

# Theocracy, neocolonialism, and gender apartheid in Jordan

*"Women and LGBTQIA+ persons in Jordan face intersectional discrimination enabled by theocratic dictatorship, colonial legacies, and neocolonialism."*

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The Hashemite Kingdom of Jordan has a monarchy constitution that vests executive authority to the king. The Hashemite is the royal family's name, which refers to the tribe from which the prophet Mohammad comes. The ties between the royal family and its religious legitimacy prevail in the national anthem, asking the people to stand up and salute the king from the most noble ancestors. Till nowadays, Sharia laws regulate family matters in Jordan. Sharia refers to the fixed laws that come from the Quran, and people cannot change, whereas Fiqh refers to the Islamic laws that are extracted from Islamic resources and have more room for interpretation<sup>1</sup>.

Sharia Courts are a source of gender apartheid where women are identified as less of a citizen or as complementary to men rather than equal. For example, in Sharia courts in 2024 in Jordan for governing family matters, women cannot be equal witnesses as men. Two women in Sharia courts are equal to one man as a witness. If a woman wants to testify, she should bring another woman to complete her as a witness or ask a man to replace her<sup>2</sup>. This law is considered a Sharia that cannot be changed because it is mentioned strictly and clearly in the second chapter of the Quran, Al-Baqarah, verse 2:282.

The Jordanian penal code clearly reflects this mentality of previewing women as less of a citizen than men. This view of women does not only address women as a

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<sup>1</sup> ["Islamic Family Law » Jordan, Hashemite Kingdom Of."](#)

<sup>2</sup> [Fatwa Department, Personal Status Law](#)

secondary citizen but also enables gender-based violence and femicide. According to the Human Rights Watch Report for 2024, under Article 340, judges continue to give mitigated sentences for men who kill their wives or any female relatives because of "unlawful bed." Unlawful bed can include sexual relations without marriage or before marriage. Further, under Article 99, men who kill any female relatives can get reduced sentences if the rest of the family excuses them<sup>3</sup>.

***“The penal code in Jordan enables gender-based violence and femicide”***

Regarding children, men in Jordan have "Welaya," which means legal supervision over their children, while mothers have "Hadana," which means giving nutrition and care work. In divorce cases, men can supervise how their exes are raising their children; if the ex-wife does not adequately raise the children from the man's Islamic perspective, he can take them away from her<sup>4</sup>.

Women cannot remarry if they want to continue providing "Hadana" to their children; however, men can have four wives by law. Women cannot travel with their children without legal authorization from the father, but men can without any prior notice<sup>5</sup>. Further, in marriage, which is in many cases enforced, rape does not exist; marital rape is totally unrecognized by law, while women are expected to obey those who are identified as husbands. This could be one of the reasons why the royal princess Haya, the sister of the dictator king, escaped domestic violence and asked for asylum out of Jordan.

In this toxic-masculine monarchy, women also face intersectional violence due to their sexual orientation or gender identity. For example, individuals are imprisoned due to their sexual orientation or gender identity under the ambiguous law of

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<sup>3</sup> [“Jordan,” Human Rights Watch, January 11, 2024.](#)

<sup>4</sup> [“Custody Laws in Jordan Maintain a Sexist Status Quo.”](#)

<sup>5</sup> [“Jordan: Family Law | the Law Office of Jeremy D. Morley](#)

"debauchery"<sup>6</sup>. In 2021, the security forces arrested 14 individuals at a private party for being gay. In 2023, a cultural association was interrogated and forced to cancel their events due to a secret report that they planned to present a movie about a love story between two men. Further, violence against people with transgender experience is institutionalized where sex change operations are expressly prohibited under Article 8 of Law No. 25 of 2018, carrying penalties of imprisonment ranging from three to ten years.

***“LGBTQIA+ people in Jordan are arrested under laws addressing debauchery”***

However, when tackling women's rights violations in Jordan, it is crucial to address the interconnection between theocracy, the colonial legacies, and the current neocolonial affairs. Jordan's Hashemite regime rose to power as a result of British colonization. The Hashemites requested assistance and support from the British Empire's administration in Cairo in their fight against the Ottomans. This allowed them to rise to power and rule the Emirate of Transjordan, which became a British protectorate in 1921 and became known as the independent country of Jordan in 1946.

Same-sex sexual activity was illegal in Jordan under the British Mandate Criminal Code Ordinance (No. 74 of 1936) until 1951, when Jordan drafted its penal code that did not criminalize homosexuality. However, till the present, LGBTQIA+ people still go through legal harassment under the ambiguous law of "debauchery." The French and British colonization dominated the Levant region where Jordan is situated. Former colonies were copy-pasting the laws of colonizers.

For example, women's rights movements in Jordan, Tunisia and Lebanon abolished the Marry your rapist law in 2017, a law that excused rapists from charges if they

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<sup>6</sup> [“13 “Gays” Arrested”](#).

marry the women or girls they raped. This law comes from Article 357 of the French Penal Code of 1810, which contained a provision that if a man had 'abducted' a girl and married her, he could only be prosecuted if the girl's parents or legal guardians arranged to have the marriage annulled first. Nowadays, in Jordan, women cannot marry for the first time without the approval of their fathers or other male figures if the father is absent. This patriarchal and misogynist mentality enables enforced marriages with marital rape, which the government does not recognize and even enables by enforcing laws for women's obedience to men.

***“The U.S relies on the dictatorial regime of Jordan to serve its imperial affairs in the region including the ethnic cleansing of Palestinians.”***

The U.S. neocolonialism in the region has enabled the theocratic dictatorship of Jordan. The U.S. imperial affairs rely heavily on the dictatorship of Jordan to facilitate the escalation of ethnic cleansing, occupation, and genocide against Palestinians for more than the past 75 years.

In 2021-2022, public opinion was distracted by a parliamentary fight over whether Jordanian citizens should be addressed as equal in both masculine and feminine forms of Arabic. The battle for this linguistic change will not lead to any change in gender apartheid Sharia laws; however, it led to vast disagreements that disoriented public opinion. Public opinion dismissed how the parliament passed constitutional amendments that gave the king more authoritarian power in foreign and domestic affairs. During the fights over the usage of feminine forms in the constitution, the parliament passed amendments that gave the king the power to establish the National Security and Foreign Policy Council to decide on critical domestic and foreign affairs without supervision.

Earlier in January 2021, the dictatorial king issued a royal decree authorizing a military defence agreement with the United States. This agreement bypassed the parliament. It is not the first agreement; however, it provided American troops with even more authority over sovereignty in Jordan. The long-term land access and unconditional transit of military equipment and staff enable U.S. imperialism to continue bombing Syria, Iraq, and Yemen, among other places, undermining human rights and people's right to life in the region. U.S. imperialism is funding the ongoing genocide against women and people of all genders in Gaza and providing the Israeli occupation forces with weapons through U.S. capitalist arms aid.

***“Under economic colonization the corrupted government in Jordan follows the U.S orders that enable the settler colonialism and the occupation of Palestinian territories”***

The Jordanian government received its first loan from international monetary funds, I.M.F., in 1989, which constituted a milestone in enhancing its role as a neo-colony for U.S. imperialist affairs in the region. In 2021, Jordan's external debt was 90.2% of G.D.P. Being a hostage to international debts, the government is obliged to impose austerity measures, which led to the privatization of crucial sectors such as health care and access to public water. The U.S., as a founder member of I.M.F., plays a prominent role in controlling the Jordanian government as an agent of its imperial affairs in the region rather than a representative of the people living in Jordan. This neocolonial control over the Jordanian government is so present in its Gas deal with Israel.

The dictatorship of Jordan signed the Gas deal with Israel in 2016 under American pressure. The government repressed the public opposition and activists' demands to use renewable Energy in the country instead of importing Gas from the occupation. Therefore, in 2016, Jordan and Israel signed a 10 billion natural gas supply deal,

which went to the big U.S. companies and other investors in the Israeli gas fields. Further, Jordan is dependent on Israel for its water supply. In 2021, it signed a water-for-energy swap deal with Israel, under which Jordan would provide Israel with 600 megawatts of solar power extracted by the U.A.E companies in exchange for desalinated water.

In March 2024, the Jordanian government asked the Israeli occupation to prolong the water-for-energy swap deal for one year more. Israeli politicians have officially threatened officials in Jordan that they need to restrict the climate of criticism of Israel if they want to continue receiving water through the Energy for Water agreement<sup>7</sup>.

***“Free Palestine activists are being targeted and imprisoned by the Jordanian authorities”***

Simultaneously, just earlier this year, Human Rights Watch published a report on how Free Palestine activists are being targeted and imprisoned by the Jordanian authorities<sup>8</sup>. There are also cases where activists have been arrested simply for calling for peaceful protests for free Palestine on social media in previous years. As a result, people in Jordan, like many people in the world, are forced to watch the genocide in Gaza and apartheid in occupied territories of Palestine in silence and even pay taxes to enable it. In conclusion, it is crucial to remember that theocratic dictatorships are enabled by colonization and neocolonialism. The intersectional forms of discrimination that women and LGBTQIA+ face in Jordan cannot be overcome without dissolving theocratic dictatorships and the neocolonial powers that enable them.

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<sup>7</sup> [“Jordan Asks Israel to Extend Water Supply Deal.”](#)

<sup>8</sup> [“Jordan: Arrests, Harassment of Pro-Palestine Protesters,” February 6, 2024.](#)