



Wal 'aar?! Honor, Class and Tribe. Crime and Society in Modern Jordan

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ABSTRACT

The present study is a critical criminological introductory note that tries to correlates broader socio-economical processes and the peculiarities of political and social life in modern Jordan with the law and the practice of its function. Instead of reproducing orientalist stereotypical analyses, we use honor and crime as instrumental concepts that reveal the full patriarchal structure of the given society that converses with power in a capitalistic state.

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Introduction

A young state with a long history is the Hashemite Kingdom of Jordan. Although there is archaeological evidence of urbanized settlement in the country dating back to 9000 BC (from the first countries in the world), although the territory of modern Jordan hosted old civilizations that were important parts of the history of all great empires, none of all these historical and cultural elements has become part of modern cultural identity of the Jordanians, unlike neighbouring Syria (Georgoulas 2006), which has incorporated the relevant history of its cultural heritage.

The historical starting point for most Jordanians is the union of the scattered Arab tribes of the region under Emir Faisal, the alliance with the British and the revolt against the Ottoman Empire during World War I. But this point in time had no specific geographical limitation either, and, therefore, no space for a separate "nation" to emerge.

Emir Feisal came from Mecca, conquered the lands of modern Saudi Arabia, Jordan and southern Syria; he called for an independent Arab state and ultimately what initially got was Iraq which was subjugated by the British, giving his brother Abdullah to reign another region, which was designed on the map (and was unrelated to specific historical and other data) by a young British secretary then, Winston Churchill.

Finally, since 1921, when the aforementioned occurred, Abdullah had to wait until 1946 to be proclaimed the King of Jordan. The "nation" as part of identity of Jordanians is a concept that has nothing to do with the name of their country; it goes beyond geographical boundaries, and is linked directly to the concept of tribe. All tribes, nomadic or not, constitute a single nation, but this conversion into a single state in this case, was not successful. On the one hand, failed union efforts with Iraq and Egypt, unsuccessful wars with Israel and mainly, an always dependent foreign policy on the West adopted by the Hashemite dynasty that is ruling even nowadays has given, as consolidated result, the current geographical boundaries of the country. On the other hand, Jordan soon became a refugee-hosting country for both Palestinians (in two main waves in 1948 and 1967) and Iraqis (during the first and second Gulf War) (Winclerk 1997).

Nevertheless, in the first case, that is, of Palestinian refugees, that did not occur without bloodshed within the country. The continued dependence on the British suzerainty (which had ceased only typically a few years before) and later on the American suzerainty - with indicative facts for Talal, Abdullah's son, being deposed by the British, just a year after the start of his reign in 1952, and the forced enthronement of his son Hussein, a young student of an British military school, the removal of the government in 1957, because it had begun a dialogue with the USSR - caused the reaction, the uprising of the Palestinian rebels.

The result of the uprising was the historical fact of the "Black September" with the death of about 3,000 people and the subjugation of the Palestinian refugees to the power of Hussein (Beverly and Hinchcliffe 2001).

Demographics and economy

With a population, which - in the last 50 years - has increased tenfold (from 586,000 to nearly 6 million nowadays) with nearly two million Palestinians registered as refugees (65% of the population is estimated of Palestinian origin), 500,000 Iraqi immigrants and with the remainder consisting mainly of Bedouin, Jordan is a country deeply divided. Amman, the capital of the country, has nearly two million people, while the real nomadic Bedouin population is only around 40,000. Nevertheless, the real difference is intense class contradictions.

All Palestinian refugees live in camps that have been since 1967 with intense poverty, child labor, unemployment, miserable living conditions. In such a camp of 1.5 square kilometers more than 100,000 people reside (Scannel 2010: 56-63). The same is true for Iraqis immigrants of the first wave of immigration in 1990. They are all poor; they have come to Jordan to work; they are paid the half of the minimum wage of a Jordan gets, and send foreign currency to their relatives back home in envelopes with the aid of taxi drivers, who hold a percentage of the total amount (Quna 2008). However, in 2003, the second wave of Iraqi immigration was only by wealthy large amounts of money and buying luxury houses. It is they who are now driving the economy (Al Khalidi 2010:1) - together with the non-nomadic Bedouins and this is reflected in the

spatial urban centres, especially in the capital Amman. The rundown centre is inhabited by Jordanian employees of Palestinian origin and Iraqis of the first migration wave, whereas specific rich suburbs in the form of protected areas are being inhabited by the dominant class of Bedouins and Iraqis of the second immigration wave.

The occupational distribution is also similar, where in the first category there are people (if they are not unemployed) who are busy with petty trade and private services, being paid with the basic salary (less than 300 Euros a month) as an upper limit, whereas the second category has senior management positions in the public sector and holds private means of production. A country with unemployment at around 25% (30% youth unemployment), without rich resources, high rates of population living below the poverty line (13% of the population live on 1.5 Euros a day), high public debt and deficit is considered by the World Bank as high-income country¹, while its growth rate of 4.3% per annum, which is based on injections of foreign economic aid, mainly by the USA (in 2009, the USA gave \$ 761 million as financial assistance, and they give similar amounts every year²) and by the IMF (gave \$ 2 billion in 2012 in exchange for corresponding memorandum policies).

The aforementioned conflicting elements are signs of significant polarized class society, while new areas of production are planned, such as nuclear energy (Luck 2010:1), software and Internet access (The Star, 20-26/12/2010:3), within nevertheless the context of a new business elite, which currently has bought public wealth for next to nothing, arguing that in this way economy would become more productive, but so far a third of all employees have been dismissed, with most tangible examples the employees in the Jordanian Airlines, the public department of transport and telecommunications (Abou-Ragheb 2010: 55-64).

Politics, tribes and gender issues

There is a correspondence between the aforementioned financial data, politics and the form the country's democracy. While the official – media constructed image (Brynen 1992) of the constitutional monarchy in the country is that it is a model of democracy and stability in the region, the reality is totally different from what is presented in the mass media. The last elections were characterized illiberal by the National Centre for Human Rights (NCHR), despite the fact that, compared with the previous ones, there was “an improvement”, because now those who work in the armed forces and police can vote and at the same time the penalty for vote buying has increased in seven years (Hazaimah 2010:1, 5).

Elections are generally characterized by the State's large participation in their organization, which artificially increases the rates of participation (which again is 50%) so that the huge abstention is not shown – a class abstention that refers to the layers of the unemployed and low-paid Jordanians of Palestinian origin.³ Voting criterion and, finally, criterion for election is not political, but rather tribal – that of kinship, as the citizens see the parliament as the intermediate agency that can handle personal interests.

Indicatively, more than 80% of candidates on their election messages reveal their tribal origin, while only 67 of the 764 candidates represent political parties and movements, and only 3 of them managed to be elected (Al Masri 2010:62-64). Mass media, the private and public television have no independence on and credibility to covering political issues and elections (Al Sharif, 2010, p.49), whereas phenomena of vote buying have not decreased at all (good examples are mentioned, such as that of a contractor who paid 200 dinars to 400 men to vote for him (Kayali 2010:18).

As the editor of *Jordan Business* (Kardoosh 2010:31) mentions: “Jordan has failed both to develop wealth and promote critical thinking citizens. The fact that there is no “correct democracy” is not due to religion. There is a bureaucracy, which is a giant paternalistic mechanism, a network of common interests of people who are of a common origin and a culture of obedience, which also comes from fear as a result of large investments in the sector of (in)security, controlled media and sterile educational system. The only solution will come from the real separation of powers, free elections, independent mass media, freedom of speech, ability to create political parties, transparency in the administration”. Indicative for the culture of control and obedience is the fact that both NGOs and the Muslim Brotherhood in Jordan seem not to doubt the legalization of the status quo in their actions.

As Wiktorowicz (2000) indicatively mentions, in fact the “civil society” in Jordan works as a government social control tool, and so the creation of such organizations is promoted by the regime. This is mainly achieved through three strategies: the creation of royal NGOs, administrative control of the rest, and inclusion of all NGOs in a Central Union of Voluntary Societies (Wiktorowicz 2002).

Moreover, the Muslim Brotherhood in Jordan has a history of non-violence and frequent defense of the regime from other organizations with radical ideologies (Moadel 2002). It does not usually participate in several electoral processes, but this does not mean that there are not members who have supported government candidates, as happened in the previous elections to the parliament (Ben Hussein 2010a:3), or there are elections in which the Muslim Brotherhood participated (Ben Hussein 2010b:3).

The legitimacy of the regime also comes through enforcement procedures. Students at universities are not licensed to promote political parties, while the Rectors of the Universities have the right to dissolve student unions and not allow student elections. In student elections the candidates are allowed neither to make collective campaigns nor to make political and ideological demands, whereas tribal agenda is respectively promoted. In the past, students were frequently questioned by security forces because they carried newspapers and political books, had political posters in their room, participated in a sit etc. (Kheetan 2010:3).

All the aforementioned are related to the question of political power and brings up the hegemonic class of “Bedouin tribe”, which, however, is an unstable social identity that stems from collaborative processes between nomadic and non-nomadic tribes and Hashemite kings, and cannot be seen through orientalist - western constructions (Layne 1994).

Massad gives emphasis on the two central institutions that play an important role in creating and defining this hegemonic identity in Jordan, the legal system and the army (Massad 2001). The institutionalized by the State positive discrimination for integration of Bedouin in the administrative and military hierarchy - in separate constituencies and parliamentary seats,

¹ <http://data.worldbank.org/about/country-and-lending-groups> (accessed 22 January 2015).

² www.oecd.org/dac/effectiveness/Jordan%203.pdf (accessed 22 January 2015).

³ The highest rate of abstention (65%) occurs in the capital of the country.

special royal scholarships to military academies and universities, tribal courts - are accompanied by other cultural characteristics, and these in turn have emerged as hegemonic in modern Jordanian society.

On the one hand, the conservatism and power of family tradition (Shoup 2007), whose main value is the great respect for the political religious rulers and for the elders and, on the other hand, the woman's inferior position in the family and the protection of "honor" which functions as mechanism to control and maintain political power and the woman's low position in the society. In this context, Warrick is absolutely right when stating that the gender issue in the Jordanian society is not just a special issue on the political agenda, but a sign and symbol of the nature of the political system as a whole (Warrick 2009).

With almost zero access to political power and judiciary⁴, with issues regarding access and discrimination in justice, the equal access to the labor market, political, social and insurance rights (Nazir and Tomppert 2005), but mostly violence that remains an essential component for the operation of the patriarchal structure that governs everyday life and is in tandem with the regime (Ghanim 2009), the vast majority of Jordanian women hold low status in the social hierarchy.

Of course, it should be noted that this social position and the "ideal" of the silent, passive and obedient woman has nothing to do with the basis of the Islam, as Mernissi has shown by studying the key texts of Muslim religion, but with a construct made by *oulama* - men theologians - judges, who participated in the first ethnic and state assemblies of Muslim entities, misinterpreting their respective theological texts to maintain and reproduce the patriarchal political culture that existed before, and on which they then were based (Mernissi 1975).

On the one hand, the fact that the woman's social position has been formed mainly through political and cultural processes and not by religion is confirmed by research carried out by Droeber in young, highly educated, of urban origin, women of modern Jordan - who not only are not discriminated against but rather have access to political power - and play important and influential role in their socio-cultural environment (Droeber 2005).

On the other hand, honor crimes against women are a major social problem with low visibility, and a study that will not reproduce orientalist stereotypical analyses and simultaneously that will correlate it with broader socio-political processes is useful for its understanding. Our critical criminological research offers these tools, in the following section.

Crime and judicial system

If we see some numbers that appear either in international publications or in official statistics, we can get a picture of the crime in the Jordanian society, which is, however, incomplete. The country has been rated as the 24th in the world for the credibility of its police and as the 13th in the world in terms of prevention of the organized crime and, thus, is ostensibly presented as one of the safest countries in the world⁵. Its legal arsenal is a hybrid of the Napoleonic code, which it has inherited from Egypt, British law and *sharia*; and elements such as criticizing the King can put you in jail for up to three years seem as insignificant exceptions.

Judicial independence, constitutionally fortified, does not seem to be threatened by the fact that the absolute ruler has the right to appoint and dismiss judges. A more careful and critical look at the data of the official statistical agency, however, puts questions to be explored further. According to these data, we see that the crime in Jordan shows an increasing trend in recent years, and even 30% of the sum of all crimes is serious crimes, while the rate of litigation amounts to 72.3%.

Over half of all crimes is recorded in the wider area of the capital Amman, whereas it is worth being noted that in recent years an astonishing decrease (from 47,723 cases in 2011 to 7,209 cases in 2012) has recorded in offenses that are within the jurisdiction of the Special Municipal Court of Amman, which deals with matters related to traffic offenses, town code violations, health code, food, professional licenses, etc. (Jordan Statistical Yearbook 2012, Department of Statistics). (Jordan Statistical Yearbook 2012, Department of Statistics: 208⁶)

The interesting data in this table are a lot: first, criminalization of suicide, narcotics addiction, adultery and defloration. Moreover, another interesting fact is that, while the total number of offenses follow an upward trend, offenses related to activities of "white collar" either are stable or in decline (i.e. criminal agreements, bribery, counterfeiting, looting, etc). Especially as far as bribing is concerned, we understand that this is inconsistent with the reality of the data that we have presented earlier (politics). The same, however, applies to breaches of labor legislation. A survey of the National Centre for Human Rights presented in the newspaper Jordan Business (Child labor linked to delinquency, Dec. 2010:40) puts the number of working children in thousands of miserable working conditions.

Another dimension is the reality of the operation of the second degree filtering as to a criminal act, that is, elements of the daily operation of the courts that are also difficult to handle this increase in crime (Husseini 2012:1).

In 2010, a plumber was convicted of sexual abuse of a teenage boy four years after the delay of the trial and the conviction was only half of the proposed penalty, because the boy's family decided to drop the charges (Husseini 2010a:2). The Court of Appeal asks for a further reduction of a man's sentence who killed his sister (honor killing), because he did it in a moment of rage. At first instance he was sentenced to 15 years imprisonment, the appeal resulted in 7.5 years prison, a sentence that was not accepted either, since the Court asked for the sentence to be less than four years (Husseini 2010b:3).

Minors and women before the law and its practice are discriminated against, and it is logical considering the fact that, for example, women must provide evidence if they want to get a divorce, (while men need none); there are dozens of legitimate exceptions to the ban of marriage of underage girls -according to the statistics of 2008 from 67,355 weddings of that year, 9,000 weddings were of underage girls between 15 and 18 years (Steityeh 2010:80).

The law and the practice of its function are associated with the peculiarities of modern political and social life (Dwyer 1990) and, especially, for minors and women, they reveal the full patriarchal structure of the given society.

⁴ The first female MP was elected only in the 1990s, less than 1% of judges are women.

⁵ <http://en.wikipedia.org/wiki/Jordan> (accessed 22 January 2015)

⁶ The table is an exact copy of the table 17.5 in the English version of the Jordan Statistical Yearbook

	2012	2011	2010	2009	2008
Crimes	9621	9326	9270	8241	7812
Attempted murder	513	575	451	392	366
Intended murder	153	133	109	91	100
Robbery	5798	5671	5584	4930	4839
Rape	174	148	152	118	120
Kidnapping	130	127	86	77	75
Ravishes	767	607	662	657	604
Criminal falsification	177	183	235	237	169
Money falsification	116	123	110	103	79
Heavy injury	1071	903	807	706	717
Bribery	93	92	143	176	169
Drug trafficking	524	509	478	661	533
Criminal agreement	83	231	419	46	12
Others	22	24	34	29	29
Felonies	23308	22149	17608	16486	15949
Unintended murder	24	20	30	26	24
Juvenile robbery	7711	8323	6616	5732	5451
Cheating	2030	1903	1497	1417	1869
Attempted robbery	812	906	827	773	802
Resisting officials	1688	1497	1638	1706	1448
Car robbery	4908	4348	2589	2618	3037
Abuse of job	4	8	13	17	4
Prostitution	67	22	21	27	26
Adultery	142	102	96	96	112
Violation of the law of antiquities	70	62	112	132	82
Shooting away of fire	1574	1384	1166	996	791
Gambling	8	21	12	13	20
Addicted to drugs	373	330	45	273	369
Acquisition of drugs	3811	3184	2897	2626	1880
Complete suicide	86	39	49	34	34
Total	32929	31475	26878	24727	23761

As Sonbol (2003) mentions, the legal conditions that allow violence against women establish as mandatory the permission that the husband should give to his wife to work, allow the teenage marriage and motherhood, and they are evidence of patriarchal power that have nothing with Islam.

Unlike that legal conditions are presented as such, it is an issue that does not help to identify the problem; it rather maintains and reproduces it, if viewed as something “given by God”. For its explanation, we should go back to issues we have raised earlier and, especially, the dimension of tribe, class and power.

Conclusion

The demarcation by the law of a behavior as criminal or not, its penalization or not, the extent of this penalization and the filtering processes in judiciary, are all processes that are governed by the fact of the hegemonic identity and the corresponding class position of the tribes that dominate politics and the society in modern Jordan. On the one hand, we have the statutory positive discriminations, such as special tribal courts, special police, special access to the army and administration. From a historical point of view, nomadic Bedouin tribes lived “selling protection” in the residents of areas, but that has never been criminalized.

For violent crimes tribal court has the power to put as a penalty *diyyah*, the financial compensation of the perpetrator’s family to the victim’s family, ensuring that there is no other retribution through the *atwah amniyeh* mechanism (guarantee of the tribe). On the other hand, tribal conflicts between students at the universities are implicitly left almost uncontrollable by the

forces of repression (especially when suppression for respective political issues is excessive) and are not strictly criminalized.

Similarly, white collar crimes - although they are a majority in society, as we have seen in the case of monetary bribes, labor law violations, etc. - not only are under-represented in crime statistics but their number has also been decreasing in recent years, suggesting a relative “hidden political agenda”. But where the class aspect of criminal behavior and how the State deals with it are very conspicuous is the example of honor killings. Hussein writes in one of her publicized reports (2004) that women’s violent murders by their male relatives and the State’s deficiency to deal with the issue (six-month imprisonment is the most frequent penalty and there is legislation on this – i.e. Article 98 of the Penal Code which is invoked in almost all cases) is no exception to the Jordanian society, but the tip of the iceberg in a dark huge number of domestic violence, forced marriages, lack of any sort of rights, discrimination by judiciary, sexist behavior by the police (which can ask for checking a woman’s virginity).

In the absence of the State’s care for threatened women from honor killings (i.e. provision of shelters), women often request to get into the women’s prison so to feel protected. And of course, this problem does exist in other countries in Europe, Latin America and South Asia (Welchman and Hossain 2005). Nevertheless, for a better understanding of these situations, we should be clear about its connection with the wider socio - institutional context, raising issues of tribe, class and power (Idriss 2010).

Ghazi bin Muhammad describes vividly a meeting he had when he was Minister for tribal issues, with a gentleman (who

apparently had access to power) and asked him to intervene to pull out of jail his son who had killed his sister for the honor of the family. When Bin Mohammad refused, the Bedouin father replied "Wal 'aar?" (And what to do with shame?) (Bin Mohammad 1999). At this point, suffice to say that, coming back to their tribe from the prison, sons who killed for their family's honor are received with a hero's welcome and they are financially supported to build their lives.

Honor as an instrumental concept – which reflects a patriarchal society that converses with power in a bourgeois state and is an integral part of this, both in the broader social, economic and cultural context, and in the specific context of the legislative - criminal policy – is being recorded both as institutional practice and as typical legislation. Dozens of articles of the Jordanian Penal Code (18.1, 18.2, 18.3, 19.1, 19.2, 19.3, 96, 98, 99, 340, etc.) describe extenuating situations for honor, while the *haqq khass* right is active and applicable. According to this, if requested by the family of the victim, court's sentence can be changed from amnesty to death penalty and from death penalty to life sentence, if financial compensation is given.

Consequently, specialized legislative proposals or vague appeals for public awareness and political power so that honor crimes can be dealt with can not have a substantial effect when the problem is de-politicized, ignoring how deep its socio-political root is. Or, as it is rightly put by an unsigned article in the Jordanian newspaper Star, "the increase in social violence experienced by our society can not only be attributed to the increasing poverty and unemployment. We must understand that all governments have failed to address the issue and have hidden the causes under the carpet. Our society suffers from lots of internal discriminations and we must recognize the factors that give food to discriminations ... It is not enough to throw the blame for the causes of violence without finding radical answers to these problems". (Before the confidence vote, 20-26/12/2010:12).

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