candidates running for parliament, such as Toujan Faisal, told Human Rights Watch that the press law was hurting her ability to present her message.⁶⁰ The opposition's job in mobilizing the public was made far more difficult by the previous episodes of interaction in political society.

In conclusion, the contest for the public's loyalties in the boycott, the opposition faced obstacles in its attempt to delegitimize the 1997 elections. Again a

lack of opposition unity allowed the regime to claim that the opposition was represented in the new parliament – by over a dozen boycott breakers. Moreover, the two previous episodes of executive decrees – in 1993 and in 1997 – helped cause the boycott. The two decrees also significantly influenced the strategies of all actors involved in the episode. Thus, the parliament elected in 1997 was delegitimized to a certain extent. However, the results of the election and the decree of voter turn-out were high enough for the opposition to not be able to declare the boycott a success. The regime could consider that it successfully had overridden the opposition in this case. The opposition’s influence in expressing its dissent weakened by the 1997 election boycott.

⁶⁴ Human Rights Watch, 18.

CHAPTER NINE

THE PRESS AND PUBLICATIONS LAW OF 1998

Through the 1998 Press and Publications Law, the regime would finally obtain the restrictions on the press that it had desired. Moreover by overriding the opposition, the regime would shore up its control, some of which was lost in the previous year. Despite the failure of the 1997 press law amendments in January 1998, the November 1997 elections did produce a parliament almost exclusively composed of regime supporters. What few opposition deputies remained could not effectively delay, let alone block legislation. In contrast, the government knew it could rely on the vast majority of deputies to support draft laws the cabinet submitted for approval. Thus with the draft of the 1998 Press and Publications Law, the government proposed restrictions and penalties that were even stronger than the failed 1997 amendments. In the summer of 1998 the regime would successfully override the opposition in the parliament with the new Press and Publications Law. The regime's success would stem from the path dependence of the successful overriding of the election boycott which had resulted in such a pro-government parliament.

Drafting the Law

The cabinet drafted the 1998 Press and Publications Law under a great deal of secrecy. The virtual news blackout during the writing of the law created an avalanche of media speculation by anxious journalists.¹ While government spokesmen would not provide any details on the cabinet discussions of the draft law, they felt free to criticize the media's speculation about the coming Press and Publications Law.² Rumors reported in the press included the possibility that the draft law would raise minimum capital requirements for daily newspapers to JD 1 million.³ The cabinet did eventually consult with the JPA over the content of the new Press and Publications Law, but reportedly only after the draft had been completed.⁴

On 15 June 1998, the text draft Press and Publications Law was released to the public, and another wave of media fear and indignation crested.⁵ Although some writers did find something positive to say about the draft law,⁶ most journalists and opposition columnists sought to bury the draft law with resentful newsprint.⁷ A common feeling among journalists and editors was that Jordan, at least in terms of

¹ See any daily and weekly newspaper from late May to June 1998.

² e.g. *Jordan Times*, 3 June 1998, 14 June 1998.

³ *Jordan Times*, 6 June 1998.

⁴ *The Star*, 4 June 1998.

⁵ The draft law was printed in *Al-Destour*, *Al-Rai'* on 17 June 1998, the translated text appeared in *The Jordan Times* the same day.

⁶ e.g., Husni Abu Ghayda in *The Star* 18 June 1998 or Deputy Mohammed al-Badri.

⁷ See for example, *Al-Destour*, 20 June 1998; *Al-'Arab Al-Youm*, 20 June 1998; *Al-Sabeel*, 23 June 1998; or most any Jordanian newspaper from June or July 1998.

press freedom, had made a “full circle... to martial law.”⁸ The journalists’ fate, however, was in the hands of the parliament.

Recommendations of the House’s National Guidance Committee

The draft Press and Publications Law was submitted to the parliament that reviewed the law during its extraordinary session during the summer of 1998. While journalists advised the parliament to think carefully about the draft law, opponents of the law had little confidence that the parliament would reject, or even water down, the draft law.⁹ On 22 June 1998, the House began to review the Press and Publications draft law. In the initial debate, over 40 House deputies expressed opposition to at least part of the draft law. However, only 18 deputies of 64 present supported a motion that would reject the draft outright. Instead, the draft law was sent to the National Guidance Committee with the support of 48 deputies.¹⁰

Through the month of July 1998, the National Guidance Committee met to research elite and public opinion and offer recommendations on the draft law. The Committee members, and other interested deputies, met with a number of newspaper editors and former Ministers of Information who engaged in a point by point critique of

⁸ Interview with Abdullah Hassanat, 23 June 1998, Amman; a similar reaction was provided by Mahmoud al-Sharif, Interview, 30 June 1998, Amman.

⁹ *Jordan Times*, 17 June 1998; Interview with Asma Khader, 20 June 1998, Amman; Interview with Toujan Faisal, 22 June 1998, Amman.

¹⁰ *Jordan Times*, 23 June 1998. Note that the draft was sent to the National Guidance Committee, a new committee for the parliament, rather than the Law Committee.

the draft law for the Committee.¹¹ Moreover after a long delay, the newly elected leadership of the JPA issued a statement urging the parliament to reject the draft law in its entirety.¹² In a preliminary vote, however, a majority of the National Guidance Committee refused to concur with the JPA. After heated debate, which included some fisticuffs,¹³ six of the nine committee members voted to keep the draft Press and Publications Law in the House in order to amend it; three committee members dissented.¹⁴

While not rejecting the law, the National Guidance Committee did make a number of important amendments that weakened the severity of the draft Press and Publications Law. These amendments, however, only changed the form, not the substance of the law. Important Committee amendments included:

- Deleting “in their specific domains of activities” from the end of Article 6:B which defines freedom of the press as including “allowing citizens, political parties, professional associations, cultural, social and economic societies to express their opinions, thoughts and achievements in their specific domains of activities.”
- Limiting revealing of journalist’s sources in court cases (Article 6:D) to lawsuits involving “state security” the prevention of crime or to “enforce justice.”

¹¹ *Jordan Times*, 12 July 1998; Interview with Bassam Haddadin, 13 July 1998, Zarqa.

¹² *Jordan Times*, 19 July 1998.

¹³ *The Star*, 23 July 1998.

¹⁴ *Jordan Times*, 23 July 1998. The six in favor were: Raji Haddad, Abdullah Jazi, Mohammad Quz, Mohammad Rafa’at, Nayef Moula and Amjad Majali. The three dissenters were: Mahmoud Kharabsheh, Bassam Haddadin and Hamadah Fara’neh.

- Reducing the minimum capital required of a non-daily newspaper to JD 50,000 from JD 150,000 (Article 13:B). Under the 1993 law a minimum capital of JD 15,000 was required. The 1997 decree had set the figure at JD 300,000.
- Eliminating the requirement for newspapers to deposit a bond out of which fines would be paid (Article 14). Daily newspapers would have been required to deposit a JD 100,000 bond, and non- daily newspapers a JD 50,000 bond.
- Reducing the penalty for violating the long list of prohibitions (Article 53) from JD 15,000 - JD 20,000 to JD 5,000 - JD 10,000. The list of prohibitions was similar to the list in the 1993 law, however, a number of points were added by the draft of the 1998 Press and Publications Law that the National Guidance Committee did not amend.
- Eliminating Article 56 which would allow punishment of a violation of the Press and Publications Law and any other law (most likely the penal code), to be punished with the highest of the two penalties. By eliminating this clause, the National Guidance Committee reduced the likelihood that a journalist would be punished with imprisonment.¹⁵

The House Debate

On 2 August 1998, the House began its debate over the draft Press and Publications Law based on the recommendations of the National Guidance Committee. On a number of occasions, the House approved the amendments made by the Committee. On many others, however, the House moved to reinstate the government's language of the original draft. For example, the House kept the Committee's

¹⁵ *Jordan Times*, 26 July 1998, 29 July 1998; and *The Star*, 30 July 1998. Note that at this time minutes from the National Guidance Committee or House debates are not available to the author. During this debate the author was preparing to finish field work in Jordan. Time and resources did not allow the

recommendations to delete the sections from Article 6:B (noted above) and to delete the requirement for “accuracy” in reporting in the journalists’ code of conduct (Article 7).¹⁶ The House also agreed with the Committee to delete the requirement for the bonding of newspapers (Article 14).¹⁷

On Article 11, the House also agreed with the National Guidance Committee’s recommendation. The original article allowed foreign investors to hold a 25% equity in a Jordanian press company to encourage privatization. The National Guidance Committee changed this clause to restrict investments in press companies only to Jordanians. Many deputies from tribal or conservative backgrounds generally opposed the government’s attempts at privatizing Jordanian industries fearing that vital sources of patronage would be sold off. According to the Committee member Mahmoud Kharabsheh, the decision “protects our press’ national identity.” The House concurred with the Committee on this matter.¹⁸

The House also agreed with the Committee on keeping the original draft’s requirement of JD 500,000 minimum capital for daily newspapers (Article 13). The House, after over an hour of ‘stock market’ like haggling, raised the minimum capital required of a non-daily paper from JD 50,000, as recommended by the Committee, to

obtaining of *Mulhaq al-Jaridah al-Rasmiyyah. Majlis al-Nuwab* . for the summer 1998 extraordinary session.

¹⁶ *Jordan Times*, 3 August 1998.

¹⁷ *Jordan Times*, 6 August 1998.

¹⁸ *Jordan Times*, 6 August 1998.

JD 100,000. This figure still fell below the JD 150,000 envisioned in the original draft law.¹⁹

On Article 5, the House disagreed with the National Guidance Committee on which stated:

Publications should respect the truth and are prohibited from publishing anything that contradicts the principles of freedom and national responsibility, human rights, and the values of the Arab Islamic Nation.

This article contains the restrictions of Article 8 of the 1993 Press and Publications Law. In the 1993 law, however, the Article also added that publications should:

regard the freedom of thought, opinion, expression and access to information as a right for all citizens as much as it is a right for themselves.

The National Guidance Committee recommended that Article 5 of the 1998 draft law be deleted, because the article was “too broad and opens the way for negative speculation.”²⁰ The House, with the support of former Muslim Brotherhood members Abdullah al-‘Akaileh and Mohammad Azaidah, rejected the Committee’s recommendation and kept the language of the government’s draft law. In the end, 30 of 58 deputies present supported keeping Article 5.²¹

The National Guidance Committee also recommended that the House delete from Article 37 the clause that prohibits:

¹⁹ *Jordan Times*, 6 August 1998.

²⁰ *Jordan Times*, 3 August 1998.

²¹ *Jordan Times*, 3 August 1998.

Articles or reports containing personal insult to the heads of Arab, Islamic, or friendly states, or the heads and members of diplomatic missions accredited to the kingdom provided that the principle of reciprocity is observed. (Article 37:A:7)

Again, this article had its predecessor in the 1993 Press and Publications Law (Article 40:A:7). A number of journalists had been tried for violating this clause of the 1993 Press and Publications Law (See Chapter Five). On the first vote, 27 of the 50 deputies present voted to delete the paragraph. However, upon a second vote on the same article, the original draft was left intact. This caused 14 deputies to walk out of the session.²² The controversial clause remained in the final version of the law.

The entire law was approved by a vote of 38 to 10 (without the votes of the 14 protesting deputies).²³ The Press and Publications Law then moved on to the Senate where on 19 August it was passed without any additional amendments. The Senate approved the Press and Publications Law by a majority of 27 of 35 senators present (out of a total of 40).²⁴ Crown Prince Hassan (in King Hussein's absence) signed the 1998 Press and Publications Law on 31 August 1998.

The government had succeeded in the parliamentary venue where it had failed by decree. PM Majali finally had the hard-line ability to restrict the press. Majali's victory, however, was short lived as a crisis over polluted water, unease over King

²² *Jordan Times*, 10 August 1998. It is unclear why a second vote was taken.

²³ *The Star*, 13 August 1998.

Hussein's illness, and popular dissatisfaction with the new Press and Publications Law caused his government to fall before the Regent's signature on the law. Majali was replaced on 20 August 1998, by the more moderate Fayiz al- Tarawnah.

Tarawnah's government promised that despite the new law's harsh conditions, his government would offer a 'soft implementation' of the Press and Publications Law.²⁵ In October, the government even dropped all the prosecutions of the 1993 law still pending in the courts.²⁶ To further demonstrate its good will towards the press, Tarawnah's government later ordered that violators of the 1998 Press and Publications Law not be prosecuted in court. Rather, the violating journalists should be punished under the JPA's own code of conduct.²⁷ From when the 1998 Press and Publications Law took effect in September 1998 until the death of King Hussein in February 1999, the government did not prosecute any journalists for violating the new Press and Publications Law. In the summer of 1999, the new King Abdullah ordered amendments to the press law. These amendments, which were passed by the parliament, loosened some of the restrictions of the law – notably by removing the list of 'red line' prohibitions. However, the 1998 Press and Publications Law was in force

²⁴ *The Star*, 20 August 1998. The Senators opposed were: 'Abd al-Karim al-Kabariti, Mudar Badran, Layla Sharaf; Thouqan al-Hindawi, Taher Kan'an, Rajai' Mua'sher, Adnan Abu Odeh, and Hamdi al-Tabba'.

²⁵ *Jordan Times*, 24 August 1998.

²⁶ *Jordan Times*, 18 October 1998.

²⁷ *Jordan Times*, 20 October 1998.

with its threats of heavy sanctions for violators during the crucial crises of succession in January 1998 and King Hussein's death the next month.

Collective Action and the 1998 Press and Publications Law

In the debate over the 1998 Press and Publications Law, the degrees of unity of the regime coalition and opposition remained about the same as during the episode of the press law amendments of the previous year (see Chapter Seven). The opposition still stood united against the attack on press freedom. The deep divisions within the regime coalition over the limiting of the press also remained little changed from 1997. The King, however, took ill in July 1998 and left for the United States for cancer treatment. Thus, during this episode he could not intervene to support the PM on the press law. The degrees of unity of the opposition and the regime coalition were not the major factors in the regime's ability to override the opposition in this episode.

Path Dependence and the 1998 Press and Publications Law

Path dependence played a crucial role in the outcome of this episode. The cumulative effects of the outcomes of previous survival strategies had resulted in a parliament that would easily do the government's bidding. The outcome of the 1997 election was influenced by the results of the episodes discussed in the three previous chapters – the 1993 amendments to the Election Law, the 1997 Press and Publications Law, and the boycott of the 1997 elections. Even though the 1997 press law cases

could be considered a failure for the regime, the regime retained the ability to override the opposition through a compliant parliament.

The previous interactions over Press and Publications Laws also had their influence on the strategies of the actors in this episode (Chapters Four and Seven). The opposition saw the 1993 Press and Publications Law as a flawed, but preferable Law. The regime finding the enforcement of the 1993 law's restrictions difficult, sought to strength its powers of censorship – resulting in the decree of the 1997 Press and Publications Law amendments. When the courts overturned the 1997 amendments to the Press and Publications Law in January 1998, the government reacted with vengeance. Although most human rights activists considered the 1993 Press and Publications Law far from perfect, it was much preferred to the 1997 amendments.²⁸ The draft law the government submitted to the parliament in 1998 was far harsher than the either of the two previous incarnations of the press law. Thus, the resulting law was still about as harsh as the 1997 amendments – even after the parliament toned down the 1998 draft. The government's strategy made previously unacceptable outcomes more palatable to the opposition by virtue of the fact that the regime could have compelled even worse outcomes for the opposition. The regime coalition's overwhelming control over the parliament – the venue that the 1998 Press and

²⁸ Article 19, *Blaming the Press: Jordan's Democratization Process in Crisis* (London: Article 19, 1997).

Publications law constitutionally passed through – proved to be the key. This control, however, stemmed from the results of previous interactions within political society.

Venue Contestation and the 1998 Press and Publications Law

Venue contestation had a much smaller effect on the outcome of the passage of the 1998 Press and Publications Law. The composition of the parliament was stacked in the regime's favor. There was little that the opposition could do to combat this overriding force. Journalists opposed to the draft law tried to lobby the House. The result was the watering down of the draft law – but not the law's defeat. Opposition activists failed to provide an alternative to the government's draft law.²⁹ The handful of opposition deputies in the House also tried to rally support for press freedom.³⁰ However, their numbers had been reduced to the point where they could not even delay legislation. They had no hope of blocking the 1998 Press and Publications Law.

Finally, after the law had been passed, some opposition personalities proposed turning back to the courts by asking for the 1998 Press and Publications Law to be ruled unconstitutional since it violated the Constitution's guarantee of free speech.³¹ However, the idea was not pursued. The precedent set by the courts, in relation to the 1997 amendments to the Press and Publications Law, dealt only with the procedures of

²⁹ Interview with Asma Khader, 20 June 1998, Amman.

³⁰ Interview with Khalil Haddadin, 9 July 1998, Amman; Interview with Bassam Haddadin, 13 July 1998, Zarqa.

³¹ *The Star*, 10 September 1998.

the decree. The 1998 law had been passed through the regular constitutional channels. Moreover, the court's verdict on the 1997 amendments said nothing about the decree's content. The issue of the restrictions in a Press and Publications Law violating the Constitution's Article 15 was not part of the January 1998 ruling.

In conclusion, in the case of the 1998 Press and Publications Law, there was little the opposition could do to avoid being overridden by the regime. Despite the opposition's unity and the regime coalition's split, the venue involved in this episode was the parliament. By 1998, the cumulative effect of previous episodes had shaped a thoroughly pro-government parliament. Through this parliament, the regime redeemed its ability to override the opposition despite the fact that the previous year had seen two failures in the regime's attempts to regulate the institutions of political society.

CHAPTER TEN

CONCLUSION

The previous seven chapters have discussed a series of regime survival strategies. In these seven regime attempts to reshape political institutions in Jordan, all but one has succeeded. Three of these successful survival strategies have come about through negotiations between the regime and the opposition. In the other three cases, the regime has successfully instituted the survival strategy by overriding the objections of the opposition. In the case of failure for the regime's survival strategy, venue contestation by the opposition was able to block the regime's plans.

In this conclusion, the variance of the independent variables (unity of the regime coalition and the opposition, path dependence, and venue contestation) in relation to the dependent variable (the success or failure of the survival strategy) will be analyzed and discussed. Table 13 summarizes the values of the variables from the seven episodes of regime institutional survival strategies in political society. From this analysis of the variables, some hypotheses will be drawn. Then, episodes from Morocco and Kuwait will discuss the utility of these hypotheses. Finally, directions for future research in these issues will be noted.

Table 13: Summary of Cases and Variables

Case	Venue	Success?	Unity of Collective Action	Path Dependence	Venue Contestation
National Charter	Royal Committee	Negotiated Success	R: Strong O: Weak	Path Making	R: Strong O: Strong
Political Parties Law	Parliament	Negotiated Success	R: Strong O: Weak	Strong	R: Weak O: Weak
PPL 1993	Parliament	Negotiated Success	R: Strong O: Weak	Weak	R: Strong O: Weak
Election Law	Decree	Override Success	R: Strong O: Weak	Weak	R: Strong O: Weak
PPL 1997	Decree	Failure	R: Strong O: Weak	Strong	R: Weak O: Strong
Boycott	Public Mobilization	Override Success	R: Weak O: Weak	Strong	R: Strong O: Strong
PPL 1998	Parliament	Override Success	R: Strong O: Weak	Strong	R: Weak O: Weak

Patterns of Opposition Unity

Does the opposition matter in Jordan? The unity of collective action of the opposition groups moved from generally being weak during the early cases to growing in strength in the latter cases. The opposition forces in Jordan are divided between the Islamists on one hand, and Leftists and Arab Nationalists on the other. This ideological gap often prevented the various opposition groups from acting collectively against the regime coalition. The opposition may disagree with the regime on policy and institutional issues; however, the opposition groups may disagree with each other even

more strongly. This pattern prominently occurred during the debates over the National Charter and the election boycott.

Thus, from these cases, one can conclude that a lack of opposition unity tends to reduce the influence the opposition has on the outcome of regime survival strategies. Selective incentives from the regime to specific opposition groups (and even to specific members within opposition groups) provide grounds for regime successes in reshaping institutions in political society. Electoral gains by minority candidates, for example, have made Leftists and Arab Nationalists less likely to cooperate with Islamists on proposing a unified opposition alternative to the SNTV electoral system. These types of incentives also weakened the universality of the 1997 election boycott. In contrast to such carrots, the regime may also wield sticks to divide the opposition. By the King singling out the IAF in his speech announcing the amendments to the Election Law in 1993, the regime deterred the Islamists from boycotting the 1993 election. Without the largest opposition party supporting a boycott to protest the new electoral system, opposition threats were vaporous.

Often a barrier to collective action among the opposition is the actors' lack of clear policy and institutional preferences. Without a clear alternative to the SNTV electoral system or the 1998 Press and Publications Law, the opposition was liable to having groups shaved off by the regime's selective incentives. Ideological and organizational cleavages among the opposition have led to a lack of initiative in

proposing both policies and institutional reforms. Often the only factor uniting Jordanian opposition groups is their shared dislike for regime actions – such as the 1997 Press and Publications Law amendments. Without presenting clear alternatives, the opposition generally does not act, it only reacts.

Moreover, the structure of institutional venue also influences the ability of the opposition to unite its disparate ranks. The composition of the parliament highlights existing ideological gaps between opposition trends. Leftists, Arab Nationalists, and Islamists all may oppose the regime's policies, but for different reasons. Within the parliament, regime supporters may turn to their left or right to forge winning coalitions. Such a pattern is not uncommon. Minority governments in many democracies, such as Norway, have relied on the same tactic of forming legislative electoral majorities with each new policy area.¹ With the 1993 Press and Publications Law, the Islamists occasionally joined with pro-regime deputies to limit press freedoms. In the parliament, however, the opposition still may achieve some of its goals through negotiations – as attested by the Political Parties Law and the 1993 Press and Publications Law cases.

However, one should not write off the opposition in Jordan too quickly. During the seven cases in this dissertation, the opposition did make a difference – under certain

¹ George Tsebelis, "Veto Players and Law Production in Parliamentary Democracies: An Empirical Analysis," *American Political Science Review* 93:3, (September 1999), 591-608.

conditions. When the opposition can lay claim to the center of the political arena, the opposition can at least force the regime to resort to overriding the opposition (as with the 1998 Press and Publications Law). In the case of the 1997 Press and Publications Law amendments, a unified opposition can even help cause the failure of a regime survival strategy. The unified opposition must exploit splits within the regime coalition. When regime liberals are alienated from regime hard-liners over a policy or survival strategy, the opposition and regime liberals can claim the center space of the political spectrum marginalizing the hard-liners. The transitions literature has already noted this point. However, the opposition - regime liberal alliance must also act with their collective unity. The alliance must try to circumvent the venue the regime hard-liners have chosen. Thus in the case of the 1997 Press and Publications Law amendments, the alliance challenged the regime's executive decree in the courts where regime liberals held a greater sway. The opposition may matter depending on its ability to unify not only its ranks, but when it can join with dissatisfied regime coalition members for action.

Patterns of Regime Coalition Unity

The universal model of transitions also has argued that weakened regime coalition unity is one of the precipitating factors of political liberalization. When soft-liners defect from hard-liners and align with opposition moderates, a regime transition

often results.² In Jordan, the regime's projects of reforming institutions in political society generally seems to support a related position: strong regime coalition unity seems to be correlated with successful institution survival strategies achieved through negotiation. However, the causation of this pattern seems unclear. Did strong regime coalition unity lead the regime to pursue negotiations with a clear agenda? The case of the National Charter seems to support this thesis. Or, did the regime not pursue negotiations when it was unclear that all the coalition's members would support the action? The case of the decree of the amendments to the Election Law in 1993 offers greater support to the latter explanation. More research may be needed to root out any causal relationship between strong regime coalition unity and negotiated successes.

In contrast, the relationship between weak regime coalition unity and the failure of survival strategies seems clearer. In fact, the pattern complements the unity of the opposition as discussed in relation to the 1997 amendments to the Press and Publication Law. If regime coalition unity is weak and the opposition strongly contests the survival strategy using the rules of an venue to their advantage (strong venue contestation) coupled with a weak regime response, then the institutional reform is likely to lead to failure. During the 1997 Press and Publications Law amendments episode, hard-liners of the regime coalition only weakly defended the decree in the

² Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (New York: Cambridge University Press, 1991), 69.

venue of the courts. A similar pattern occurred with the opposition boycott of the 1997 elections. The regime coalition's disunity was exploited by the opposition taking the initiative. The regime nearly failed to simultaneously limit the inclusion of the opposition in the parliament while keeping a legitimate public perception of the elections.

Weak regime coalition unity, however, does not necessarily lead to the failure of regime survival strategies. With strong conditions of path dependence institutional reforms may mitigate failures or even produce successes through overriding the opposition. This feature of path dependence in relation to the boycott of the 1997 elections and the 1998 Press and Publications Law will be discussed in the following section.

Patterns of Path Dependence

At first glance, there seems to be very little connection between the effects of previous episodes of institutional interaction and the successful outcome of regime survival strategies. Upon a closer analysis, especially of the final three cases, an important feature of path dependence begins to appear. When teamed with certain conditions of the opposition, the effects of path dependence can help the regime snatch victory from the jaws of defeat.

The negotiations over the National Charter did provide an agenda for the other two episodes of negotiated outcomes – the Political Parties Law, and the 1993 Press and Publications Law. The terms of negotiation over the two items of legislation were influenced by the National Charter episode – especially in the case of the Political Parties Law. However, the regime coalition’s unity and use of venue contestation may have been more important to the outcome of the 1993 Press and Publications Law. Thus, more research is needed to specify a relationship between the short run effects of path dependence and successful negotiated survival strategies.

The impact of path dependence is clearer in episodes of failed survival strategies, or successful survival strategies achieved through overriding the opposition. With the boycott of the 1997 elections, path dependence helped save the regime from failure. The combined effects of three factors resulted in the parliament elected in November 1997 still holding legitimacy while containing hardly any opposition deputies. First, the boycott was broken due to a lack of opposition unity. Second, the SNTV system (decreed in 1993) buttressed the regime’s confidence in its ability to overcome the boycott. Third, the 1997 amendments to the Press and Publications Law were still in effect during the elections. They provided the regime a tool to silence the boycotters – a path dependent form of venue contestation.

Moreover, path dependence can even help turn failures into later successes. The regime relied on the pro-government parliament elected in 1997 to pass the 1998

Press and Publications Law. The opposition, despite its unity, could not significantly influence the outcome of the parliament's debate over the new press law. During debates over the 1998 Press and Publications Law, the regime made sure to remind that the opposition had locked *itself* out of the decision making process by virtue of the boycott.

Thus, the regime can benefit from previous episodes of institutional management whether they were successful or not when the opposition is either: weakly united, or cannot use venue contestation. The 1997 election boycott is an example of the prior; the 1998 Press and Publications Law is an example of the latter. The fact that in both cases the regime's unity was weakened also deserves to be noted. Therefore, path dependence under these conditions can help the regime salvage something out of failed survival strategies.

Patterns of Venue Contestation

When venue contestation was strong it significantly influenced the outcome of the cases in this dissertation. In contrast, path dependence was important only in the two cases where neither the regime nor the opposition resourcefully used the rules of the venue (The Political Parties Law, the 1998 Press and Publications Law). Thus, one can see that venue contestation – when it is present – may explain more of the outcome of the dependent variable than path dependence. However, does venue contestation do

a better job of explaining the success or failure of regime survival strategies than the variables of the unity of the regime and opposition?

With these two variables, the components of collection action have been separated out from each other. Unity measures the collective cohesion of the regime coalition and the opposition. Venue contestation measures the opportunities for action, and the use of those opportunities, by political actors. Based on the evidence from the seven cases from Jordan, one can argue that venue contestation can better explain the outcome of the dependent variable than the unity of the regime or opposition.

This position can be supported by investigating conditions where collective unity for the actor was weak while the actor's venue contestation was strong. During the drafting of the National Charter, the opposition's unity was weak. Yet by using the rules of the Royal Committee, the opposition made sure that super-majority voting rules were required for all decisions to prevent the opposition from being overridden. Likewise, the regime was divided during the 1997 elections boycott. Yet the regime's strong use of the 1997 Press and Publications Law and other electoral manipulations mitigated the potential for failure in the episode by producing an overwhelmingly pro-government parliament.

For the opposition, venue contestation seems very important in preventing or limiting the success of the regime's survival strategies. After the decree of the 1997 Press and Publications Law amendments, the opposition was collectively united and

acted to contest the decree in another venue. The result was a failure for the regime; the opposition even limited the future threat of executive decrees overriding the opposition. In contrast, the 1998 Press and Publications Law was constitutionally legislated despite the opposition's strong unity. The opposition, however, could not contest within or outside of the parliamentary venue due to the election boycott. The opposition was overridden despite the regime's lack of unity.

These observations lead to a counterfactual question regarding the case of the 1993 decree of the Election Law amendments. If the opposition had contested the decree in the courts, would the episode have resulted similarly to the 1997 decree? In Egypt, the opposition had successfully used the courts to block changes to the electoral law that benefited the regime's supporters. Could the same have happened in Jordan? If the opposition's use of venue contestation does carry such weight, it may have torpedoed the SNTV electoral system before the new Election Law sank the opposition's electoral chances.

Yet based on the cases investigated in this dissertation, it seems that venue contestation is a variable that deserves more attention. The Jordanian opposition may want to notice that when it acted resourcefully, within a venue or by changing venues, the regime's survival strategies were less successful – regardless of the unity of the opposition. The less opposition venue contestation there was during an episode, the more likely the regime succeeded with its survival strategy.

Towards Some Hypotheses

Based on the above discussions of the three variables, one can draw a few hypotheses about the factors that aid in the success or failure of regime survival strategies in political society.

- 1. The likelihood of success of a regime institutional survival strategy in political society is inversely related to the degree of opposition unity.*
- 2. The likelihood of success of a regime institutional survival strategy in political society is positively related to the degree of regime coalition unity.*
- 3. The likelihood of success of a regime institutional survival strategy in political society is inversely related to the degree of opposition venue contestation.*
- 4. The likelihood of success of a regime institutional survival strategy in political society is positively related to the degree of regime coalition venue contestation.*
- 5. Given previous successful episodes of survival strategies the likelihood of success of a regime institutional survival strategy in political society by overriding the opposition is positively linked to path dependence even in the presence of weak regime coalition unity or venue contestation.*

Regional Comparisons

In order to deepen the discussion of these hypotheses, they can be briefly discussed in light of comparable instances of regime survival strategies from Morocco and Kuwait. These two Arab monarchies can perhaps be categorized as two of the ‘most similar’ cases to Jordan. Morocco, like Jordan has a King that not only reigns but rules. Longtime opposition forces in Morocco have historically acquiesced to

living within the monarchy's institutions. In Kuwait, a shakhly ruling family has long held power. However, Kuwait also holds the longest standing tradition of a parliamentary legislature in the Gulf, and perhaps the most independent legislature in the Arab World.³ Thus, both Morocco and Kuwait can be classified within the regime type of authoritarian monarchies. Like the Jordanian monarchy, the Moroccan and Kuwaiti regimes have in recent years attempted to solidify their rule with survival strategies that have reshaped institutions in political society. The degrees of success or failure of these projects will enliven the hypotheses generated by this dissertation. The episodes of survival strategies from Morocco will be discussed using secondary sources, while the episodes from Kuwait will derive from primary sources. The episodes from Kuwait have not received the same degree of attention as those from Morocco and one is much more recent in time.

Morocco

Like King Hussein of Jordan, Morocco's King Hassan II has reshaped political institutions over the past decade in order to protect the monarchy. His survival strategies, however, have focused mainly on rewriting the Moroccan constitution to alter the shape and composition of the legislature. In general, the constitutional

³ An argument can also be made for Lebanon for this distinction. Nevertheless the Kuwaiti parliament holds a strong position in Emirate. See Abdo Baaklini *et al.*, *Legislative Politics in the Arab World: The Resurgence of Democratic Institutions* (Boulder: Lynne Rienner Publishers, 1999), 169-171.

amendments of 1992 and 1996 have increased the powers of the legislature while expanding the opposition's representation within it. These survival strategies have delegated some of King Hassan's many powers, but the reforms have not devolved them. The survival strategies of the Moroccan monarchy have generally been successful, thus allowing for the calm succession of Hassan's son, Mohammed, to the throne in 1999.

In Morocco, the main opposition trends have evolved from the Moroccan nationalist opposition. Over the years, the leftist trends of the opposition have generally eclipsed their nationalist ancestors. The Leftists and Nationalists, however, generally coordinate their opposition to the Moroccan regime. The Islamists in Morocco have been marginalized as an opposition force, in contrast to the strong Islamist movement in Jordan. Thus, divisions among the legal Moroccan opposition generally do not have to bridge a wide ideological divide.

Under the 1972 constitution, King Hassan's rule was virtually unchecked by the indirectly elected legislature. During the early 1990's, however, pressure on the King mounted with internal economic crises and European criticisms of the condition of human rights in Morocco. In response, Hassan promulgated a new constitution in 1992.⁴ The new constitution contained many changes, however, the most important

⁴ Gregory White, "The Advent of Electoral Democracy in Morocco? The Referendum of 1996," *Middle East Journal* 51:3 (Summer 1997), 392.

being the increased power of legislature. Under the 1992 constitution, the Prime Minister would be jointly responsible to the King and to the parliament. Previously, all cabinet ministers served solely at the appointment of the King. The parliament also gained greater powers of oversight and interrogation over the cabinet.⁵ The legislature and even the cabinet, however, remained subsidiary to the King's with his extensive reserved domains of power.⁶

The new constitutional changes, however, did not meet the opposition's demands for a fully directly elected legislature. Most of the various opposition parties in Morocco urged a boycott of the referendum that was to ratify the 1992 constitution.⁷ The regime, through a combination of mobilization and fraud, gathered a supposed 97.4 percent of voters to participate in the referendum. Of these voters, 99.98 percent reportedly voted "yes."⁸ The regime overrode the opposition and imposed the new constitution, as it had in past referenda.

The regime succeeded with the 1992 constitution through strong regime coalition unity, path dependence, and by using the rules of the referendum venue. The opposition could not block the regime's survival strategy despite its generally strong unity and contestation within the venue. However, the regime's overriding of the

⁵ Guilain Denoeux and Abdelsam Maghraoui, "King Hassan's Strategy of Political Dualism," *Middle East Policy* 5:4 (January 1998), 108-109.

⁶ Denoeux and Maghraoui, 111.

⁷ Denoeux and Maghraoui, 112.

⁸ White, 392.

opposition by making the 1992 constitution did not end King Hassan's political troubles.

In the 1993 elections, the opposition groups were nearly able to win a majority of the directly elected seats in parliament. Only with the 'correction' of the indirect second round of elections was the regime able to reach a majority with 195 of the 333 seats in the parliament.⁹ The results alienated many voters. Moreover, it worsened relations with European human rights activists who influenced European Union trade policy towards Morocco.¹⁰ Thus, King Hassan undertook a number of steps towards greater political liberalization in Morocco. Political prisoners were released, political exiles allowed to return, and additional amendments to the constitution were offered.

The 1996 constitutional amendments represent "yet another manifestation of Hassan II's attempt to consolidate royal authority just as he also seeks to facilitate a genuine democratization of the political system."¹¹ The amendments created a bicameral parliament. The lower house would be completely directly elected. The new upper house would be indirectly elected by various methods. The amendments represented a major compromise with the opposition's demands.¹²

⁹ White, 394; Denoex and Maghraoui, 112.

¹⁰ White, 401-403.

¹¹ Denoex and Maghraoui, 113.

¹² White 393-396; Denoex and Maghraoui, 114.

Thus, it was no surprise that the vast majority of opposition groups urged the public to vote 'yes' in the 1996 referendum to ratify the amendments.¹³ Nevertheless, the 99.56 percent support for the amendments still appeared fraudulent.¹⁴ The 1996 amendments to the constitution can be seen as a negotiated success for the regime. The regime made some concessions to the opposition, but still held on to a number of reserved centers of power for the King and his conservative allies. In this episode, all of the variables hold the value of 'strong'. The 1997 elections then gave the largest share of seats to the opposition. This opened the door to the appointment of leftist 'Abd al-Rahman Yousufi as Prime Minister.¹⁵ Morocco now has a period of "alternance" of political parties.

The success of such institutional survival strategies by the Moroccan monarchy has allowed the regime to control if not co-opt the organized opposition movements. Thus, the Moroccan regime has been able to "reinvent itself through both day-to-day political maneuvering and long-term institutional restructuring, so as to allow the monarchy to survive into the twenty-first century."¹⁶

¹³ White 396-400.

¹⁴ White, 400.

¹⁵ *The Economist*, 21 March 1998.

¹⁶ Denoeux and Maghraoui, 104.

Kuwait

In Kuwait, the ruling family has also tried to insure the survival of the regime through institutional survival strategies. The fallout of the Gulf War and growing economic problems have forced the Amir, Jabir Ahmad al-Sabah, to cede a number of powers to the elected National Assembly. The Kuwaiti ruling family and the National Assembly have had a long stormy relationship.¹⁷ Over the years, the Amirs of Al-Sabah have dissolved the assembly a number of times, the most recent being in 1986.¹⁸

To honor promises made to preserve national unity during the Iraqi occupation, Amir Jabir reinstated the Assembly in 1992. The October 1992 elections sent 35 representatives of the various opposition trends to the 50 seat unicameral parliament. However, the Kuwaiti opposition is far from homogeneous. There are a number of cleavages that separate the established merchant families from the Arab Nationalists and from the rising but fractious Islamists.¹⁹ The opposition led parliament attempted to strengthen its power vis a vis the Al-Sabah controlled cabinet in a number of

¹⁷ See Jill Crystal, *Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar* (New York: Cambridge University Press, 1990).

¹⁸ See Neil Hicks and Ghanim al-Najjar, "The Utility of Tradition: Civil Society in Kuwait," in Augustus Richard Norton, ed., *Civil Society in the Middle East, Volume 1* (New York: E.J. Brill, 1995), 194.

¹⁹ Paul Aarts, "Limits of Political Tribalism: Post-War Kuwait and the Process of Democratization," *Civil Society* (December 1994), 21.

different issue areas. From 1992 to 1996, the parliament played an important role in Kuwaiti debates over the budget and privatization, debt repayment, and corruption.²⁰

In 1994 these debates became linked over the issue of ministerial accountability. During the parliament's suspension, the Amir had used his constitutional decree power under Article 71 of the Kuwaiti constitution to decree laws in the absence of a parliament. This power is similar to the executive power of decreeing temporary laws in Jordan. One of the most controversial decrees was known as the 'Don't Try the Minister' Law. The 1990 law restricted putting cabinet ministers on trial for actions taken in the course of their job. In 1986, parliamentary investigations into the finances of the Oil Minister, Sheikh 'Ali Khalifa al-Sabah, helped bring the suspension of the Assembly.²¹ The decreed law was to prevent the reoccurrence of National Assembly investigations of corruption in the royal family. In 1994, when the National Assembly reviewed the decree it repealed the law.²²

The bringing of criminal charges against Sheikh 'Ali in July 1994, brought the ruling family and the parliament to loggerheads. In April 1995, the regime asked the constitutional court to review the Assembly's revoking of the 1990 law – basing its request on Article 71 of the Kuwaiti constitution. This affront to the constitutional

²⁰ See Russell E. Lucas, "Parliaments, Arab Monarchies, and the Middle Classes: The Case of Kuwait," a paper presented for the Second Workshop for Parliamentary Scholars and Parliamentarians, Wroxton, U.K., 3-4 August 1996, 29-35.

²¹ Crystal, 104-6.

²² Reuters, 11 January 1994.

privileges of the Assembly infuriated the opposition. Most opposition representatives felt that the regime was using the court to rewrite the constitution.²³ A serious row developed and rumors abounded that the Amir would once again suspend the Assembly.²⁴ However by late May 1995, a compromise was reached between the regime and the Assembly where the regime withdrew its request for constitutional court review, and the Assembly dropped the repeal of the 'Don't Try the Minister' Law.²⁵ However, later in the summer – this time with regime support – the opposition passed a law modifying key sections of the 'Don't Try the Minister' Law that were objectionable to the opposition.²⁶ In the end a compromise was reached avoiding a possibly thorny crisis.

Despite the negotiated outcome, the regime had generally failed to prohibit investigations into the finances of the Al-Sabah family. When liberals and Islamists unified their disparate ranks and cooperated in the Kuwaiti National Assembly, they could command a majority. This opposition unity and action weakened the ruling family's ability to implement survival strategies. The effects of path dependence, in the form of threats of dissolution, did temper the opposition's rejection of dialogue. Strong venue contestation by both the regime and the opposition, however, brought

²³ Reuters, 18 April 1995.

²⁴ Reuters, 11 April 1995; 18 April 1995.

²⁵ Reuters, 25 May 1995.

²⁶ Reuters, 15 Aug. 95; MEED, 28 August 1995.

both sides to the brink of conflict. This conflict resulted in the growth of parliamentary power at the expense of the ruling family.

Elections in Kuwait in 1996 produced a more pro-regime National Assembly with the growth of deputies from tribal backgrounds. This did not, however, prevent the game of parliamentary inquisition into the affairs of the cabinet. In May 1999, the National Assembly was about to remove the Minister of Islamic Affairs for incompetence when the Amir dissolved the parliament to prevent the vote of no-confidence.²⁷ During the brief interlude between the dissolution of the Assembly and the elections in July 1999, the Amir again used his constitutional power to decree almost 60 laws.

The most controversial of the decrees gave women the right to vote for the National Assembly.²⁸ Of course, this expanded suffrage applied only to those women who can meet the electoral law's strict citizenship and residency requirements. Previously, the male only electorate had comprised 15 percent of the citizen population. The decree of women's suffrage became a hot campaign issue. The decree facilitated the election of a greater number of liberals, who generally supported the decree, and Islamists, who generally opposed it.²⁹

²⁷ *The Economist*, 8 May 1999.

²⁸ *The Economist*, 22 May 1999.

²⁹ *New York Times*, 4 July 1999; *The Economist*, 10 July 1999.

When the new National Assembly reviewed the decree in November 1999, it led to fierce debate between liberals and a few government supporters on one hand, and Islamists and traditional tribal deputies on the other. Some liberals, however, voted to reject the suffrage law not for its content but for its method of legislation. The decree was overturned.³⁰ A few weeks later, however, the liberals were unable to gather enough support to pass a bill drafted by the parliament to grant women the same rights as the decree.³¹ The regime's attempt to offer greater political liberties can be seen as an attempt to draw greater support for the government from educated middle and upper class women. The regime's attempt failed to broaden its support base by expanding suffrage.

Both the opposition and the regime coalition split over the issue. However, the Islamists were joined by a great number of traditional regime supporters giving them the overwhelming edge in the parliament.³² Both sides attempted to contest the issue using the rules of the National Assembly. However, with previous victories by the parliament over the regime's decrees, the Islamists and their tribal allies defeated the granting of women's suffrage. Thus, even if a regime survival strategy aims to increase political liberalization, it may be rejected by sectors of the opposition acting to block the regime's power.

³⁰ *The Economist*, 27 November 1999; Deutsche Presse-Agentur, 23 November 1999.

³¹ *New York Times*, 20 December 1999.

³² *New York Times*, 20 December 1999.

Discussion

The two episodes from Morocco and the two episodes from Kuwait outlined in this section lend support for four of the five hypotheses drawn from the Jordanian case. The successes of the Moroccan regime, through both negotiation and overriding the opposition, demonstrate the importance of the regime coalition's venue contestation of resourcefully using the rules of various institutional venues. In contrast, the importance of the opposition's unity and venue contestation is exemplified in the Kuwaiti regime's failure to decree limits to ministerial accountability. Moreover, the Kuwaiti regime's failure to decree women's suffrage shows the importance of regime coalition unity.

In terms of path dependence, no cases strongly support the hypothesis that a strong path dependence can make up for other weaknesses of the regime in successfully instituting survival strategies. Path dependence in the episodes from Morocco did help the regime's attempts at rewriting the constitution. However, the regime's unity and venue contestation were also strong in these cases – so the affects of path dependence cannot be isolated. In contrast, the Kuwaiti cases tend towards another interpretation of the hypothesis. Path dependence can work for the opposition – given previous opposition victories in blocking survival strategies. With victories accruing for the opposition led-National Assembly, the parliament's power grew at the expense of the ruling family. Regime attempts to initiate institutional survival strategies may be

blocked in the parliamentary venue due to previous episodes that increased the institutional power of the venue. Thus, further research is needed to explore the power of path dependence in affecting the success or failure of survival strategies under different legacies of successes or failures.

Based on the cases from Jordan, Morocco, and Kuwait one can also elaborate on the relationship between the three independent variables. Based on the Jordanian cases, one would be led to believe that venue contestation tended to have a greater effect on the outcome of the episode than path dependence – especially for the regime. However, given a different balance of power between the regime and opposition – as in Kuwait – this generalization cannot be borne out. However, the effects of venue contestation do seem to overshadow the effects of unity, for both the regime coalition and the opposition. The Kuwaiti and Moroccan cases generally support this proposition. Stating a relationship between path dependence and unity proves to be more difficult. However, path dependence does seem to bolster the regime when its unity is strong but venue contestation is weak – as in the case of Political Parties Law in Jordan. Weighing the effects of the independent variables against one another can be difficult because of the limited number of cases and the interdependence of the qualitative independent variables.

Issues for Future Research

The hypotheses generated by this project are only the beginning of research devoted to exploring the conditions for the survival of authoritarian regimes. In Arab monarchies, history has left political and institutional legacies that can be used by these countries' regimes to aid in their continued survival. Reshaping political institutions is a common regime survival strategy for authoritarian monarchies in the Arab world. Given the context of this regime type, this dissertation has generated some hypotheses regarding the conditions that help insure the success of regime survival strategies. Not surprisingly strong collective action by the regime coalition helps these survival strategies succeed. Weak collective regime action in the face of a united and active opposition tends to result in the failure of such survival strategies. Path dependence – as a short run concept – however, can mitigate the effects of the regime's disunity and inaction.

These hypotheses generated from the experience of Jordan were briefly discussed in relation to episodes from Kuwait and Morocco. In the future, however, these hypotheses can be tested and falsified through investigations in three areas. First, successions have occurred in both Jordan and Morocco since January 1999 – the cut off point of this dissertation's research. King Hussein of Jordan died in February 1999, but only after replacing his brother with his son as his designated heir a couple of weeks before passing away. Almost six months later, King Hassan II of Morocco also died.

The new young monarchs, Abdullah II of Jordan and Mohammed VI of Morocco, have generally been able to consolidate their thrones in the year after their ascension to power. Updating the new Kings' use of survival strategies would help test if such practices rely more on the regime rather than the ruler.

Second, future research could expand the types of regimes to Arab republican regimes. As many Arab regimes have hereditary tendencies despite their republican form – such as Syria and Iraq – cases from these countries could provide interesting contrasting cases for testing hypotheses.

Finally, investigating cases from outside the Arab world can perhaps expand the debate about the survival of authoritarianism in the developing world. In cases as diverse as authoritarian Brazil, Zimbabwe, and Malaysia, non-democratic regimes have used survival strategies to keep their regime in power. The hypotheses generated here can be tested in an even greater comparative perspective, in the future.

Conclusion

This dissertation has generated hypotheses about the factors that aid in the success or failure of authoritarian regime survival strategies of institutional change within political society. Through the case study of Jordan, with reference to the comparable authoritarian monarchies of Morocco and Kuwait, this dissertation has found that the success of regime survival strategies is more likely with: weaker

opposition unity, stronger regime coalition unity, weaker opposition venue contestation, or stronger regime coalition venue contestation. The propensity for failure of regime survival strategies is greater with: stronger opposition unity, weaker regime coalition unity, stronger opposition venue contestation, or weaker regime coalition venue contestation. Path dependence seems to mitigate the effects of the regime's disunity or inaction when a path of regime successes has been made. However, path dependence may have the same effect for the opposition in a context of growing opposition strength.

As these generalizations were made within the context of authoritarian monarchies, their testing on a wider range of cases awaits future research. The stability of the regime can be reinforced with the gradual inertia of regime successes in reforming political institutions through survival strategies. Political liberalization may not need to lead to a regime transition as the universal model of transitions would have it. Based on the study of regime types, as well as the micro-processes of regime and opposition interaction, an explanation for the strength of authoritarianism can be made. Using tools from the new institutionalism demonstrates the difficulties for democratization in Arab monarchies.

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