

Context of the Research

In this context, Jordan's Nationality Law, which governs the methods in which Jordanian nationality is acquired and recovered, requires closer attention. In Jordan, women are not allowed to pass their nationality to their offspring¹ or grant their foreign spouses nationality. The opposite is true for men, who can confer their citizenship onto their children and whose foreign spouses can attain the Jordanian citizenship.²

Jordan has the highest per capita percentage of refugees in the world, thus making the issue of citizenship acquisition particularly pronounced.³ Due to the high number of foreign residents in the nation, discriminatory nationality rules have a direct impact on up to 500,000 children and over 65,000 Jordanian women.⁴

The normative roots of the Jordanian Nationality Law can be traced to the British Nationality Law, British Nationality and Status of Aliens Act of 1914,⁵ that existed at the time of the establishment of the British Mandate over and the creation of Transjordan. As the following comparisons will demonstrate, nearly everything that came to form Jordanian constitutional national subjectivity was lifted verbatim from the equivalent British legislation.

This palimpsestic effort has been the most successful in disguising itself and remaining undetected to this day by Jordanian nationalists who continue to claim that this law is in accordance with Sharia Law.⁶ Whereas the influence of Islamic Ottoman judicial practice and the Westernized Ottoman Tanzimat,⁷ which codified Sharia Law,⁸ is readily accepted – insofar as the Ottomans are not conventionally considered culturally ‘other,’ – the ‘original sin’ of British colonial contamination of Jordan's nationality law is conveniently erased from the genealogy of juridical and nationalist memory.⁹ This research, therefore, aims to shed light on the gendered legacy of British colonization that continues to be implemented in today's Nationality Law, thereby promoting the interests of the elite authority and frustrating the interests of the native women.

1. Jordan Nationality Law of 1954, arts. 3(3) and 9
 2. Jordan Nationality Law of 1954, art. 8
 3. Géraldine Chatelet, 'Jordan: A Refugee Haven' (Migration Policy Institute, 31 August 2010) <https://www.migrationpolicy.org/article/jordan-refugee-haven> accessed 14 September 2022
 4. Catherine Warrick, *Law in the Service of Legitimacy: Gender and Politics in Jordan* (1st edn, Routledge 2009)
 5. British Nationality and Status of Aliens Law of 1914
 6. Abba Amawi, 'Gender and Citizenship in Jordan,' in *Gender and Citizenship in the Middle East* (Said Joseph ed., 2000) 158, 164
 7. Stanford Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey, Reform, Revolution and Republic: The Rise of Modern Turkey, 1808–1975* (Cambridge: Cambridge University Press, 1977), pp. 118–119
 8. Aziz al-Azmeh, *Islam and Modernities* (Verso, 1993), p. 12
 9. Joseph Massad, *Colonial Effects: The Making of National Identity in Jordan* (Columbia University Press, 2001)



Figure 3: Nicola Pratt, [Photograph of] 'A History of Women's Activism in Jordan: 1946-1989' (7iber 26 May 2015) accessed 14 September 2022

The Emergence of Jordan's Current Nationality Law The 1987 Amendments

The 1987 amendment to the nationality legislation reflected international pressures, as well as domestic activism aimed at enhancing protection for women and children's nationality rights.¹ Firstly, the amendment changed Article 8² to allow a foreign woman who marries a Jordanian to acquire Jordanian nationality if she wishes, without giving up her native nationality. Another change allowed a Jordanian woman who marries a non-Jordanian to maintain her Jordanian nationality, notwithstanding her acquisition of his nationality.³ Moreover, to combat statelessness, the amendment changed Article 10⁴ to allow a minor child whose Jordanian father gained foreign nationality to keep their Jordanian nationality.⁵ Be that as it may, the law falls short of permitting mothers to pass on their nationality to their children via descent. As such, the law of nationality remains rooted on *jus sanguinis a patre*.⁶

1. Joseph Massad, *Colonial Effects: The Making of National Identity in Jordan* (Columbia University Press, 2001) 46-47
 2. Jordan Nationality Law 1954, art. 8
 3. An Amendment to Jordanian Nationality 1987, Law Number 22
 4. Jordan Nationality Law 1954, art. 10
 5. An Amendment to Jordanian Nationality 1987, Law Number 22
 6. Lillian Frost, 'Report on Citizenship Law: Jordan' (Global Citizenship Observatory 2022) 24

The British Colonial Legacy on Transjordan's 1928 Nationality Law

The Emirate of Transjordan was founded by the British in 1921 as a protectorate within the British Mandate for Palestine, with the Hashemite leader Emir Abdullah serving as its leader.¹ And while the British declared Transjordan an independent state on 15 May 1923,² the Transjordanian government continued to be subject to the British mandate's authority.

British nationality rules have regarded paternity as the source of nationhood since the 19th century.³ This model was transferred to the colonies. Transjordanian Nationality Law maintains the same epistemology: Jordanian nationality, mirroring British nationality laws, is acquired through two principal ways: paternity or *jus sanguinis*, and residency in Transjordan's territory or *jus soli*.⁴

1. Lillian Frost, 'Ambiguous Citizenship: Protracted Refugees and the State in Jordan' (Doctoral Dissertation, George Washington University, 15 July 2020) <shorturl.at/HILT4> accessed 12 September 2022
 2. Mary C. Wilson, *King Abdullah, Britain and the making of Jordan* (Cambridge University Press 1987)
 3. Joseph Massad, *Colonial Effects: The Making of National Identity in Jordan* (Columbia University Press, 2001) 35
 4. *ibid*



Figure 1: [photograph of] Protest women icon (icosmpng) accessed 15 September 2022



Figure 2: Rana Hussein, [Photograph of] 'Members of "My Nationality is the Right of My Family" (The Jordan Times, 20 August 2017) accessed 16 September 2022

2014 Reforms

Due to the persistent efforts of Jordanian women campaigning for equal nationality rights,¹ authorities introduced a series of reforms in 2014 in the form of a cabinet decision – these were widely promoted as offering ‘civil rights’ or ‘privileges’ to non-citizen children of Jordanian mothers.² Many, however, still encounter difficulties when trying to renew their residency permits, acquire work permits, enrol in public schools, receive government-subsidized health care, own property, invest, or even get a driver's licence.³ Government agencies continue to subject non-citizen children of Jordanian mothers to the same laws and regulations that apply to foreign nationals.⁴ The unique ID that was developed by the cabinet, was intended to make it easier for children of Jordanian mothers and foreign fathers to access services. It soon became clear, however, that many could not obtain the card to begin with.⁵

1. Betty S. Anderson, *Nationalist Voices in Jordan: The Street and the University* (Texas Press, 2005)
 2. Lillian Frost and Nathan Brown, *Constitutions and Citizens in Handbook of Citizenship in the Middle East and North Africa*, edited by Zahra Babar, Roel Meijer, and James Sater (Routledge Press, 2020)
 3. HRW (Human Rights Watch), *I Just Want Him to Live Like Other Jordanians' Treatment of Non-Citizen Children of Jordanian Mothers*, April 2018
 4. Frost and Brown (n 2)
 5. *ibid*

Year	ID Cards for Children of Jordanian Women (البطاقات التعريفية لأبناء الأردنيات)
2016	66,219
2017	7,492
2018	13,540
2019	12,829
Total	100,080

Table 1: CSPD annual data on ID cards for non-citizen children of Jordanian women as of 2019

The Emergence of Jordan's Current Nationality Law The 1961 and 1963 Amendments

The amendments in 1961 and 1963 altered the categorical denationalisation of Jordanian women married to foreigners and the nationalisation of foreign women wedded to Jordanians (irrespective of their choice). The 1963 amendments, which appear to be the more influenced by international trends,¹ allowed minor children (i.e., persons under 18) to retain their Jordanian nationality if their father was or is acquiring the nationality of another country, on the condition that they do not also acquire their father's new nationality.² Likewise, this 1963 amendment included clauses that granted women a greater measure of control over their nationality³ such as the right to preserve their nationality until obtaining that of their husbands,⁴ and the right to retain their nationality even if her husband is acquiring the nationality of another country due to unique circumstances.⁵

1. Lillian Frost, 'Report on Citizenship Law: Jordan' (Global Citizenship Observatory 2022) 16
 2. An Amendment to Jordanian Nationality Law of 1963, Law Number 7 (as translated in Lillian Frost, 'Report on Citizenship Law: Jordan' (Global Citizenship Observatory 2022) 17)
 3. An Amendment to Jordanian Nationality Law of 1963, Law Number 7 (as translated in Lillian Frost, 'Report on Citizenship Law: Jordan' (Global Citizenship Observatory 2022) 17)
 4. An Amendment to Jordanian Nationality 1963, Law Number 7 (as translated in Lillian Frost, 'Report on Citizenship Law: Jordan' (Global Citizenship Observatory 2022) 17)
 5. *ibid*



Figure 4: Shane McKinley, [photograph of] 'Activists want children of foreign fathers to be given equal rights' (Arabian Business, 27 February 2012) accessed 1 September 2022

My Mother is Jordanian and her Nationality is my right!

Jordan is one of 25 countries that deny women the right to pass nationality to their children on an equal basis to men!