A facade of democracy: Negotiating the rights of orphans in Jordan

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Abstract
Many orphans in Jordan, according to Islamic Family Law, lack the lawful lineage that forms the basis of rights such as the right to a family name or inheritance. In a society that is characterized by a tribal sense of belonging and patrilineal entitlement, these legal disadvantages, added to the hardships of orphanhood, manifest themselves in orphans’ everyday lives, resulting in social stigma and discrimination. Orphans and youth without lawful lineage recently began organizing to expose the discrimination toward them, demand their rights, and push for social change by breaking through fear and taboo, but change proved difficult. Using empirical data and interviews with orphans in Jordan, this article investigates how they experience the patriarchy of law, society, and the state. It situates and deconstructs contested notions of identity, citizenship, and nationality in the Jordanian context and considers how these constructions converge to affect the lives of these youth, in both gendered and generational ways. We argue that orphans’ direct action did not yield its expected results because of the social and legal constrictions of their citizenship, bolstered by an ethos of charity and a facade of democracy.

Keywords
Citizenship, Jordan, lawful lineage, orphans, patriarchy

On 13 June 2013, 23-year-old Ahmed Robeen stepped to the entrance of the Jordanian Ministry of Social Development, poured gasoline on himself, and set himself on fire, protesting a life with no dignity. Ahmed belonged to a group of Jordanian orphans without lawful lineage. Jordanian family law, following Islamic law, considers children born out of wedlock or to unknown parents to have no lawful lineage. Despite a formal discourse of equal citizenship, they face legal and social discrimination in a society characterized by a tribal sense of belonging and patrilineal entitlements.

Following other Arab Spring youth uprisings, a group of youth without lawful lineage organized political protests in July 2012 to bring their issue to the public eye. Occupying a public square in
Amman, the protesters—many children from orphanages as well as youth who had aged out of them—carried signs demanding their full citizenship rights: “I am Jordanian and I deserve the same full rights as you” and “I have the right to decent accommodation instead of homelessness and stigma.” The government made no response for 4 days. Online comments on news websites covering the issue were filled with sympathies, but the protests had not sparked the debates about citizenship rights for which organizers had hoped; following the historically charity-based civil society in Jordan, as well as the norm of asking the Royal leadership of Jordan for gifts and charitable interventions, the public merely demanded better life opportunities and resources to be given to orphans. After a few days, though, the discourse around rights started emerging, and the orphans’ demands were made clear: They did not want money or charity; they wanted the Ministry of Social Development (the primary care-giver to orphans) to process their documents like anybody else, and for the state to issue them undistinguishable national numbers and official documents (http://Alwakeelnews.com, 2012). The response from the government eventually consisted of promises to look into the orphans’ issues, a promise that is yet to be fulfilled. After occupying the square for 2 weeks, the police forcefully evicted them, resulting in multiple injuries. Efforts to organize quickly fizzled as the government moved to placate the emergent movement’s leadership with more charity.

This article explains how, despite an image of sweeping freedoms and democratization in Jordan and the region, Jordanian society’s restrictive lineage laws and emphasis on charity rather than rights prevented orphans from altering power relations or changing the structures that result in their disadvantage, for themselves and for future generations.

Drawing on a 2013 ethnographic study conducted over July and August 2013 with a number of experts, officials, and orphans, we consider how orphans’ citizenship in Jordan is constrained by patriarchal structures that violate their rights, limit their access and agency, and deny them a sense of belonging. Having interviewed 14 orphaned youth care leavers aged 19–311—including those whose parent(s) have passed away, those whose parents divorced and remarried with no intention of raising them within their new families, and children with no lawful lineage—as well as a number of legal experts and officials, we argue that the construction of orphan citizenship and its enactment in Jordan feeds into an ethos of charity that limits possibilities for orphans to change their status.

We first explain how orphans internalize the social and legal perceptions about themselves and their identity, then how the stigma they bear limits their ability to enact their citizenship, reproducing their vulnerability and disadvantage. Finally, we return to the 2012 protests and the reasons for their failure to up-end the status quo.

**Orphans and the patriarchal Islamic state**

To understand why orphans protested—and why they failed to achieve their aims—one must understand their social status and challenges. Two concepts in Islamic law shape orphans’ citizenship status in Jordan: lawful lineage and kafalah. Lawful lineage is the “legally established filiation of the child to the parents and the subsequent establishment of legal rights and claims” (Welchman, 2007: 144). The mother’s parental status is established by giving birth; lineage to the father’s side requires proof of a lawful relationship in the form of Islamic marriage. Full rights as a son or daughter therefore rest on being conceived within wedlock. This violates children’s rights to a name and a family for foundlings, children with unknown fathers, and children who are abandoned by their fathers.2 Under the Jordanian care system, the state is the fosterer of orphans until someone else offers this gift of care. Kafalah is the Islamic alternative to adoption. According to Welchman (2007), kafalah is a system of care that permits non-relatives to care for children but without the rights given to a lawful child, such as the right to the name of the family, and its inheritance.
Kafalah is treated as a civil contract and regulated in Civil rather than Family Law, which shows that it is not intended to provide a lineage, but only to give care and charity (Bargach, 2002; Welchman, 2007).

Youth transition to full citizenship in general is ambiguous and contested because their transition is not only a matter of age, it is a matter of acquiring certain legal rights and entitlements that frame their social status and enactment of full citizenship (Cordón, 1997; Wallace and Jones, 1992). Orphans’ transitions are doubly problematic because they lack family and state support enjoyed by other youth. Care institutions in Jordan assume no responsibility for orphans after they turn 18; they are expected to shift from full dependency on the state to complete independence almost instantly. The care system does not recognize difficulties orphans face as this transition period becomes long and complex, especially without family support nor full citizenship rights (Osgood et al., 2010). Twenty-year-old orphan Rami reflected on this:

> When you get out and depend on yourself, you feel like a blind person. We didn’t know how society thought of things. We didn’t know directions or our way around Amman. We lived like an army in the orphanage. We had food, play, sleep; we went to schools. But we still didn’t know how the world is outside. (Interview, 6 August 2013)

Most orphans report that they become homeless after leaving state care. Some manage to rent small places in groups. It is even more complicated for female orphans: either the orphanage administration tries to marry them off to non-Jordanian nationals because Jordanians won’t marry women with no lawful lineage or respectable family background, or they end up on the streets after leaving care. If they do not find other jobs, they often turn to sex work. If they become pregnant outside of wedlock, the cycle of unlawful lineage repeats itself with their children.

Orphans’ transitions to independence are made more difficult by social perceptions prevalent in Jordanian society: the first is that orphans are deserving of pity and charity, as opposed to rights. According to 24-year-old Omar, “Religious discourses have constructed orphans as people that should be looked after, helped and pitied. If an orphan child did something wrong, we excuse him and forgive him because, ‘Oh pity, he is an orphan’” (Interview, 2 August 2013). This is not surprising given that the kafalah system described earlier is conceptualized as a gift of care—and not a right (Bargach, 2002; Welchman, 2007).

The fact that orphans lack family support—and thus social capital (Amawi, 2007)—contributes to discrimination against them. When asked why it is important to her to be part of a family, 25-year-old Rula said, “I like to be treated with respect, not with pity, or people to think they can take advantage of me just because I don’t have a lineage.”

While orphans with lawful lineage and those from broken families received more pity, orphans without lawful lineage faced more stigma as vessels of shame and the fruit of their parents’ misconduct. This view starts with how the state regards them: The Civil Status and Passports Department (2012) identifies children without lawful lineage as a “problem” that is “tearing the tissues of social cohesion and defying morality,” according to one of their unpublished handouts. Orphans without lawful lineage are seen as the embodiment of a change in the structure of the ideal family that does not conform to religiously encoded laws. “People make you feel as if you’re a walking disease,” Rula said. “Maybe I remind them of what they don’t want to know exists in our society. I want to be seen in a better way, not as if I did something wrong.”

According to the “connectivity” that characterizes Jordanian society (Amawi, 2007; Ibrahim and Howe, 2011), the deeds—good or bad—of a kin-group member reflect on the entire group. Orphans therefore threaten the honor of their biological families and bigger tribes. Female orphans in particular are seen as repeaters of sin, imagined as promiscuous and defying Jordanian social
discourse about women’s appropriate place and their physical control. Twenty-year-old Riham, who tried to look for her biological parents after leaving state care, explained,

I knew at the end which family my father was from. They are a big tribe. When I told my SOS [Children’s Village/Amman] foster mother, she told me not to approach them and forget about all this; that they can kill me only to wipe the shame off the family name.

**Talk about rights: Constructions of orphans’ legal citizenship**

Orphans protested several aspects of their inferior citizenship status. Citizenship can be viewed as a status that constitutes a set of rights and duties (political, civil, and social) as well as a set of practices (cultural, symbolic, and economic) (Isin and Wood, 1999). Therefore, citizenship is both a legal and a social concept that expresses the relationship between legal rights and the social practices within specific social and political structures. Although Jordan had ratified the United Nations Convention on the Rights of the Child (UNCRC), structures and some laws still violate the rights of orphans to a meaningful identity and birth history (Articles 7 and 8). Furthermore, the legal and social structure in Jordan barely allowed for orphans’ protests as a way of enacting some of their citizenship rights while this space was used by orphans to demand other aspects of their legal and social citizenship especially related to their identities and family rights.

The legal field in Jordan produces a status of legal citizenship framed by patriarchy and patrilineality. People depend on membership in patrilineal kin groups as sources of power, access, sense of belonging, and the nature of one’s relationship to the state (Joseph, 1996). Both laws and social structures in Jordan are patrilineal, which results in disadvantage for orphans who do not fit in the imagined place of the full citizen as part of a family.

**What’s in a name? Discriminatory registration process**

The right to a family name was among the first demands orphans made during their protests. The 1954 Jordanian Nationality Law Number 6 stipulates that nationality can be granted to anyone born to a Jordanian father; anyone born in Jordan to a mother holding Jordanian nationality and to a father whose citizenship is unknown, who is stateless, or whose paternity has not been legally established; and anyone born in Jordan to unknown parents considering that any child who has been found in Jordan is deemed to have been born there. Children must be registered to receive citizen benefits. They are usually given four names: a first name followed by the father’s name, the grandfather’s name, and then a family name. Although children without lawful lineage lack these names, they can still register; but the registrar randomly chooses their names, with the family name appearing as a normal noun. Arabic family names have suffixes or prefixes meaning “house of” or “tribe of.” Thus, having a family name that looks like a first name distinguishes one as an orphan, which often becomes the basis for discrimination and thus creates numerous problems for youth when they try to find jobs or housing.

Jordan is a society structured by tribal affiliation and marked by lawful childhood status and rights to family names; being born into a specific group denotes your relationship to other groups and the state, as well as the amount of social power one holds to negotiate their place and opportunities in society (Layne, 1994). Amawi (2007) shows that although Jordanian society is modernizing, the citizenship system still reproduces these tribal power relations. Tribal loyalty and membership in kin groups continue to fulfill the needs of Jordanians in a way that the state does not, providing for material entitlements, security, safety, a feeling of belonging, and fulfillment of identity. These structures are reproduced within the whole system and reinforced through the law, socialization,
and upbringing (Amawi, 2007). Names in such patrilineal societies not only create boundaries of who belongs (Davies, 2011) but also carry the legacy of being part of a certain kin group. A surname is not an individual form of identity, but as all constructions of identity in Arab societies, it is embedded in collective understandings of the self—as well as ascribed power, access, and sense of belonging (Joseph, 1999). Without this, orphaned youth find it difficult to claim the entitlements of their citizenship.

A distinguishable national number

Youth without lawful lineage get passports and identity cards like all Jordanians, but their documents have a distinguishable national number that starts with the prefix “2000.” Twenty-four-year-old Al’aa, who led the 2012 demonstrations demanding, among other things, for these numbers to be changed, explained,

When you are a grown-up person and your national number denotes that you are born in 2000, your ID gets suspicious. Most people and police officers think it’s a fake ID and they start interrogating you. When you explain that you don’t have lawful lineage you get shamed in front of the person and the whole setting you’re in. (Interview, 10 July 2013)

Protesters therefore called on the government to give orphans the same types of numbers as any other Jordanians.

Family registry books: Compound discrimination against female orphans

Women’s citizenship in Jordan is “thin” compared to a “thicker” citizenship status enjoyed by men; women have few transactions with the state that reinforce rights, obligations, and entitlements (Tilly, 1995). Laws are a “very important public statement about how power-holders in each state order relations between men and women, and how they believe the ideal family should be constituted” (Rabo, 1996: 159). Amawi (2000) and Joseph (2000) argue that the legal subject in Jordan is constructed as a man in his capacity as head of the family, while women are subordinated within the family, and thus forced into a patriarchal structure in their relationship to the state. Although women may gain nominal capital and power through their positions in the patriarchal family, female orphans do not even have access to this opportunity.

The Family Registry Book is a document held by the male head of the family on which all members of that family are listed. This document is required in most formal processes and procedures (Amawi, 2000). Females are included either in the family book of their fathers (before marriage), or their husbands. Children with no lawful lineage are issued a separate family registry book. Males grow up owning this document as any other male would. By having this document, however, females without lawful lineage—unlike other Jordanian females—deviate from the norm. While this could be perceived as a measure to thicken their relationship to the state, female orphans interviewed did not look at it positively, as it highlighted their difference, threatened patriarchy, and heightened their stigma. Rula held her family book in disdain and said, “It doesn’t make it easier to deal with formalities. On the contrary, it makes it only more obvious that I’m different because normal girls don’t have family books.” Young women with no lawful lineage thus feel so overpowered by the prevailing patriarchal structures that they find ways to fit in these structures, in this case being part of a family and supported by kin.

Due to women’s thin and connective citizenship that is mediated by a male kin, receiving access to health insurance and other services is easier for females within families. Females with no
families therefore feel they lose out on such entitlements. Riham contemplated how she felt different from other Jordanian females:

We don’t have the privileges other girls receive because they are part of families—for example, health insurance. If your dad or mom is in a good job, and you are not married, you can benefit from their insurance plan. A lot of things are available to family members in our system that we get deprived of. (Interview, 27 July 2013)

Although protesters, males and females, did not demand a change in family registry books for female orphans, interviewees expressed the need for a system that grants women more independent citizenship.

**Patriarchal family law**

The Family Law, which treats children as the father’s family’s property, is another example of the double discrimination that female orphans endure. In Jordanian Family Law, mothers are considered custodians while fathers are seen as guardians. Mothers are given the duty of physical care and upbringing, while fathers (or closest male relatives to the father if he is absent) are given authority over their offspring in financial affairs, education, travel, and—in case of females—marriage. Primacy is given to lawful lineage on the father’s side as a basis for nearly all rights (Kamran, 2007; Welchman, 2007). This law takes away the ability of mothers to make life-altering decisions on their children’s behalves. This, coupled with the fact that Jordanian women cannot pass their nationality on to their children, puts female orphans who are married to foreign men in a situation where their children can be taken from them at any moment, as in the case of divorce. Farida has three children outside Jordan because her Sudanese husband divorced her and left the country with their children. Although the husband of a woman from a big, powerful family will be reluctant to flee with the children, every woman in Jordan who is married to a foreigner risks this. Farida’s husband of 10 years used to threaten her: “If I kill you and bury you here in the ground, no one will ask about you or even know about you. You don’t have any support, so shut up and do as I wish!” She continued,

I don’t have a father to stand by me; I don’t have a brother to scare my husband and hold him responsible. We are seen as less of humans because we don’t have this male backup. They don’t respect us. (Interview, 16 July 2013)

**Constricted citizenship: Access and belonging**

Intertwined with laws are social and political factors that shape how orphaned youth in Jordan enact and practice their citizenship. Protesters voiced demands for dignified lives and access to social relationships and services for a better sense of belonging than their currently constricted social citizenship.

**Access**

Lack of access to the job market as a benchmark transition to adulthood proved to be most difficult for orphans. Twenty-three-year-old Wagih reflected on job hunting:

You get treated in different ways. First, you might be rejected to start with. Second, they might hire you, but they would deprive you of your rights and will take advantage of your situation. Third, you can be
hired and treated well, but they would always make you feel that you’re working here because they feel sorry for you as if you don’t deserve it and they are letting you work because they pity you. (Interview, 21 July 2013)

Again, female orphans shoulder double discrimination in the labor market, where patriarchy manifests itself to the fullest by limiting spaces available for women (Rabo, 1996). This has a grave effect on the lives of female orphans, as they need any kind of income available to support themselves. Rula displayed a work ID card with her picture looking like a man and explained,

I worked in a gas station, but I had to hide that I was a girl. I fooled everyone into believing I’m a guy. I cut my hair, dressed like a guy and talked like one. But this went on till they asked for my ID card after a while to formalize my contract. They literally told me a gas station is not a place for a woman. I told them I don’t care, but they didn’t allow me anyway. (Interview, 14 July 2013)

Access to accommodation is also a struggle for orphaned youth. Wagih explained,

It was six of us who aged out. When we tried to rent a house, no one would rent us their house as a group of single guys. They always thought we were up to trouble. Our mother at SOS had to write the contract in her name and be in the picture in front of the landlord, so at the end we could rent the house. (Interview, 21 July 2013)

Moreover, access to social networks and a healthy social life including romantic relationships is also restricted for orphans. Youth talked of their status as having robbed them of a social life with the outer society. Riham did not feel comfortable being close to friends at university, so as to avoid stigma and exclusion. Marriage in particular is governed by traditions and connected to families. Perceptions of honor and status play a big role in marriage choices, restricting orphans’ access to creating families, and in turn diminishing their access to a respectable social citizenship. Notions of shame are the most prominent factor that youth reported. Al’aa reflected,

If I’m a good person, educated and with good manners, but frankly, and let’s face it, I’m labeled a “bastard,” would [a father] accept me to marry [his] daughter? There is no way, these things matter in our society; one is nothing without family name and origin. (Interview, 10 July 2013)

Belonging: “I do feel less of a Jordanian”

The hardships they faced made orphaned youth feel that they do not belong in society. Wagih made the distinction between loyalty and belonging:

I think youth who tell you that they belong in this country are raised to believe that in their particular orphanages. But in reality it’s not the feeling you get. How society and the state treat you does not make you feel that you’re equal or that you belong. I think also that they feel attached to the symbols of the country like the King and the flag, but not for how this country works. (Interview, 21 July 2013)

Rami touched on this feeling of lack of belonging when he offered, “I want to live in the West where no one cares where you are from even if I would feel I’m a foreigner; I feel I don’t belong here anyway” (Interview, 6 August 2013). Origin and belonging to a bigger kin group are important considerations in the imagination of who belongs in Jordanian society. “The idea of self as unity rather than potentially fractionable is central to Arab concepts of personhood, moral worth, and social place” (Rosen, 2006: 7). Therefore, youth with no lawful lineage and unknown origin feel
greatly out of place. Wagih confessed, “Yes, I do feel less of a Jordanian […] Imagine what I would feel when I don’t know my origin at all.”

**A facade of democracy: Guarding power relations**

In the wake of the Arab Spring, all of these factors prompted Jordanian orphans to turn to direct action and public campaigning to shed light on their struggles and claim their rights in an attempt to thicken their citizenship status. They believed change was possible and that the government would ride the wave of freedom and democracy sweeping the region. However, their direct action and media appearances were met with government attempts to silence them. The formal response promised changes in attempting to contain the situation but also hid behind religious excuses to as why their legal status cannot be changed.

Orphans’ efforts proved futile because, on one hand, the government did not fulfill their promises, and on the other, the orphans’ movement was not organized enough, nor based on a clear advocacy strategy. This lessened the impact of their actions and portrayed them as a group of unprivileged youth who want material help, which in turn induced even more charity efforts toward them. According to Rula,

> We gave up on the state and their help. It was not going anywhere. You can’t change things easily in this country. It’s all in the hands of the people on the top. If they have interest in change, it will happen. If not, it will never happen just because we ask for it. (Interview, 14 July 2013)

The lack of ability to change things led Ahmed Robeen to publicly take his own life. Even for those who did not resort to such measures, the futility of direct action forced them into actions and strategies that reinforced negative perceptions of them, especially regarding charity. At the time of the study in 2013, there were voices within the group leaning toward a more indirect form of lobbying and negotiations that play on charitable notions and structures as opposed to demanding full rights and organizing directly against the state. Al’aa explained, “We used to have a political struggle. Now we ask for charity from people because we lost hope in the government and the state. What we were faced with is more sympathy but no recognition of our rights” (Interview, 10 July 2013).

**Royal interference**

Any space for orphans to better their situation is constrained by the peculiar nature of Jordanian civil society, which is structured such that it serves the facade of democracy without allowing for real advocacy that might—and sometimes should—topple power relations. Often, it is due to direct interference from the royal family.

Following the protests, the King and Queen invited some orphans interviewed to numerous meetings to allow them to air their complaints. However, the royals approached the orphans’ problems by offering charity rather than changing the structures that produce discrimination in the first place. Al’aa reflected on his meeting with the King:

> I showed him videos from sexual assaults and beatings in orphanages. He said, “Give this smart man a house and a job.” I received this as a gift from the King. After the demonstrations, they took away the house. That’s the thing with gifts; unlike rights, you can’t claim them.

The Royal House has always represented Jordanian state patriarchy: the ultimate traditional family, with the King as the father of the nation (Rabo, 1996). These patriarchal constructions of
state power cannot encompass the idea of orphans who, although deserving of charity and sympathy, by definition, do not belong to families.

Historically, Jordanian civil society was based on charity; and royal charity often stands in for civil society. When Jordanians demanded democratization, the regime introduced just enough reforms to ensure political longevity without changing the core structures of power, thus arriving at what Robinson (1998) termed “defensive democratization”: the state introduced a series of preemptive measures to keep elite privileges and limit the appeal of fundamental political change. The process thus produced a facade of modern democracy—including the apparent strengthening of civil society and the ratification of human rights declarations and conventions in the 1980s and 1990s including the UNCRC—but the end result was to secure the pillars of the state in Jordan: the monarchy, the army, wealthy business elites, and East Bank tribal leaders (Boerwinkel, 2011). The failure of the orphans’ direct actions was thus both a reflection of their thin citizenship and the actual restrictions put on political activism behind a facade of freedom, rights, and democracy.

One way this facade of democracy is upheld is the regime’s control and infiltration of civil society through Royal Non-Governmental Organizations (RONGOs) that ironically appear as the leading force of development and democracy in Jordan. The RONGO Al-Aman Fund (2015) for the Future of Orphans functions under the Queen Rania Foundation umbrella and aims, according to their website, to “provide orphaned youth with a better future” after they age out of state care. It is supported by donations and provides educational scholarships, living expenses, counseling services, apprenticeship, and employment training, as well as medical insurance. Orphans with Al-Aman scholarships enjoy these entitlements until they complete their education, after which they are supported for an extra 3 months in which they are expected to find jobs to support themselves.

The Fund’s role in supporting orphans cannot be denied, but rather than advocating for orphans’ citizenship, it frames them as charity recipients, reinforcing negative perceptions that shape orphan disadvantage and restrict spaces for full enactment of orphan citizenship—further diminishing their agency. For example, because the fund tries to secure grants from universities, recipients are not given much choice of what they study. Ammar started off pursuing a degree in Arabic Literature; however, after 1 year, he was forced to switch to Journalism in order to keep his grant. After that, the Fund made him change to accountancy. He seemed frustrated: “I couldn’t say no because that’s everything I had at the time, but after changing three times, I quit studying and now I’m looking for a job” (Interview, 16 July 2013). On the other hand, Omar said,

Youth do not want to graduate from universities because they would lose their accommodation and allowances from Al-Aman Fund. They study whatever the Fund can find places for them in universities because they don’t have other options. We want them to have options like everyone else does. (Interview, 2 August 2013)

The Al-Aman Fund was also openly critical of the orphans’ demonstrations. The Fund official interviewed believed direct action only served to heighten the stigma of orphans. However, 25-year-old Nagi reported, “The students who benefit from the Fund were afraid to demonstrate. You don’t demonstrate against the government when you’re receiving funds from an organization that is run by the Queen” (Interview, 28 July 2013).

RONGOs also infiltrate civil society by creating a monopoly on certain development areas, like the Al-Aman’s Fund monopolizes orphans’ wellbeing and development. In response, orphans expressed their intent to create their own Civil Society Organizations (CSOs) to get away from the monopoly of Al-Aman Fund and the Ministry of Social Development (the two official organizations offering help to care leavers at the moment). Al’aa said, “We are sick of the state and their
stories and excuses. You cannot be the perpetrator of violence and violator of rights and the savior at the same time” (Interview, 10 July 2013).

RONGOs closely guard their image and often take credit for continuous development. Orphans believed that existing non-governmental organizations (NGOs) feared youth starting their own NGOs: “NGOs don’t even like youth to come up with ideas and projects to support themselves. It’s like we will steal their work from them!” Wagih exclaimed. Omar added,

The credit for everything that is offered to orphans in Jordan goes to Queen Rania Foundation through Al-Aman Fund. I am afraid that they don’t want that taken away from them. Enough charity […] we want the credit and the achievement to be for orphans themselves. I’m expecting obstacles because of that. They will not like it and they can and will create problems for us. (Interview, 21 July 2013)

A long way toward realization of orphan rights

The formal discourse in Jordan claims equal rights and citizenship status for everyone. However, in reality, the collection of laws that governs the lives of orphans and youth without lawful lineage creates a patriarchal legal structure that diminishes orphans’ capacities to enjoy meaningful participation, access to services and respectable social life, and a sense of belonging to their society and communities. This is achieved and maintained through an ethos of charity. Orphans’ survival strategies thus help them get by but fail to address the root causes of disadvantage. They also internalize this view, reproducing the status quo, and diminishing their power to break free. Orphans who started demonstrations and direct actions quickly resorted to adopting capacity building and educational initiatives that ended up part and parcel of the charitable patriarchal civil society in Jordan.

While the world celebrates an image of democratization in the Arab World portrayed by masses of demonstrating youth in the streets, romantically yet ironically called a “spring,” Jordanian orphans provide a clear example of still-constricted freedoms and rights for citizens. Yet, as the data reported here indicate, orphans managed to break the cycle of taboo and secrecy, which is the first step in creating a public dialogue. The way ahead is still not clear even in the eyes of orphans themselves; however, the authors envision two directions in which future dialogue and efforts could be focused. First is the legal front, as orphans’ disadvantage is framed by various principles in Islamic Law. If any changes would happen relating to family names and inheritance rights, it will realistically be through a slow and difficult process of Islamic scholarship and theorization. Other challenges to orphans’ citizenship rights and practices can be addressed by affirmative action measures similar to those that have improved women’s citizenship status and political participation (Amawi, 2007). Orphans as a disadvantaged group could be offered certain quotas in the labor market, and given special opportunities that could increase their social capital and enhance their access to various arenas and services.

Another line of intervention is, of course, social, focusing on awareness to reduce stigma, alongside efforts to build a public opinion that perceives orphans in a better light. Advocacy efforts, however, need to conform to historically successful processes of political and social change—what Boerwinkel (2011) terms “embedded activism,” in which social change results from the intertwining of advocacy efforts by civil society and the state in small steps on consensual issues. Although this type of activism allows for change only within the existent structures, it might be the best option at hand to respond to the challenging realities for orphans in Jordan.

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Notes
1. Authorities prohibited access to children currently living in orphanages, so the research focused on the experiences of those who had recently left care—as it was also them who initiated the demonstrations.
2. Because the State follows Islamic law principles in its Family Law, Christian orphans are subject to Islamic lineage and inheritance laws. Furthermore, abandoned children and those without lawful lineage are assumed to be Muslim. Christians have a separate family law court, but because Jordan has no adoption law, Christian orphans may also receive kafalah–like gifts of care through the church.
3. The Civil Status and Passports Department denied this fact altogether, claiming that their national numbers are like all Jordanians starting with the year of birth. However, most youth interviewed presented their ID cards with the national number starting with “2000.”
4. Jordanian royals sometimes arrange for such meetings when public issues need to be contained. This appeases the category of people involved and serves the royals’ public relations efforts as the guardians of the Jordanian people.
5. Royal Non-Governmental Organizations (RONGOs) control the Development and Reform Agenda due to being given more freedom to receive foreign funding than other non-governmental organizations (NGOs); RONGOs are founded by Royal Decree and are not registered in any Government Ministry. The government does not therefore monitor their finances, whereas registered NGOs must receive the Prime Minister’s approval of funds received from abroad and send financial reports to Ministries.

References


**Authors biographies**

Hind Farahat is currently the Program Development Officer at Tech Tribes, a Jordanian-based nonprofit where she raises the capacity of Jordanian youth and supports them in advocacy efforts. She also serves on the research committee of the Ecumenical Studies Center (ESC), Amman, where she contributes to local research projects and assessment missions, especially among refugees and host communities.

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