

## **"You Have Come a Long Way Woman "A sparkle slogan without realistic meaning Woman Status in Jordan**

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### **Abstract**

This research paper discusses woman status in the country of Jordan in terms of rights, equality and personal liberties, freedom of choice in particular. It argues that, although Jordan is working hard to be open to Western values and civilization; however, it lags behind when it comes to woman liberty and equality. Jordan is a patriarchal society, decisions at every level whether at work, home, school and so forth belong to man. Man's authority is empowered by tribal traditions and culture which do not recognize woman as a society builder with man, nor any of her rights. This mentality against woman is supported by the Jordanian laws, article 290, and article 308 of penal law in particular. Results reveal that Jordan has a long way to go in order to have woman be an equal citizen. In addition, woman activists and many ordinary citizens are demanding the government and parliament to have reforms in the Jordanian legislation system by which certain articles in the penal system be removed.

**Key words:** Jordan, Honor crime, Articles 290,308 of penal law

### **Introduction:**

Woman, in third world countries in particular has achieved some gains in terms of political rights, economic and employment, education and so forth, however, the patriarchal societies of third world countries still treat woman with both overtly and covertly discrimination. Although politicians and rulers of third world countries try their best to polish their image in woman rights, in front of international organizations mainly United Nations, human rights organizations, European Union and world society; however, reports issued by the same organizations reflect a grim picture about woman status in the Arab world in particular. For example, the legislation in some countries are blatantly does not give woman any of her personal liberty rather some of these law constitute a knife ripping through her back. In the Jordanian penal law, for example, article 308 is a good testimony for this discriminatory practice against woman. Article 308 states: a rapist who violently rapes a woman will not be punished if he marries the woman whom he just raped. A criminal and rapist will be free without punishment what so ever, but, in one condition, to marry his victim regardless of her shock, trauma, torture and psychological disturbances she was subjected to . Another evidence for discriminatory practices is foreign expatriate women house maids' problem in the Arab world. This problem is in the form of modern day slavery, woman abuse ,exploitation and human trafficking. However, in this paper several issues in this context are discussed mainly : Honor crime in Jordan, rape and punishment; religions belief and how they deal with so called honor crime and rape and host of related issues.

### **Honor Crime in Jordan:**

#### **Definition**

According to Human Rights Watch, "honor crimes are acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonor upon the family." The reasons which caused harm ,even death to woman in this context are several. A woman may be targeted because she has been raped, has been seen talking to a man outside of the family, has refused to enter an arranged marriage, or even left an abusive husband. Any acts by the victim that may have brought dishonor or shame to the family can trigger attacks on the woman in question. Honor killings is more prevalent in Muslim majority countries, even though the practice has been condemned by Muslim leaders who deny that religion condones the practice.

#### **Concept**

According to Devers and Bacon, "women who deviate from traditional gender roles are more likely to be subject to informal social regulations because they cross social boundaries that are deemed as taboo in their culture. Fatal forms of social controls towards women are the result of this subjugation .Arab societies consider honor is linked to woman purity and chastity, the honor of the family rests on the behaviors of the family's women. The family becomes vicious and savage against woman the moment they feel that a female member of the family blemishes her purity . Additionally, countries that witness numerous honor killings are countries that have a tradition of female subordination. In these countries, women are seen as properties of men who deem they have the right to control women's freedom and sexuality. As such, murdering the perpetrator is seen as a way to salvage family's reputation.

## Statistics

Spastics that comes from local sources are not reliable for two reasons: first most cases of that nature go unreported, for family fear of bad publicity that further damages family reputation. Second, officials do not report actual cases so as to show a bright picture of woman rights and equality in front of the world, therefore, this researcher relied on national organizations statistics instead.

United Nations FPA estimated that 5,000 women are murdered by family members every year in the name of honor in different countries of the developing world. In Pakistan, for example, the government has estimated that 4,000 deaths of women and men between 1998 and 2003 were linked to honor killings. Still such statistics does not reflect the true picture, because honor crimes are underreported in many countries or classified as accidents or suicides, making the estimation of this problem almost impossible. (UN archives 2000-2016).

Honor killings take many forms, but all cases involve extreme forms of violence honor or avenge honor". The victims are often killed by men family members: father, brother, or a husband who are aware that there is a slim chance they will face serious legal consequences for their actions, proudly confess their crimes. The perpetrators' actions are supported by the community which, in some cases, treats the killing as a heroic action. (UN Archives). This serious violence does not stop at local society's support and encouragement, rather the laws of those countries encourage such violence against allegedly guilty or deviated woman from the norms and customs of her society.

Many countries retain legislation that reduces the sentences or exempts prosecution of criminals that kill in the name of honor. According to this line of thought, lesser punishment is granted on the grounds of the victim's blemishing the family honor by so called evil act. In their eyes that is a good reason justify woman's killings. After their heinous and unjustifiable crime, murders often turn themselves into the police to show their family's honor because they are confident that they will receive leniency from the judge. This type of practice is a common occurrence in the country of Jordan, whereas, Jordan's penal code provides a great example of the impunity perpetrators face.

General culture elements contribute to woman tragic situation through the use by man of these elements as means to control woman. It is known and scientifically proven that, in societies where there is a weak rule of law, people build fierce reputations and in most case they take law into their own hands. In Jordan, honor is of central value, men are sources of that honor, while the only effect that women can have on honor is to destroy it. Once the family's or clan's honor is considered to have been destroyed by a woman, there is a need for immediate action by man who act as a judge and persecutor in one time. This man gives his orders to so called to cleanse the family honor. Minor boys are selected by the family to act as the killers, so that the killer may benefit from the most favorable legal outcome which is a lenient sentence.

## Jordan

Article 340 of the 1961 Jordanian Penal Code states:

1. "He benefits from an exculpatory excuse who surprise his wife or one of his female unlawful muharim, a woman related to him by a close enough degree to preclude marriage between them] in the act of adultery with another man and kills, wounds, or injures one or both of them."
2. "The perpetrator of a killing, wounding or injury benefits from a mitigating excuse if he surprises his wife or one of his female ascendants or siblings with another in an unlawful be."

Article 98 states: "He who commits a crime in a fit of fury resulting from a wrongful and dangerous act on the part of the victim shall benefit from a reduced penalty". Although these two articles and other similar ones, however Jordanians are rejecting them and calling for their elimination. Following outcry at Articles 340 and 98 and King Abdullah's creation of a council charged with reviewing gender equality, the Council recommended the repeal of Article 340. The repeal measure was passed in the Parliament's lower house in 1999 and 2000, but has failed to pass the lower house. In 2003, when parliament returned to session, ratifications were once again struck down in the lower house.

Many are the stories about honor crimes tragedies in Jordan; all its victims are young woman and some of the victims are minors (Manaseer, 2016) honor crimes rate in the kingdom has risen since early 2016 by 53 percent in comparison with previous year.

Last year (2016) constituted the peak in this disgraceful phenomenon whereas the first ten month of 2016 year, a total of 26 murders against women, most of these murders were committed under the excuse of honor. Jordanian society's all levels condemned and showed its anger and frustration against these mass murders against women. People of Jordan demanded severe punishment be handed to murder.

Khader, Asma is one of leading women in Jordan told Al Arabiya Net (2016) that "the most important thing in honor crimes is to find solutions to the problems with protective efforts to be taken prior to the crime."

Despite the fact that honor crime is like any other crime, however, legislation gives murderer lighter sentences. For example article 98 of the Jordan penal Law states that "a murderer of this type of murder benefit from excuses to have lighter sentence" .for example, the accused subject may benefit excuse of "he went through a severe state of rage and fury resulted from an illegitimate act committed by the victim." Article 99 of the same criminal code states, that murder may benefit from lenient judgment in case if personal right is waived.

In most cases murderer is using the excuse of "protecting the honor or as tribes of Jordan characterize" this type of murder as "cleansing of the shame" or disgrace that a female allegedly caused that blemished the honor of the family or the tribe through adultery, having extra marital affairs or illegitimate relationship with a man.

Woman activists and woman rights organizations are demanding to amend article 98 and 99 in a way that a murderer of so called honor crime gets the proper punishment for crimes and does not escape punishment under any excuse. The problem does not stop here, rather it lies in the society itself. Where a great number of Jordanians mostly young people justify honor crimes. A British study conducted by Cambridge University in 2013. The sample of the study consists of 856 and female student ages around 15 years old. Results revealed the 33,4 percent of males support honor crimes and 22,1 percent from females supported this crime. The study conducted that approximately half of the boys and one of five girls believe that, the killing of a daughter, sister or a wife when committed a shameful act against her family is justifiable.

International organizations such as United Nations mentioned in their reports (UN, 2006), that Jordan is the second worst country in honor crime, as a results, local woman activist organizations protest and object this type of killing. For example, the director or ADEL organization for legal aid to women in Jordan Mrs. Hadeel Abdel Aziz; has condemned the widespread of killing that takes place in the Jordan society because of so called "Honor"; she adds that many of honor crimes are committed by reasons of social disagreements, or conflict, financial reasons represented in inheritance, thus, criminals of this type exploit what is called honor crime to escape punishment or use it as an exit from punishment. She confirms that people committed such crimes are far away from honor.

She showed that Jordanian courts did not leniency excuse during last year except once. Hadeel Abdelaziz eroticized the Jordanian law that criminal may benefit from leniency excuse by the reason of rage and being furious. She calls to cereal not to waive personal right but murder's family and the victim because in most cases the family of the victim collaborates with the perpetrator. Not waiving the right closes the way to not escape punishment.

Matter of fact, Jordanian legislation takes the side of man against woman, for example, "honor" crimes or honor issues is the responsibility of woman. It is used as a sword drawn on her neck, any mistake by her side means death to her. Not the man, if he was caught with other woman in the family bedroom by his wife, there will be no punishment because of the excuse that man has the right to marry four women legally, but not woman. In worst case murderer receive one year imprisonment for his murder. Jordanian legislator does not take into consideration for the loss of human being life rather it gives the right to individuals to end the life of others and steal their life and existence as a result of a mistake.

Dr. Dababneh Abeer, the president of law school says in this context that, the majority of young women whom were murdered under the so called honor, were all virgins according to medical autopsy. There is a deafault in the relevant Jordanian laws in which it is enacted in a way as if it tells people that they may kill their daughter, sister or wife and be free without punishment, Dababneh says:

Jordanian law is not derived from Islamic teachings and faith, otherwise Islam does not allow these crimes, to happen without punishment, instead Jordanian laws are derived and aspired by French law. According to heavenly religions, Judaism, Christianity and Islam both man and woman who commit adultery must equally be punished, not just the woman to be punished without court proceeding but by death in the sake of so called

honor, while the killer is Free modern and civilized Jordanians rejecting the so called honor crime, also they work hard and campaign fiercely to amend or eliminate the infamous articles which were enacted against woman – such as article 98 and 308.

Jordanians were successful to cancel article 420 which states "the law declares that anyone commits honor crime is innocent without guilt or receiving punishment if there is what so called by having excuse to kill in the name of honor" Unfortunately this article was replaced with leniency sentence criminal killed his daughter because of defaming the honor of the family.

Courts hands down a sentence of a 3 years in prison and when victim's family their personal rights the sentence is reduced to one year. Now, the Jordanians are demanding the elimination such articles of the law and have courts deal with honor crime as any crime and should be treated according the penal code. Especially nowadays honor crime is increasing.

Thomson Reuters, has classified Jordan as the second worst country in the Arab world in honor crime. In another study by the national council for family affairs in Jordan showed that the high criminal court has record 50 case of female murder cases in so called "defending family honor" excuse during the period of 2000-2010 and 69% of these crimes are committed by the victim's brother.

Article 98 of penal code states that, honor criminal may benefit from a reduced sentence if he commits his crime while he is very angry or extremely furious. Which is resulted from illegitimate act, also a dangerous act may occur by the victim.

Knowing such laws are not Islamic nor Christian Jordanians are determined to cancel such laws and be replaced by modern and civilized laws that protect human life and rights. For example; activists were successful by the end of 2013 to influence a decision by the high criminal court to hand down a death sentence to two brothers in their twenties, killed their sister in mid 2013 in the excuse "cleansing family honor". This decision has been a victory for woman movements in Jordan and to all Jordanian women.

"Tadamon" an organization and activists demands that penal code must be amended to eliminate what so called honor crime. By doing so all forms of discrimination against woman and violence committed in the name of honor against young women, and giant them the liberty of choice, in addition "Tadamon" ask the media to play an effective role in citizens awareness in this regard especially crime against woman are increasing whereas 15 cases or honor crime takes place in Jordan every year according to UN population foundation. Human rights watch mentions in its relevant reports that government is unable to protect woman in this regard. They put them either in prison or in shelters belong to the ministry of development for their protection. Such shelters do not differ from ordinary prisons.

On social networking "Raise your voice" site Dr. Akef Ma'iatat a lawyer and human rights activist says: all activists in the field of human rights rejecting what is called honor crime, because it is a murder actually, who carry out this crime is the person who diagnosis, analyzes and draws the way to his crime. He enacts laws to fit the crime, goes and commits a murder to have his evil act be called honor crime. May be the story inaccurate. Some of these crimes are actually not crimes for honor, rather they are mere murders with different motives such as inheritance.

International organization such human rights watch in Jordan urges Jordan continually urges Jordan recently on September 2015 to conduct reforms on penal code, articles 98 and 308 in particular. Also, the organization and woman right activists call for changes in school curriculum in a way that increases pupils awareness of this issue. On 22/1/2017 Journalist Omar Omari wrote in Al Ghad newspaper on article in this regards as follow: Jordanian legislator has given individuals a permit to kill for the excuse of "honor" also the legislator gives those murderers legal immunity against punishment.

Because of so called honor the year 2016 was very bloody year for women. The rate of killing women increased drastically and in away that violates the values of society and heavenly commandments by all religions. Although heavenly religions forbids killing and make it a crime but Jordanian legislator permits it under the name of honor crime. Any doubt or uncertainty situation (no good reason) leads to a woman's death.

In sum, Jordan is a patriarchal society, it is formed by tribal traditions which does treat woman as a second class citizen despite whatever politicians attempt to polish Jordan's image in treating woman as equal to man; in

addition, Jordanian legislation is unfair to woman, especially some articles of penal code gives man the green light to kill woman when he is very angry or if there is any doubt her behavior. Heavenly laws do not allow that but the earthly laws still exists- to kill woman- and make her killing is justifiable because allegedly she blemished the family honor. This must be changed, now.

#### **Adultery and Rape:**

in religion point of view, adultery is a sin and adulterer and adulteress must be punished. However, laws are in favor of punishing woman not a man; although according to religions it is not an easy task to prove that a woman committed adult unless there must be solid evidence to prove the adultery. For example, in Islam one must have four witnesses to prove that a woman had committed adultery. But, here in Jordan, most cases pass without big fuss; either fear from shame, or fear from death.

The state has no protection plan for such women. Except some time accused woman put in prison for so called her protection. But the worst discrimination scenario is rape crimes.

#### **Rape:**

rape crime is treated in similar way of honor crime. Nobody believes that a rapist may go free without punishment but in one condition, namely to marry his victim. Rapist is exempt from lawful punishment, according to article 308 of penal code. Article 308 is a disgrace in the Jordanian judicial system, and is a disgrace in the Jordanian values and traditions although Jordan population's majority is Muslims but Jordanian laws violate not just Islamic faith but Christianity and Judaism too.

Article 308 states that rapist may be free in case if he marries his victim Raping a male minor is not a rape but sex molestation and anal rape of a female even if the victim is minor is not considered a rape. According to annual court records in 2010 there are 67 rape cases and 312 cases of molestation crimes.

According to a several studies many rape crimes do not reach courts for family's fear over their reputation. On 24/4/2012 Jordanians showed their anger when they heard that a court in the city of Zarqa freed a rapist who raped 14 years old girl, from his crime after he married his victim ; she is living currently in his house as his lawful wife. All of this has happened in the name of the law. Although, the rapist husband kidnapped the girl with the help of three partners. The partners were freed too.

According to so called "decent laws", to force a rapist to marry his victim is considered another crime against her. Such marriage is a solution to have the family of the victim feel no shame from the rape and they accept such solutions to sustain their reputation in society and among friends and relatives. A rape victim becomes in desperate need for psychological and physical care not a husband who violates her body, decency personality and everything she has in terms of self-esteem, and self-confidence. Jordanian legislator is not aware of rape results; victim may live with its negative results all her life. Government must interfere swiftly to protect the victim from forcing her to marry a man who destroyed her life by raping her and from her family that they may kill her in the name of the honor.

#### **Conclusion**

As long as the country of Jordan does not conduct a comprehensive and genuine reform in its legislation, by which some articles of penal code is eliminated such as article 308, and as long as media in Jordan continue keeping itself chained to ancient norms ,tribal and useless values which have nothing to do with religion, and as long as there is no woman rights awareness campaigns throughout the kingdom, woman in Jordan will remain abused and killed by so called honor crime.

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