

The Legacy of British Colonialism on Nationality Law in Jordan

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1. Context of the research

A foundational element of the rule of law and a prerequisite for democracy is the equality principle.¹ Given that it is a supra-constitutional concept that applies to all authorities and is substantially global in scope, this principle largely impacts legislative policy.² By maintaining that people's rights are protected in an equal manner, the principle of equality plays a part in achieving a balance of power between authority to rule and individuals who are ruled.³ Article 6(1) of the 1952 Constitution⁴ of Jordan stipulates that Jordanians 'are equal on the law front, and there is no difference between them in terms of rights and duties, even if they differ in race, language or religion.'⁵ Although this law 'mandates abstraction and universality,' the constitutional legislator does not go on to define the concept of equality; rather, the efficacy of the principle is assumed, given that it is a fundamental right.⁶

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 offspring. Article 3(3) of the Nationality Law provides that 'any person whose father holds Jordanian nationality' shall be deemed to hold the same, while Article 9 stipulates that 'the children of a Jordanian man, wherever born, are Jordanian'.⁷ Scholars have noted that these provisions, which effectively exclude the passing on of citizenship from a Jordanian mother to her children, effectively violate women's rights and contradicts the principle of equality enshrined in the Constitution.^{8 9}

Similarly, women cannot grant their foreign spouses nationality. The opposite is true for men, whose foreign spouses can attain the Jordanian citizenship by submitting a formal declaration to the authorities three years after their marriage if the wife is an Arab, and five

¹ Ahmad A. Al Dalaien and Ziad Kh Al Enizi, 'Women's rights and nationality: a comparative study of Jordanian nationality law and CEDAW'[2021] 27(1) Australian Journal of Human Rights 1-19

² *ibid*

³ *ibid*

⁴ Constitution of the Hashemite Kingdom of Jordan 1952, art 6(1)

⁵ *ibid*

⁶ Al Dalaien and Al Enizi (n 1) 1

⁷ Jordan Nationality Law of 1954, arts. 3(3) and 9

⁸ James Emanuel, 'Discriminatory Nationality Laws in Jordan and Their Effect on Mixed Refugee Families' [2012] 1(1) University of Notre Dame Law School: Gender Issues in International Law; Al Dalaien and Al Enizi (n 1) 1

¹⁰ Jordan Nationality Law of 1954, art 8

years after her marriage if she is not an Arab. This is as per Article 8 of the Jordanian Nationality Law of 1954.¹⁰

Jordan has the highest per capita percentage of refugees in the world¹¹, thus making the issue of citizenship acquisition particularly pronounced. 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.¹²

The normative roots of the Jordanian Nationality Law can be traced to the British Nationality Law, British Nationality and Status of Aliens Act of 1914¹³ and its amendments of 1918,¹⁴ 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 nationalists¹⁵ who continue to claim that this law is in accordance with Sharia Law.¹⁶ Whereas the influence of Islamic Ottoman judicial practise and the Westernized Ottoman Tanzimat,¹⁷ which codified Sharia Law,¹⁸ is readily accepted – insofar as the Ottomans are not conventionally considered culturally ‘other,’ –

¹⁰ Jordan Nationality Law of 1954, art 8

¹¹ Géraldine Chatelard, 'Jordan: A Refugee Haven' (Migration Policy Institute, 31 August 2010) <<https://www.migrationpolicy.org/article/jordan-refugee-haven>> accessed 1 September 2022

¹² Catherine Warrick, *Law in the Service of Legitimacy: Gender and Politics in Jordan* (1st edn, Routledge 2009)

¹³ British Nationality and Status of Aliens Law of 1914

¹⁴ *The Statutes Revised, Great Britain*, vol. 24, nos. 6, 7 GEO V to 10, 11 GEO V, 1917–1920 (London: Wymans & Sons, 1929), pp. 366–367 (as cited in Joseph Massad, *Colonial Effects: The Making of National Identity in Jordan* (Columbia University Press, 2001))

¹⁵ Joseph Massad, *Colonial Effects: The Making of National Identity in Jordan* (Columbia University Press, 2001) 23

¹⁶ Abla Amawi, *Gender and Citizenship in Jordan*, in *Gender and Citizenship in the Middle East* (Saud Joseph ed., 2000) 158, 164

¹⁷ 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

¹⁸ The Ottoman Tanzimat was responsible for transforming Shariah, which was initially a broad phrase signifying 'good order', into a contemporary code from a repertory of precedents, instances, and basic principles, as well as a corpus of well-developed hermeneutical and paralogical procedures. The Ottoman Tanzimat also categorised Shariah into previously unknown divisions such as 'civil,' 'criminal,' 'commercial,' and 'family,' which is also considered a subset of 'civil.' (Aziz al-Azmeh, *Islam and Modernities* (Verso, 1993), p. 12)

the ‘original sin’ of British colonial contamination of Jordan’s nationality law is conveniently erased from the genealogy of juridical and nationalist memory.¹⁹ This research, therefore, aims to shed light on the gendered legacy of British colonization that continues to be implemented in today’s Nationality Law, and which promotes the interests of the elite authority while frustrating the interests of the native women.

2. 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.²⁰ And while the British declared Transjordan an independent state on 15 May 1923²¹, the Transjordanian government, however, 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.²² As Francesca Klug illustrates, in the exemplary case of Britain, ‘women were only allowed to reproduce the British nation on behalf of their husbands.’²³ They were unable to legally confer their nationality to their children. Further, British women who wed outside the nation lost their nationality, as did their children.²⁴ On the other hand, both the non-British spouses and the offspring of British men would be inherently British.²⁵ This model was transferred to the colonies.²⁶ Transjordanian Nationality Law, which mirrored British law, maintains the same epistemology.

¹⁹ Massad (n 15) 23

²⁰ 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

²¹ Mary C. Wilson, *King Abdullah, Britain and the making of Jordan* (Cambridge University Press 1987) 75

²² Massad (n 15) 35

²³ Francesca Klug, ‘Oh to Be in England’: The British Case Study, in Nira Yuval-Davis and Floya Anthias, eds., *Woman-Nation-State* (London: Macmillan, 1989) 21

²⁴ *Ibid*

²⁵ *Ibid*

²⁶ Massad (n 15) 35

Articles 1 and 6 of the 1928 Transjordan Nationality Law²⁷ stipulated who was a Transjordanian. According to Article 1,²⁸ all Ottoman subjects who were 'ordinarily residing' in Transjordan on the sixth day of August 1924 are regarded to have *acquired* the nationality of Transjordan.²⁹ According to Article 6, moreover, persons regarded as Transjordanians include:

- a) Any person—wherever born—whose father at the time of their birth was a Transjordanian, regardless of whether they were born in Transjordan, acquired the nationality of Transjordan through naturalisation, or fell under the provisions of the law's first article
- b) Any person born in Transjordan who has reached the age of majority, whose father was born in Transjordan, and who, at the time of their birth, was a regular resident of Transjordan, acquires the Transjordanian nationality provided they have not previously acquired another³⁰

Jordanian nationality, mirroring British nationality laws,³¹ is acquired through two principal ways: paternity or *jus sanguinis*, and residency in Transjordan's territory or *jus soli*.³²

Further, Article 7 dealt with ordinary naturalisation and stated that any person without a 'disability' and who met the conditions specified³³ can submit a request to the relevant supervisor to grant them a certificate of naturalisation.³⁴ The term 'Ajz' (or disability, incapacity, or incompetence), as defined in Article 18³⁵, refers to a 'married woman, a minor,

²⁷ Transjordan Nationality Law of 1928, Issue Number 191

²⁸ Transjordan Nationality Law of 1928, art 1

²⁹ *Ibid*

³⁰ Transjordan Nationality Law of 1928, art 6

³¹ British Nationality and Status of Aliens Law of 1914

³² Massad (n 15) 36

³³ The conditions of naturalisation included in Article 18 are the following:

- Having good morals;
- Having regularly resided in Transjordan for two years prior to the date of the nationality request (unless, as stipulated in Article 8, the Cabinet chose to, under the Emir's discretion, to suspend this condition for people who had unique circumstances that would serve 'the public interest');
- Having the intention to continue living in Transjordan;
- Having excellent knowledge of the Arabic Language.

³⁴ Transjordan Nationality Law of 1928, art 7

³⁵ Transjordan Nationality Law of 1928, art 18

a lunatic, or idiot.³⁶ The phrase and its definition are nearly identical to the provisions of the British Nationality and Status of Aliens Act 1914.³⁷

The term ‘Ajz’ was substituted in 1954 by the term loss of [legal] competency, which refers to ‘an underage person, a mad person, an idiot, or any person who is not legally competent.’³⁸ Although married women were removed from this category, their legal standing regarding this statute remained unchanged.

The above stipulations on who is and who can become Jordanian apply to all adult men and all adult unmarried women, notwithstanding the masculine pronouns employed in the legislation. However, the legislation includes separate regulations for married women and minor children, who are grouped together in the statute under the heading ‘The Naturalization of Married Women and Minor Children’.³⁹ Likewise, this category is borrowed verbatim from British legislation.⁴⁰

The sole legitimate national status for married women, be they Jordanian or foreign, is that of their husband, regardless of the spouse's nationality.⁴¹ Echoing the words of British Nationality Law,⁴² it is asserted in Article 10 that ‘the wife of a Transjordanian is Transjordanian, while the wife of a foreigner is a foreigner.’⁴³ This article goes to add two further exclusions. The first states that within two years of her husband's passing or the dissolution of their marriage, a woman who has gained Transjordanian nationality by marriage is to renounce it.⁴⁴ The second states that a woman who married and gave up her Transjordanian nationality has the right to reclaim it within two years after the passing of her spouse or the dissolution of their partnership.⁴⁵

³⁶ Ibid

³⁷ Article 27 of the British Nationality and Status of Aliens Law of 1914, p. 296, states, ‘The expression ‘disability’ means the status of being a married woman, a minor, a lunatic, or idiot.’

³⁸ Law No. 6 of 1954, art 2 (as translated by Joseph Massad, *Colonial Effects: The Making of National Identity in Jordan* (Columbia University Press, 2001) 39)

³⁹ Transjordan Nationality Law of 1928

⁴⁰ Massad (n 15) 45

⁴¹ Ibid

⁴² British Nationality and Status of Aliens Law of 1914, article 10, p. 291: ‘The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien.’

⁴³ Transjordan Nationality Law of 1928, art 10

⁴⁴ Ibid

⁴⁵ Ibid

Likewise, Articles 11⁴⁶ and 12, in accordance with British law⁴⁷, mandated that minors be granted the same nationality as their fathers. The former stated that the minor child of any person who acquired Transjordanian nationality in pursuance of this statute is to be Transjordanian.⁴⁸ The latter, furthermore, stipulates that if a man is stripped of his Transjordanian citizenship, so are his children.⁴⁹ However, it provides that children have two years from the time they reach 18 to submit a statement asking for its return.⁵⁰ The 1928 nationality legislation remained intact without amendments up until 1948.⁵¹

3. The 1948 Arab Israeli War and Its Impact on Jordan's Nationality Law

Transjordan's notions of citizenship and the nationality legislation underwent a significant shift in 1948 and 1949. After three rounds of combat and two failed ceasefires, the first Arab Israeli conflict, which began in May 1948, ended in March 1949.⁵² In May 1948, Transjordan joined the Arab side of the conflict and was successful in annexing a large portion of the region that is now known as the West Bank.⁵³

Consequently, feeling compelled to integrate Palestinians into the larger population, the Jordanian government implemented a new nationality law that formally recognised Palestinian access to Jordanian citizenship in March 1949.⁵⁴

King Abdullah did not govern the East and West banks⁵⁵ for very long; on the 20 July 1951, a Palestinian gunman assassinated King Abdullah at the entrance of Al Aqsa Mosque in Jerusalem.⁵⁶ As required by the Jordanian Constitution, King Abdullah's eldest son, Talal,

⁴⁶ Transjordan Nationality Law of 1928, art 11 and 12

⁴⁷ Massad (n 15) 47

⁴⁸ Transjordan Nationality Law of 1928, art 11

⁴⁹ Transjordan Nationality Law of 1928, art 12

⁵⁰ Ibid; Transjordanian Nationality Law of 1928, art 18 defines legal age as eighteen solar years

⁵¹ Kamal Salibi, *The Modern History of Jordan* (New York: I. B. Tauris, 1998), 153

⁵² Lillian Frost, 'Report on Citizenship Law: Jordan' (Global Citizenship Observatory 2022) 8

⁵³ Massad (n 15) 229

⁵⁴ Jordan Nationality Law of 1949, Number 56 – Additional Law

⁵⁵ Modern-day Jordan and Palestine (Westbank)

⁵⁶ Outward Telegram from Commonwealth Relations Office, 20 July 1951, Foreign Office File 371/91838, File ET 1942/9(c), The National Archives of the UK at Kew (as cited in Lillian Frost, 'Report on Citizenship Law: Jordan' (Global Citizenship Observatory 2022) 12)

ascended the throne.⁵⁷ While King Talal's reign was brief, before his abdication in 1952, he adopted a new, more liberal constitution that is still in effect today, subject to 13 amendments between then and 2020.⁵⁸

Article 5 of the 1952 constitution, similar to Article 5 of the 1947 constitution, declared that 'Jordanian nationality shall be determined by law.'⁵⁹ However, the nationality legislation was not altered until 1954, with the accession of King Talal's eldest son, Hussein.⁶⁰

4. The Emergence of Jordan's Current Nationality Law

Jordan passed new nationality legislation on 16 February 1954 – subject to seven amendments, the 1954 Nationality Law it is still in force today.⁶¹ Although the 1954 act underwent five significant modifications compared to the 1928 statute and its amendments, the 1928 law appears to have served as the foundation for the 1954 law.⁶²

4.1 The 1961 and 1963 Amendments

The amendments in 1961 and 1963, which appear to have been influenced by international trends,⁶³ altered the categorical denationalisation of Jordanian women married to foreigners and the nationalisation of foreign women wedded to Jordanians (irrespective of their choice).⁶⁴ These new amendments state that the wife of a Jordanian is a Jordanian and the wife of a foreigner is a foreigner, with two exceptions:

A Jordanian woman who marries a non-Jordanian may retain her nationality until she obtains the nationality of her husband in accordance with the laws of his country.

⁵⁷ Frost (n 52) 12

⁵⁸ Ibid

⁵⁹ Jordanian Constitution of 1952, Issue Number 1093

⁶⁰ Frost (n 52) 12

⁶¹ Ibid

⁶² Ibid

⁶³ Frost (n 52) 16

⁶⁴ Massad (n 15) 45

A foreign woman who marries a Jordanian may retain her nationality if she wishes, and in this case, she must announce her desire to do so in writing to the Minister of Interior within one year from the date of her marriage, and then she is treated according to the requirements of the Foreigners Law and the regulations issued pursuant thereto.⁶⁵

Additionally, the 1963 amendment enhanced children's nationality rights. Initially, following British law,⁶⁶ Article 10 of the 1954 law deprived a Jordanian man's children of their nationality in accordance with his loss of it.⁶⁷ New provisions, however, 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.⁶⁸ Nevertheless, within two years of turning 18 years old, these children would have to declare their nationality in writing.⁶⁹

Likewise, this 1963 amendment included clauses that granted women a greater measure of control over their nationality.⁷⁰ Firstly, it amended Article 8⁷¹ to incorporate a retroactive component that not only permits Jordanian women who marry, but also those who had *married*, non-Jordanians to preserve their nationality until they obtain their husbands' nationality.⁷² Secondly, it allowed foreign women married to Jordanians to retain their nationality within two years, as opposed to one, from their residency in Jordan, rather than from the date of the marriage.⁷³ Thirdly, it added a new clause that permitted a Jordanian woman to keep her nationality even if her husband had acquired or was acquiring the nationality of another country due to unique circumstances.⁷⁴

Furthermore, the Law of Nationality was amended to accommodate those 'born in the Hashemite Kingdom of Jordan to a mother who holds Jordanian nationality and to a father with an unknown nationality or without nationality, or if the paternity of the father was not legally

⁶⁵ An Amendment to Jordanian Nationality Law 1961, Law number 3 (as translated in Lillian Frost, 'Report on Citizenship Law: Jordan' (Global Citizenship Observatory 2022) 15-16)

⁶⁶ British Nationality and Status of Aliens Law of 1914, art 12

⁶⁷ Jordan Nationality Law 1954, art 10

⁶⁸ 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)

⁶⁹ *ibid*

⁷⁰ *ibid*

⁷¹ Jordan Nationality Law 1954, art 8

⁷² An Amendment to Jordanian Nationality 1963, Law Number 7 (as translated in Lillian Frost, 'Report on Citizenship Law: Jordan' (Global Citizenship Observatory 2022) 17)

⁷³ *ibid*

⁷⁴ *ibid*

established,⁷⁵ and those born in the Kingdom ‘to unknown parents.’⁷⁶ The *Laqit* (Arabic for illegitimate child) in the Kingdom is considered to have ‘been born in it unless otherwise proven.’⁷⁷ On Massad’s analysis, this shows how the absence of a nationalised father is, under the law, equivalent to the absence of a father in totality. Paternity appears to be a juridical category to obtain national agency.⁷⁸ In the absence of a nationalised paternity, as in British law, ‘women and territory (of birth) become agents of nationality as substitute, though secondary, fathers.’⁷⁹ Massad continues to explain that while territory must be supplemented by paternity, territory can act as a national agent independently in the absence of the father.⁸⁰ For women, on the other hand, this is the sole occasion that their maternity may be co-opted as a substitute to fatherhood, in combination with territory (of birth).⁸¹ Nonetheless, in this case, she is endowed with legal agency in that substitutive manner. However, while the law grants territory the autonomous function of substitutive paternity in the absence of a nationalised father, it is unclear why women have the contingent agency of substitutive paternity in the first place. A child born in Transjordan to a non-nationalized father can be nationalised by claiming substitutive paternity via the territory, regardless of whether the child has a nationalised mother.⁸² So, it appears that the contingent agency attributed to women, in the role of mothers, as substitute fathers is at best supplemental and at worst superfluous.

4.2 The 1987 Nationality Law Amendments

Further amendments to the nationality law took place in September 1987. They contained several important features including: the establishment of dual citizenship, increased nationality rights for women and children, and stricter naturalisation procedures.⁸³

⁷⁵ An Amendment to Jordanian Nationality Law 1963, Articles 4 and 5 of Law Number 7 (as translated in Joseph Massad, *Colonial Effects: The Making of National Identity in Jordan* (Columbia University Press, 2001) 37)

⁷⁶ *ibid*

⁷⁷ *ibid*

⁷⁸ Massad (n 15) 37

⁷⁹ *ibid*

⁸⁰ *ibid*

⁸¹ *ibid*

⁸² *ibid*

⁸³ An Amendment to Jordanian Nationality 1987, Law Number 22 (as translated in Lillian Frost, ‘Report on Citizenship Law: Jordan’ (Global Citizenship Observatory 2022) 23)

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.⁸⁴ Firstly, the amendment changed Article 8⁸⁵ to allow a foreign woman who marries a Jordanian to acquire Jordanian nationality if she wishes, subject to the Minister of Interior's approval, by submitting a written statement to the Minister three years after her marriage if she is Arab, or five years if she is not Arab. These provisions do not require the foreign woman to give up her native nationality.⁸⁶ Another change allowed a Jordanian woman who marries a non-Jordanian to maintain her Jordanian nationality, notwithstanding her acquisition of his nationality.⁸⁷ This is unless she renounces it in line with the law, in which case she may recover her Jordanian nationality by applying for it if her marriage dissolves for any reason.⁸⁸ This law also suggests that a woman can retain her Jordanian nationality without needing to acquire the nationality of her spouse.⁸⁹ Moreover, to combat statelessness, the amendment changed Article 10⁹⁰ to allow a minor child whose Jordanian father gained foreign nationality to keep their Jordanian nationality.⁹¹ 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*.⁹²

⁸⁴ Massad (n 15) 46-47

⁸⁵ Jordan Nationality Law 1954, art 8

⁸⁶ An Amendment to Jordanian Nationality 1987, Law Number 22

⁸⁷ An Amendment to Jordanian Nationality 1987, Law Number 22

⁸⁸ Ibid

⁸⁹ Ibid

⁹⁰ Jordan Nationality Law 1954, art 10

⁹¹ An Amendment to Jordanian Nationality 1987, Law Number 22

⁹² Frost (n 52) 24

4.3 The 2014 Reforms

Due to the persistent efforts of Jordanian women campaigning for equal nationality rights,⁹³ authorities introduced a series of reforms in 2014 in the form of a cabinet decision⁹⁴ – these were widely promoted as offering ‘civil rights’ or ‘privileges’ to non-citizen children of Jordanian mothers.⁹⁵ Despite these reforms, many 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.⁹⁶ Government agencies continue to subject non-citizen children of Jordanian mothers to the same laws and regulations that apply to foreign nationals.⁹⁷

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.⁹⁸ The extensive list of papers

⁹³ Frost (n 52) 48; Nimah Habashneh led these efforts and launched the ‘My Mother Is Jordanian, and Her Nationality Is a Right for Me’ campaign. In February 2013, further, Habashneh's campaign joined forces with other activist groups to form the coalition ‘My Nationality is the Right of My Family.’ This coalition consists of 12 civil society organisations and advocates for constitutional and legislative amendments that affirm gender equality and allow Jordanian women married to non-Jordanians to pass their nationality on to their spouses and children. The coalition joined forces with MP Mustafa Hamarneh and initiative movement in 2014 to add women's nationality conferral to the legislative agenda (Betty S. Anderson, *Nationalist Voices in Jordan: The Street and the* (University of Texas Press, 2005)); Rana Hussein, “Activists Renew Demand for Full Citizenship Rights for Families of Jordanian Women Married to Non-Jordanians” *The Jordan Times*, 6 May 2021. <<https://www.jordantimes.com/news/local/activists-renew-demand-full-citizenship-rights-families-jordanian-women-married-non>>

⁹⁴ The Parliamentary branch is at the core of the law-making process in Jordan. Both houses of Parliament have discussions and hold votes on proposed legislation. The prime minister refers proposals to the House of Deputies, where members have the option of accepting, amending, or rejecting them. A separate committee in the Lower House is charged with reviewing each proposal. The administration will translate the draft into a bill and send it back to the House for approval. If the deputies approve it, the House Speaker, who is an elected official, sends to the Senate for discussion and a vote. If approved, the bill is next presented to the King, who then either approves the bill by royal decree or rejects it with justification for his refusal. (‘The Legislative Branch’ (The Hashemite Kingdom of Jordan - Government) <<http://www.kinghussein.gov.jo/government3.html>> accessed 15 September 2022; However, the 1956 Nationality Law amendment added a new article, Article 22, that provided the Cabinet the authority to create regulations for the issuance of personal identity cards and determine their specifics (such as their form, registration requirements, and fees). (Jordan’s Nationality Law 1956, art 22) This article is how, the cabinet was able to introduce reforms, such as the 2014 reforms introducing special IDs for non-citizen children of Jordanian women, but not able to amend the Nationality Law itself.

⁹⁵ 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)

⁹⁶ HRW (Human Rights Watch), *I Just Want Him to Live Like Other Jordanians’ Treatment of Non-Citizen Children of Jordanian Mothers*, April 2018

⁹⁷ Frost and Brown (n 95)

⁹⁸ *ibid*

required to apply has proven to be difficult for many people to acquire⁹⁹, including due to affordability reasons.¹⁰⁰ Moreover, applications have been rejected because the obtainment of the identity was made conditional on the mother's legal residency in Jordan for at least five years prior to the making of the application.¹⁰¹ Consequently, the Civil Status and Passports Department (CSPD) has issued a little over 100,000 of these cards by the end of 2019,¹⁰² thus less than 30% of the expected number of prospective beneficiaries.¹⁰³

Many of those whose applications were successful, moreover, report little to no changes in their circumstances. Their yearly resident permits must still be renewed, which is a laborious procedure in-of- itself.¹⁰⁴ Additionally, those who require work permits still face substantial legal and administrative obstacles when applying for positions for which they are otherwise eligible.¹⁰⁵ And although the cabinet decision pledged to amend the conditions for obtaining a driver's licence, investing, and owning real estate, none of these changes have since been implemented.¹⁰⁶

5. Conclusion

This research aims to demonstrate that the current Jordanian Nationality law and its implementation, in effect, maintain a power imbalance within society which favours Jordanian men. This imbalance can be traced back to the British colonial legacy on nationality legislation in Jordan. However, unlike the British, Jordanian officials continue to enforce such discriminatory provisions. Through my research, I aim to call for the disposal of the patriarchal values pervaded in the laws of post-colonial territories that allow for the legal and social

⁹⁹ Passports from their fathers' countries of origin, residence permits, work permits, official birth certificates, and security clearances are among the several documents required to apply (HRW (n 110) 4)

¹⁰⁰ HRW (Human Rights Watch), Q&A: Status of Non-Citizen Children of Jordanian Mothers, May 2018; The procedure of obtaining these documents was costly, with some women spending 230 Jordanian dinars (about \$324 USD) per child on permits, medical examinations, and transportation (HRW (n 110) 30)

¹⁰¹ Frost and Brown (n 109); This policy was revised in September 2018, eliminating the residence requirement for the mother.

¹⁰² According to cumulative figures of these ID cards issued in the CSPD's annual reports between 2015 and 2019 (as cited in Lillian Frost, 'Report on Citizenship Law: Jordan' (Global Citizenship Observatory 2022) 50)

¹⁰³ HRW (n 110) 4

¹⁰⁴ HRW (n 114)

¹⁰⁵ In May 2019, an amendment to Article 12 of the labour code exempt children of Jordanian women (married to non-Jordanians) from the requirement of a work permit (An Amendment to Labour Law 2019, Law Number 14. Although these children continue to be limited to labour sectors available to foreigners, this is a significant legal victory, especially given the parliament's decision not to enact the same provision for Gazan refugees.

¹⁰⁶ HRW (n 110) 33-40

exclusion of native women all while glorifying and promoting the interests of their western counterparts. This is so as to implement a system that pertains its cultural traditions while simultaneously acknowledging the need for democratization and furthering the development of human rights.

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