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Honour Killings in Jordan

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Abstract

This paper interrogates Jordan's socio-political positioning of honour to grasp how societal meanings about honour killings are constructed in Jordanian society, which is both complex and grounded in traditional values. Most existing research on honour crimes in Jordan indicates that little is known or understood about the link between Jordanian law, honour crimes and the way Jordanian citizens understand these crimes. This paper closely examines the factors that can explain the incidence, causes and continuation of honour killings in Jordan to better develop opportunities for policy and legislation that can reduce these crimes. It exposes the country's gender inequality, and the notable gap between its social and legal codes when it comes to the punishment of honour crimes. It also offers insight into the correlation between society and culture and the incidence of crimes committed in the name of honour in Jordan and the Middle East. The research is based on a close examination of court cases from 1993–2010.

Keywords: Honour, Honour-killings, Legal responses, Jordan.

Introduction: Honour Crimes in Jordan

A large percentage of honour crimes in the Arab world are committed on the basis of gossip—that is, committed without hard proof. Awwad (2001) characterises gossip as a tool that can be used to control women's behaviour in society, since this behaviour is at the centre of a family's honour; she also suggests that 'gossip is a tool used by community members to spread the unpleasant reality or truth that a certain family's honour has been tarnished, and therefore a family's social and prestigious status is in danger' (2001, p. 45). The term 'honour' can be defined in relation to the cultural context in which it is embedded—and when it is contextualised in the Mediterranean region, honour has a long

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history (Gill, 2019). Fernandez (2006, p. 256) comments that throughout Arab history and culture, women have been believed to belong to their own agnatic group, and men have been believed to be responsible for women. This exemplifies a society that is both patrilineal and patriarchal. Families and communities know that if gossip continues, it will 'purge' their honour; gossip can thus restore a family's social standing by leading to an honour killing. As Awwad (2001) explains, 'from a structural functionalist perspective, gossip serves to unify the community and establish stability and order that are essential to the survival of the family and society' (Awwad, 2001, p. 45).

How the family unit is structured also has a strong impact on defining gender roles in Jordan and other Arab countries (Abu-Odeh, 1996). In a patriarchal family structure, the head of the family is almost always male. As a result, female gender construction can be defined according to the relationship between the patriarch and the women in the family. In many cases, 'the vast majority of Jordanian women are economically dependent on male members of their families. This leaves them more vulnerable to potential violence within the home' (Faqr, 2001, p. 66). Consequently, women are socialised, in the family and in wider society, to always feel dependent on someone—if not their fathers, then their husbands or even their brothers. Strength and empowerment thus fuel and define men's position in society. Arguably, masculinity in Jordan is often praised and exonerated, while femininity is often criticised and shunned. It is crucial to understand this construction of gender and how fundamentally it determines societal expectations and beliefs in the Jordanian context.

Tunick (2004) questions whether a man who commits an honour killing acts reasonably according to the dictates and expectations of his culture, since 'an Arab who kills for honor may be acting under very strong emotional stress and may be so overtaken with the cultural dictate as to be in effect unaware of the illegality of his action' (2004, p. 404). This is an interesting perspective, although it may permit one to question whether it is acceptable to murder under cultural jurisprudence. In Tunick's (2004) work on the concept of the 'inability thesis', he claims that even if, as humans, we know certain actions are wrong, culture actually determines our behaviours in many ways, regardless of what our conscience tells us. The inability thesis describes how one's culture determines behaviour and can make one unable to comply with the law and therefore less deserving of punishment. Those who reject the thesis reject the view that humans are made physically unable to act in certain ways by their cultural upbringing. Tunick (2004) also posits that in many Arab countries, an unchaste woman is sometimes said to be worse than a murderer (p. 404), while actual murderers do not consider honour killings to be a crime and are therefore given much lesser sentences. However, obtaining reliable honour crime statistics in Jordan is problematic—authorities do not usually keep detailed records of such cases, and some murders either go unreported or are staged to look like suicides.

In light of these complexities, this paper closely examines the factors that can explain the incidence, causes and continuation of honour killings in Jordan to better develop opportunities for policy and legislation that can reduce these crimes. It exposes the country's gender inequality, and the notable gap between its social and legal codes when it comes to the punishment of honour crimes.

1. Legal Responses to Honour Crimes in Jordan

To date, Jordan has two articles on its legal books, 340 and 98, that appear to allow crimes in the name of honour.

Article 340 stipulates:

1. Whoever is surprised by his wife or one of his female decedents or ancestors or sisters (caught) during the act of adultery or in an illegitimate bed and murders her immediately, or her lover, or both of them, or assaults her, or both of them and the assault resulted in death or injury or harm or permanent disfiguration, he shall benefit from a mitigation excuse.
2. The wife who is surprised (catches) her husband in the act of adultery or in an illegitimate bed in their matrimonial home and murders him or his lover or both of them immediately or assaults him or both of them and the assault resulted in death or injury or harm or permanent disfiguration, she shall benefit from the same excuse mentioned in the paragraph above.
 - a. The right to self-defense shall not be used against those who benefit from this excuse.
 - b. The provisions of aggravating factors or circumstances shall not apply against such person.

Before September 2017, Article 98 of the Jordanian Criminal Code stipulated that those who committed 'honor crimes' could benefit from reduced sentences if they were in a 'state of great fury resulting from an unlawful and dangerous act on the part of the victim'. The article thus allowed judges to impose lenient sentences for crimes committed under the pretext that the perpetrator was 'defending' the reputation of the family or community in a fit of fury—as a result, some killers were sentenced to as little as six months in prison. However, following its amendment in September 2017, Article 98 no longer considers severe anger a mitigating circumstance for those who commit crimes against a female to preserve honour.

The current Jordanian penal system classifies murder according to a three-tier system: first degree, second degree or manslaughter. The articles that codify these crimes are 326 through to 329. In such cases, Article 98 is always implemented alongside Article 328 and Article 326 to argue that the accused attacked out of provocation on the part of the victim, since the Jordanian legal system differentiates between premeditated murder and murder that occurred as a result of provocation—and the main criterion for implementing Article 98 in a murder case is determining the period in which the accused attacked the alleged victim. Abu-Hassan and Welchman (2005, p. 204) explain that 'according to the Court of Cassation, the fit of fury should have a severe impact on the accused, leading in that moment to him being deprived of any sense of perception, as well as of self-restraint, and thus becoming incapable of controlling himself'.

In relation to honour crimes specifically, Article 98 must be implemented alongside Article 340. Even though Article 340 is directly linked to crimes committed in the name of honour, perpetrators mostly rely on Article 98 to reduce their sentence, since it states that 'He who commits a crime in a fit of fury caused by an unrighteous and dangerous act on the part of the victim benefits from a reduction of penalty'.

Faqir (2001) sheds valuable light on Article 98 by explaining that in Jordan, many families assign the task of honour killings to a male member under the age of 18, knowing

that he will be dealt with as a minor by the Jordanian criminal justice system and, as a result, will receive a heavily reduced sentence. This is partly because Jordanian law is derived from a mixture of other laws, including Ottoman, French, Italian and British, and has been drafted in a way that reflects its social values. According to Sonbol (2003, p. 195):

the wording [of Article 98] actually opens the door for a Judge to let a murderer go free or with a sentence that amounts to less than smacking the hand of a child. The laws are loose and hedged enough to leave the definition of honour crime open to include just about any form of violence that could be undertaken against a woman by a male family member.

Essentially, Sonbol (2003) is saying that the Jordanian Criminal Code does not have an article purely dedicated to ‘honour’ killings. Jordan still uses Article 340 and Article 98 widely. Although the country’s former and present kings and queens have urged their parliament to repeal or amend Article 340, their requests have been refused. This means that persons actually prosecuted and convicted of honour killings continue to receive sentences of only several months to several years, despite the typical first-degree murder conviction in Jordan carrying a death sentence (Plant, 2006). It is apparent that scholars do not divorce the gendered argument from the legal argument, because there is no evidence to suggest that if a woman kills her husband or male relative because of ‘honour’ issues, she will not receive the same treatment in a court of law—even though Article 340 was recently amended to include women. Faqir (2001, p. 73) points out that ‘a woman who finds her husband with another woman has no recourse in law. If she kills her husband she would not benefit from any reduction in penalty and would receive a minimum of three years’. Warrick (2005, p.326) complements Faqir’s (2001) statement: ‘the terms of the law provide for reductions of penalty to male perpetrators only; women who discover husbands or relatives committing adultery were not accorded similar treatments, here or elsewhere in the law’ (p.73).

Scholars highlight the family’s integral role in this legal process—since honour crimes are mostly committed within the familial sphere, these strong patriarchal and familial bonds influence or shape proceedings when such cases are prosecuted. Abu-Hassan and Welchman (2005) note that when the Jordanian court accepts a defence for an honour killing, because of the personal nature of an honour crime, the victim’s family is encouraged to waive the personal claim: ‘customs and traditions push the guardian of the female victim to waive the personal claim and drop charges’ (Abu-Hassan & Welchman (2005, p. 206). Once this occurs, the court can use its own discretion to apply extenuating circumstances in accordance with articles 99 and 100, thus allowing for lenient sentences even when Article 98 does not apply.

Therefore, it is evident in both scholarly literature and how the law is applied that Jordan’s legal system is severely constrained by Jordanian society and cultural heritage. Although Jordan’s legal system has been steadily progressing in recent years in terms of gender equality in the eyes of the law, honour killing statistics do not indicate that this has shifted public opinion of honour crimes, nor the rate of their occurrence (Abu Hassan & Welchman, 2005).

2. Methodology

This paper's primary research questions focused on a) examining the incidence and continuation of honour killings in Jordan, and b) understanding the causes and continuation of these honour killings to help develop opportunities for policy changes that can reduce instances of such crimes. The methodological approach was influenced by Patton's (2002) understanding of optimum qualitative research, whereby 'qualitative findings grow out of three kinds of data collection: (1) in-depth, open-ended interviews; (2) direct observation; and (3) written documents'. With this in mind, a multi-method approach was used that comprised unstructured and in-depth interviews alongside document analysis of actual court proceedings from the Jordanian criminal court.

Multiple methods were employed to recruit participants, including using existing connections within the violence against women sector in Jordan to encourage participation in this research. The court documents from Jordan's criminal court are the key focus of this paper, and the cases discussed in these documents solely involve honour-based murders. Some of the documents were more than 200 pages, but over several stages, the scope and direction of the study became clearer, making the textual analysis manageable. The textual descriptions draw a demographic picture of the crimes, the perpetrators, the victims and their backgrounds; at the same time, they reveal gaps and problems in the way each text was recorded. This exemplifies Charmaz's (2006, p.39) argument that 'texts are products. The processes that shape them may be ambiguous, invisible, and, perhaps, unknowable. A close investigation of the text helps you to study it'. Because the cases were recorded poorly by court reporters/stenographers, there are numerous gaps in the information they contain: background case notes were not accurately documented and legal procedures were not followed.

A grounded-theory approach was used to allow an in-depth, inductive exploration of emergent themes. Following this, codes based on analysed cases, the research aims and objectives, and the results of the grounded-theory analysis were applied to each case to allow content to be sorted. Open interpretive coding was then employed to identify and analyse themes both within and across topic areas. The cases involve crimes committed between 1993 and 2010, although the number of cases varies for each year and does not represent a year-by-year sample—for example, one case is from 1993, while the next is from 1999. We have no comparative material for 1995 and 1998. The highest number of cases (six) is from 2008. Across all cases, offenders were aged between 17 and 75 years of age, with the majority below the age of 30. Three offenders were below the age of 20, and 15 offenders were in the 20–30 age group.

3. Analysis of Court Cases

i. Geographic context

The Jordanian population comprises Armenians, Circadians, Jordanians, Jordanian Bedouins, Palestinians who have gained citizenship and Palestinians who still live in refugee camps. Islam and Christianity are the country's two main religions, and society is highly divided in terms of poverty and affluence. Affluent and middle-class families tend to live in the western suburbs of the capital, Amman; the further one travels from Amman, the lower the value of land and housing and the cheaper the cost of living. People of

similar backgrounds and social status tend to live in specific suburbs, as illustrated in the above table. For example, some suburbs are only inhabited by families with tribal ties, while refugees, Christians, poor or rich people inhabit other suburbs. The further a family lives from the city, the more likely they are to be occupied in manual work or farming; occupation in Jordan is connected to a family's economic and social standing. To gain a steady and well-regarded occupation in Jordan, one must complete university studies, which are expensive and not subsidised by the Jordan Government.

ii. Who were the offenders?

In these cases, the suburb in which the offender lived is an important factor, as it allows some contextualising of perpetrators' social background; an offender's suburb can also be relevant to his occupation. None of the 30 crimes were committed by residents of Amman. Four of the crimes were committed by men who lived in Palestinian refugee camps; two took place in farming villages; four occurred in tribal suburbs; and two were committed in the port city of Aqaba. Therefore, including the offenders' places of residence helps contextualise their occupations, although in 13 of the 30 cases, the offenders' occupations are not stated. In the remaining cases, the offenders' occupations fell within the 'manual labour' category—work that does not require extensive education or specialised training. As in most cultures, jobs in this area tend to be poorly paid. This suburb and job information could reflect the societal level at which honour crimes occur. The results of a 2011 study conducted by the Information and Research Centre (IRC) of the King Hussein Foundation in Jordan found a correlation between poverty and crimes committed in the name of honour (Mansur, Shteivi & Murad, 2009). However, such narrow and focused research cannot have guaranteed accuracy, since some honour crimes go unreported every year (Mansur, Shteivi & Murad, 2009). What the demography of the above cases does highlight is that most of these crimes were committed in densely populated areas a significant distance from Amman. Table 1 also shows that all offenders were Muslim. However, this does not mean that all honour killings happen in Muslim families—6% of the Jordanian population is Christian, and honour values are as integral to those families as they are to Muslims.

iii. Who were the victims?

The data collected from court files show that minimal information was recorded about the victims. Indeed, in many cases, even names and ages are not given. While we refer to these women as 'victims', it is poignant to note that in the court files, this term is not used. Rather, the women killed are referred to as 'marhouma', which in Arabic means 'the deceased'. When stated, victim's ages ranged between 9 and 28 years; in 21 cases, the victims' ages are not documented. This minimal information about the victims compared with the offenders made it difficult to establish a clear picture of the relationship between the two parties in every case. One of the victims was the cousin of the offender; nine were the daughters of the offenders; sixteen were the sisters of the offenders; and two were married to the offenders. There is no information about the victims' educational or occupational backgrounds.

Table 1. Summary of Perpetrators' Verdicts

| Case | Year | Age of accused | Suburb of accused | Occupation of accused | Religion of accused | Victim age | Rel. of victim to the accused | Victim's marital status | Initial court charge | Perpetrator's punishment |
|------|------|----------------|-------------------|-----------------------|---------------------|------------|-------------------------------|-------------------------|--|--|
| 1 | 1993 | 39 | Anjarah | Not stated | Muslim | Not stated | Wife | Was married to offender | Murder under Article 327 of the Jordanian Criminal Code and possession of a firearm under the firearms law | 3 months' imprisonment for possession of an unlawful firearm |
| 2 | 2008 | 67 | Al Ramtha | Not stated | Muslim | Not stated | Daughter | Not stated | Murder under Article 328 of the Jordanian Criminal Code and possession of a firearm | 2 months' imprisonment |
| 3 | 2004 | 42 | Sweileh | Musician | Muslim | 18 | Daughter | Not stated | (Before legal investigation): murder under Article 326 of the Jordanian Criminal Code | 6 months' imprisonment |
| 4 | 2007 | 52 | Al Husseinieh | Not stated | Muslim | 22 | Daughter | Not stated | First-degree murder and possession of an unregistered firearm under Article 328 of the Jordanian Criminal Code | 10 years' imprisonment |
| 5 | 2005 | 63 and 37 | Al Mafriq | Not stated | Muslim | Not stated | Daughter and sister | Not stated | Murder under Article 328 of the Jordanian Criminal Code | 3 years' imprisonment |
| 6 | 2008 | 70 | Al Shounch | Not working | Muslim | 26 | Daughter | Not married | First-degree murder under Article 328 of the Jordanian Criminal Code and possession of an unregistered firearm | 7.5 years' imprisonment |

| Case | Year | Age of accused | Suburb of accused | Occupation of accused | Religion of accused | Victim age | Rel. of victim to the accused | Victim's marital status | Initial court charge | Perpetrator's punishment |
|------|------|----------------|----------------------|-----------------------|---------------------|------------|-------------------------------|-------------------------|--|---|
| 7 | 2005 | 25 and 23 | Sweileh | Not stated | Muslim | Not stated | Sister | Married | Murder, abortion and carrying a sharp weapon under Article 328 | 7.5 years' imprisonment |
| 8 | 2007 | 24 | Ma'an | Plumber | Muslim | Not stated | Sister | Not stated | Murder and possession of a sharp weapon under Article 328 of the Jordanian Criminal Code | 1 year imprisonment |
| 9 | 2002 | 19 | Hussein Refugee Camp | Not working | Muslim | 21 | Sister | Not married | Murder under Article 328 of the Jordanian Criminal Code | 1 year imprisonment |
| 10 | 2004 | 32 and 25 | Al Baq'a | Not stated | Muslim | Not stated | Sisters | Not stated | Murder under Article 328 of the Jordanian Criminal Code | 10 years' imprisonment (is currently being) |
| 11 | 2000 | 28 | Karak | Coffee merchant | Muslim | Not stated | Sister | Not stated | Murder under Article 328 of the Jordanian Criminal Code | 10 years' imprisonment |
| 12 | 2005 | 34 | Kafanjarah | Not stated | Muslim | Not stated | Sister | Not stated | Murder under Article 328 of the Jordanian Criminal Code, but the accused successfully appealed in 2006 | 1 year imprisonment |
| 13 | 2001 | 75 | Ajloun | Farmer | Muslim | Not stated | Daughter | Married | Murder under Article 328 of the Jordanian Criminal Code | 6 months' imprisonment |

| Case | Year | Age of accused | Suburb of accused | Occupation of accused | Religion of accused | Victim age | Rel. of victim to the accused | Victim's marital status | Initial court charge | Perpetrator's punishment |
|------|------|----------------|-------------------|-----------------------------|---------------------|------------|-------------------------------|-------------------------|---|--------------------------|
| 14 | 2001 | 21 | Aqaba | Not stated | Muslim | Not stated | Sister | Divorced | Murder under Article 328 of the Jordanian Criminal Code, possession of an unregistered firearm and abortion | 1 year imprisonment |
| 15 | 2007 | 33 | Irbid | Taxi driver | Muslim | 28 | Sister | Married | Murder under Article 328 of the Jordanian Criminal Code, possession of an unregistered firearm and drunken behaviour | 7.5 years' imprisonment |
| 16 | 2008 | 22 and 25 | Katarnah | Police man and truck driver | Muslim | Not stated | Cousins (maternal side) | About to get married | Premeditated murder under Article 328 of the Jordanian Criminal Code, possession of a sharp and dangerous weapon, and threats | Death sentence |
| 17 | 1999 | 29 | Salt | Not stated | Muslim | Not stated | Sister | Married | Premeditated murder under Article 328 of the Jordanian Criminal Code and possession of an unregistered firearm | 3 months' imprisonment |
| 18 | 2004 | 38 | Sweimeh | Not stated | Muslim | Not stated | Sister | Not married | Premeditated murder under Article 328 of the Jordanian Criminal Code | 6 months' imprisonment |

| Case | Year | Age of accused | Suburb of accused | Occupation of accused | Religion of accused | Victim age | Rel. of victim to the accused | Victim's marital status | Initial court charge | Perpetrator's punishment |
|------|------|----------------|-------------------|-----------------------|---------------------|------------|-------------------------------|-------------------------|---|--------------------------|
| 19 | 2004 | 26 | Zarqa | Store manager | Muslim | Not stated | Sister | Not married | Premeditated murder under Article 328 of the Jordanian Criminal Code, forced abortion under Article 335 of the Jordanian Criminal Code and possession of a sharp weapon | 4 months' imprisonment |
| 20 | 2008 | 28 | Smooy | Painter | Muslim | Not stated | Wife | Married to the accused | Premeditated murder under Article 328 of the Jordanian Criminal Code | 6 months' imprisonment |
| 21 | 2005 | 55 | Shouneh | Labourer | Muslim | Not stated | Daughter | Married | Premeditated murder under Article 328 of the Jordanian Criminal Code and possession of an unregistered firearm | 7.5 years' imprisonment |
| 22 | 2008 | 37 | Ajloun | Driver | Muslim | Not stated | Sister | Married by force | Premeditated murder under Article 328 of the Jordanian Criminal Code and possession of an unregistered firearm | 10 years' imprisonment |
| 23 | 2009 | 48 and 17 | Aqaba | Not stated | Muslim | Not Stated | Sister and aunt | Married | Murder under Article 326 of the Jordanian Criminal Code, but this charge was later dropped | 7.5 years' imprisonment |

| Case | Year | Age of accused | Suburb of accused | Occupation of accused | Religion of accused | Victim age | Rel. of victim to the accused | Victim's marital status | Initial court charge | Perpetrator's punishment |
|------|------|-----------------|-------------------------|-------------------------------|---------------------|------------|--|-------------------------|---|--------------------------|
| 24 | 2010 | 23,57,25 and 54 | Al Hussein Refugee Camp | Main accused worked in retail | Muslim | Not stated | Sister of the main accused, and daughter | Married | Premeditated murder under Article 328 of the Jordanian Criminal Code | 10 years' imprisonment |
| 25 | 2004 | 66, 36 and 50 | Al Ramtha | Not stated | Muslim | Not stated | Daughter, sister and daughter-in-law | Widowed | Premeditated murder for the first and second accused under Article 328 of the Jordanian Criminal Code, and rape for the third accused | Case dropped |
| 26 | 2009 | 61 | Ein Al Basha | unemployed | Muslim | 17 | Daughter | Not married | Premeditated murder under Article 328 of the Jordanian Criminal Code and possession of an unregistered firearm | 10 years' imprisonment |
| 27 | 2008 | 20 | Jarash | Labourer | Muslim | 16 | Sister | Married | Premeditated murder under Article 328 of the Jordanian Criminal Code and possession of a dangerous weapon | 7.5 years' imprisonment |
| 28 | 2009 | 19 | Al Jeeza | Farmer | Muslim | 9 | Half-sister | Child | Premeditated murder under Article 328 of the Jordanian Criminal Code and rape of a minor under Article 296 of the Jordanian Criminal Code | Life imprisonment |

| Case | Year | Age of accused | Suburb of accused | Occupation of accused | Religion of accused | Victim age | Rel. of victim to the accused | Victim's marital status | Initial court charge | Perpetrator's punishment |
|------|------|----------------|-------------------|-----------------------|---------------------|------------|-------------------------------|-------------------------|---|---|
| 29 | 2010 | 27 | Jarash | Not stated | Muslim | 21 | Sister | Married | Premeditated murder under Article 328 of the Jordanian Criminal Code, abortion and possession of a sharp weapon | 10 years' imprisonment (currently under appeal) |
| 30 | 2005 | 36 | Al Ruseifeh | Not working | Muslim | Not stated | Wife | Married | Premeditated murder under Article 328 of the Jordanian Criminal Code, threats, possession of a firearm and possession of a sharp weapon | Death sentence, later appealed—outcome unknown |

This table shows the range of punishments handed down by judges and the articles used to defend them. As previously noted, the Jordanian legislation was amended in 2009, and this is reflected in Table 1—the punishments handed down to offenders in the years following the amendment of the Jordanian Criminal Code differ in severity from those handed down before the amendment. Nonetheless, these 30 cases represent only a fraction of all the honour crimes that occurred, or that went to trial, during this time. A total of 54 cases ranging from 1993 to 2010 were given to Author 1 (an employee of the Jordanian Criminal Courts randomly selected the cases—Author 1 did not have clearance to enter the archive room, and thus did not have any choice over document selection). Following in-depth analyses, only 30 of the cases could be initially examined because the remaining 24 are missing vital information about the individuals involved and the details of the court proceedings. Furthermore, those 24 cases do not contain detailed narratives compared with the 30 that could be used. These 30 cases solely deal with ‘honour’ and murder committed in the name of honour. From these 30 cases, six were chosen based on their data quality—they are among the few that contain detailed defence and witness statements, including most of the perpetrator family’s statements. The other (24) detailed cases feature the defence letters, but only part of the perpetrator family’s testimonies; some (16) have large sections missing, and Author 1 had to construct Table 1 to extract information that is equally represented among all the cases. While this process may have limited the data quality, using the information available and analysing it in a specific way narrowed the cases to those six that contained the richest information. The six chosen cases paint a detailed picture of what occurred in the court, and offer a clear analysis of the events surrounding the crime in question and the reasons behind it.

The next section explores the importance of the concept of honour in court proceedings, and describes how it is deployed in defence of honour crimes using these six chosen cases from Table 1. In three of these (9, 12 and 18), Article 98 was implemented; in the other three (7, 11 and 26), Article 98 was rejected by the court. Cases 9, 12 and 18 particularly demonstrate how Article 98 was used in the trials, and feature strong references to the importance of honour, reputation and culture. We have named each case after the victims concerned, as their stories have never been told to a court in the victims' own voices. Honouring these voices by identifying them is an important part of this research.

a. Women, Sex and the Power of the Family

In Jordan, gender relations and differences have become integral to how society and culture operate: males are seen as the protectors and women as the protected. This notion of protection is based on the protection tribal men give tribal women in Jordan, where purity of breed is vital for a tribe to prove its strength and integrity (Sonbol, 2003). Tribes protect women in order to protect society. Under tribal arrangements, marriage is considered a holy state, as families ensure the purity and growth of their tribes when they marry off their women to men who belong to the same tribes (Bin Muhammad, 1999). To belong to a tribe, the family needs to reproduce, and it is only through a female's body that this reproduction can occur (Faqr, 2001). Via reproduction, individuals are adding to society and ensuring the continuance of their culture. If purity is not maintained, the purity of the tribe's bloodlines is at risk; therefore, historically and today, there have been and still are harsh consequences for women who stray. Most of the court documents examined for this research state that only under rare circumstances did the perpetrator discuss the victim's supposed transgressions with her prior to committing the crime—many victims thus never had a chance to defend their purported actions. This is apparent in the case of Su'ad.

Case 9: Su'ad

This honour crime occurred in 2002 in the Hussein Refugee Camp. The 21-year-old victim was the sister of the 19-year-old perpetrator. According to the court document, the witnesses and the defence statements, the victim, Su'ad, met her neighbour, Mahmoud (one of the witnesses), they began a relationship and she fell pregnant to him. When Su'ad started experiencing stomach pain one day, she went to the Family Protection Unit, who notified her parents about her pregnancy. On 31 August 2002, the accused, Ra'ed, arrived from the port city of Aqaba to the suburb where his parents lived.

As he approached the house, neighbours in the street started shouting at him and saying, 'How can you walk here, you are the brother of a prostitute'. When he entered the house, he asked his parents why the boys were shouting, and his parents told him what had happened. According to the court documents, when the accused confronted his sister about her pregnancy, she told him that it was not his concern and that she was free to do what she desired with her body and her life. The next morning, at about 5:30 am, the accused entered Su'ad's room and

choked her using a piece of string until she died. He then handed himself in and the investigation began.

(Case 9/2002)

When the perpetrator was asked to testify, he stated:

When I confronted my sister and asked her whether she was pregnant, she answered me rudely and said that her vagina is her property and she can do as she wishes with it. I was enraged when she said this to me, and took a string and simply choked her. I killed my sister Su'ad because what she has done is something that God does not condone, and no one who has honour will accept his sister tarnishing his family's reputation. My sister caused a scandal in our neighbourhood: she tarnished my reputation, and has dishonoured me.

(Case 9/2002)

The perpetrator's defence lawyer wrote a detailed letter to the judge addressing the circumstances of the case, and why he believed Article 98 should be implemented in this particular instance:

This case is a religious, social and a legal matter, since what the sister had done means that she deserves death as pregnancy out of wedlock is beyond any religious or moral reasoning. She also deserves what had happened to her, as what she has done is against our traditions and culture, therefore I request the court to consider and implement Article 98, as I am sure if your sister or daughter had committed such a sin, you would react in the same way.

(Case 9/2002)

In another letter to the court, the defence lawyer wrote:

This case can be summarised in the manner that Ra'ed left his family house to work in Aqaba, and while he was living in Aqaba, his sister Su'ad tarnished his reputation as well as the reputation of her family because she committed a shameful act, and an act that no one who is religious or is a man of honour will accept. She has committed adultery with Mahmoud, who has taken her virginity, she also committed this shameful act under her parent's roof, and it is every man's responsibility to protect his home and his family.

(Case 9/2002)

The case notes contain the judge's decision to grant the offender a one-year prison term. The judge explained his decision thus:

We justify that the accused was under a state of rage when his neighbours labelled him to be a brother of a prostitute. As a result, the court will charge him with murder and not pre-meditated murder because we recognise that his actions were a result of fury and rage, and therefore the court will implement Article 326 of the Criminal Code. This legal implementation is a result of the court recognising that

the victim has committed an act that has enraged the accused, as she has fallen pregnant out of wedlock and dishonoured the family and tarnished their reputation. All of those factors have caused the accused to lose control over his actions, and the court recognises that a man can act in this way when he feels dishonoured. As a result, those factors are enough for the court to decide to implement Article 98 alongside Article 326, whereby the accused will benefit from a reduction of penalty and the court decides that he is to be imprisoned for one year.

(Case 9/2002)

The above case shows how individuals use honour to construct their identities in a way that is acceptable to society. According to this particular construction, a man's primary role is to protect the women in his family. Concepts of sexual behaviour, for example, and what's considered 'appropriate' or culturally/socially acceptable, particularly in the context of a man protecting a woman thus become integral to honour, as the latter is heavily intertwined with women's sexual behaviour—and sex is understood as an act that should, at least for women, only occur after marriage, and then only with her husband.

These cases also demonstrate the close connection between virginity and honour in Jordan; in fact, it is almost impossible to separate the two notions. Since it is primarily female family members who uphold 'honour' through their behaviour, the most accurate tool for measuring this is sexual behaviour, which is represented by a physical hymen. This is illustrated in the case of Fatima.

Case 12: Fatima

This case was heard in court twice: first in 2005, and again in 2006. The first trial was successfully appealed, and the sentence handed down to the perpetrator was heavily reduced. In the second trial, Article 98 of the Criminal Code was implemented, further reducing the punishment to a one-year prison term. In this case, it is alleged that in September 2004, the victim, Fatima, ran away from the family home and began a relationship with the witness, Murad Badwan. The court file states that Fatima engaged in pre-marital sex with Murad and fell pregnant. When the police discovered this, the victim and the witness were forced to marry, and Fatima moved in with Murad. Following this, marital problems arose between the couple, and Fatima occasionally staying at one of her brother's houses or at her parents' house. On one occasion, she stayed at her parents' house for more than two weeks; it is alleged that during this period, she met with her brother on several occasions. It is also alleged that they were on good terms at this time, and that Fatima's relationship with her other brothers became 'normal' in the sense that they were not constantly threatening to kill her, and she was not living in constant fear. But on 10 September 2004, at around 9 pm, the accused saw his sister at the market and asked her what she was doing there at a late hour. She responded, 'It is none of your concern, whether I sell myself, come and go, it is no one's concern what I do'. This is reported to have angered the accused, and he then took out his unregistered gun and shot Fatima five times, killing her.

At the first trial in 2005, the accused was sentenced to seven-and-a-half years' imprisonment, as the lawyer's request to implement Article 98 was rejected. However, in

2006, the case was appealed and heard before a new judge and a different court. Consequently, Article 98 was implemented and agreed upon by all involved parties, and the accused received a one-year prison term. Further, the accused's defence lawyer presented a comprehensive letter to the court explaining why the accused should benefit from a reduced penalty, as stated under the provisions of Article 98:

The victim was a woman who lived in a small village, a village that is religious, and one that follows strict culture and tradition, like the rest of Jordan and the Arab world. In this part of the world, a man's most prized possession is his honour, especially the honour of his sister which he lives and swears by. The victim knew how important it is for women to preserve their honour, yet she committed the most shameful act, and attracted shame to her entire family. Her actions have also caused humiliation to her family. Furthermore, the shame and dishonour that she has brought the family caused them to disengage from the rest of the village and from society. They stopped engaging with people or even going down to the street or the shops, and no one should live like that.

(Case 12/2005)

The lawyer's testimony and letter were accepted in court and taken into consideration at the time of the appeal. Additionally, several members of the accused's family testified. When the accused's brother took the stand, he told the court:

The accused is my brother, and the victim is my sister. My sister had an unlawful relationship whereby she got pregnant before marriage. Her actions have brought shame and dishonour to my entire family and me. Her actions have forced me to resign from my job, and we as a family were no longer able to engage with the rest of our community or even go to the local bakery to buy bread.

(Case 12/2005)

During the appeal procedure, the presiding judge justified why the case was being appealed:

What the victim has committed makes it feasible for the Court to understand the reason why the accused was enraged and angered, and therefore the factors for implementing Article 98 are in fact evident. The residents of the small town known as Kafanjarah are all aware of the victim's reputation, and the victim has become the focus of gossip in that community. As a result, she has brought shame and dishonour to her family, and what she told her brother the night she was shot is enough evidence for the court to understand why the accused would be enraged. His anger has stemmed out of being shamed and dishonoured by his sister, and his masculinity was attacked when the victim spoke to him the way she did in the middle of the town, and in front of everyone. As a result, the court justifies that the accused will benefit from a reduction of penalty and therefore, Article 98 will be implemented.

(Case 12/2005)

Several more witnesses took the stand, and the accused's defence lawyer instructed one of the family's relatives to testify to the court. In this testimony, the relative explained:

I know the accused and his sister as they are my relatives. I know that the victim fell pregnant in an unlawful manner. Those actions have affected the family's reputation and have attracted shame and dishonour to them.

(Case 12/2005)

Case 18: Jameela

This crime occurred in the suburb of Sweimeh in the Jordan Valley, about 40 minutes from Amman. Sweimeh is primarily inhabited by farmers and borders the Dead Sea. The accused, Ahmad, was 38 years of age at the time of the crime, and the victim was his sister. Ahmad was initially charged with murder under Article 328 of the Jordanian Criminal Code. It is alleged that on 25 October 2003, at around 6:30 pm, the accused visited his parents' house, where the victim resided; he had heard rumours that day that his sister was having a sexual relationship with someone and had fallen pregnant out of wedlock. The accused was enraged by this: he questioned his sister about the rumours and she confirmed that they were true. He grew angrier, choking his sister using both hands, forcing her onto the floor and continuing to choke her until she died. It was later found that the victim was three months pregnant and the foetus died as a result of the crime. The court found that the accused did not plan his sister's murder, but that his actions were caused by his knowledge of his sister's 'sinful' pregnancy—he felt that the honour of his family had been threatened. The court also determined that Article 98 should be implemented alongside Article 326 and that the accused should benefit from a reduced penalty; he was subsequently sentenced to six months' imprisonment. In his statement to the court, the presiding judge asserted:

This court finds that the actions of the accused can be sufficiently justified for Article 98 to be implemented alongside Article 326. When the accused discovered that his sister was pregnant out of wedlock, he lost control of his emotions, and was enraged, and as a result he choked her and killed her. The court can understand that since the accused has committed this crime under the influence of extreme rage and anger resulting from his knowledge of his sister's pregnancy, then the court can justify implementing Article 98 of the Jordanian Criminal Code.

(Case 18/2004)

The accused's defence lawyer also addressed a four-page letter to the court:

In this letter, I would like you to forget that this is my voice, but instead it is the voice of the accused Ahmad. I want this letter to touch your hearts, and your way of implementing the law, as I know that you are wise men. I would like you to consider the reduction of sentence clause, as what the accused committed was out of extreme rage and anger. The accused is renowned for his good reputation and behaviour, and he has never committed a crime before this incident. The accused

is still a young man who is married with four children, therefore I would like to ask for the court's forgiveness. Furthermore, I would like to emphasise that what the accused has committed is purely a result of being dishonoured by his sister. When he learnt of her shameful pregnancy, he lost control over his actions, and this crime has occurred. The accused felt that his honour was attacked, as well as his integrity, and as a result he attacked his sister the moment he learnt of her pregnancy, which legally implies that the factors surrounding Article 98 can be implemented in this case.

(Case 18/2004)

It should be noted that since the accused received a reduced sentence, the accused's father testified in court, stating:

On the night of the murder, my wife and I were sitting in front of our house, when my son, who lives in the same neighbourhood, came rushing into my house. Shortly after that, I heard my daughter screaming, and my wife and I rushed to where the noise came from. We found Jameela on the floor, and when I held her hand, it was evident that she had died. My son then informed me that the victim was unlawfully pregnant. I therefore do not have any complaint to make against my son, and I drop all of my personal rights against him.

(Case 18/2004)

One common theme in all of the six cases is the implementation of Article 99, whereby the family can drop their charges against the accused and thus have the sentence halved. This indicates how familial unity is a binding honour in Jordan—even when the victim is part of the family, the male member will take precedence in such cases.

b. Muslims, Islam and Adultery

Ruggi (2006) argues that men's desire to have control over women is because a woman is able to reproduce more men—thus, the men of a family, clan or tribe must control her fertility to harness her reproductive power. Consequently, men became the guardians of women's reproductive organs in the name of honour, and assume the right to kill women whom they suspect of being adulteresses, or young girls whom they believe to have lost their virginity; the custody of women passes from father, uncles and brothers to husbands and sons. Khan (2006) argues that girls are sometimes killed on mere suspicion of virginity loss, although 95% of girls killed in Jordan have had no sexual relations at all. By being reduced to their reproductive functions, women are subordinated and vulnerable, forced to safeguard their virginity as the property of men. For centuries, these standards of honour in patriarchal societies have allowed men to impose unjust cruelty upon women. As Schliesmann (2012: 48) argues:

Inappropriate behaviour [triggering honour-based violence] can be anything from the manner of dress, association with friends and boyfriends outside of the family

and social group, defiance and disobedience, adultery and even rape, and need only be suspected by male family members to prompt action[.]

Women are accused of being at fault in any situation that suggests possible 'immorality' because it is believed that they should have avoided it. One such situation is adultery, which in Islam is perceived as one of the most heinous of sins. Islamic law based on the Quran specifies the adultery punishment as '[s]trike the adulteress and the adulterer one hundred times. Do not let compassion for them keep you from carrying out God's law—if you believe in God and the Last Day—and ensure that a group of believers witnesses the punishment'. There are three laws in Jordan's Penal Code under which perpetrators of honour crimes receive reduced sentences. Law 340a—Excuse for Murder states that 'a person who surprises his wife or any of his [mother, sisters, daughters, or nieces] while having sex with another person and he kills them or wounds them or harms them both or one of them, he benefits from this legitimizing excuse'. Law 340b 'reduces the sentence of a person who murders, wounds, or harms ... if he were to surprise his wife, or one of his [consanguine relatives] ... with a man in an illegal situation [in bed]'. The perpetrator's knowledge of what Islam stipulates—that is, is their sense of honour and what must be done to 'restore' it—is based on their understanding of cultural values rather than their knowledge of the religion (which forbids murder) and Islamic law. The misappropriation of Islamic religious text is thus used to justify violence in the name of honour.

The Jordanian Government's attempts to combat honour crimes are not yet effectively shifting beliefs or actions. For decades prior to 2009, an honour crime perpetrator was punished with just six months in prison. The law aligned with the public mentality, and this mentality still exists despite those legislative shifts since 2009—which explains why such crimes continue to occur, and why the notion of 'honour' remains so prevalent in Jordanian society. Arguably, these crimes are still tolerated, to an extent, because the law can continue to justify them on the basis that an immoral act on the part of a woman took place and catalysed a violent response. This implies that killing in the name of honour is considered acceptable by society and the law if there is a supposed legal justification for it. Further change to the law is thus urgently needed to alter the mentality around honour. While recent literature on the subject (Eisner & Ghuneim, 2013) clearly shows that significant effort has gone into addressing how such crimes in Jordan could be more effectively prevented through legal measures, the solution cannot solely rely on a legal framework. Legislative change alone will not suffice—rather, it is society that must change first.

Conclusion

In Jordan, the definition of honour is strongly intertwined with the meaning of gender, and Jordan has been grappling with the issue of gender equality for a long time (Abu-Odeh, 1996; Al-Badayneh, 2012). It remains a significant problem: many victims have lost their lives to honour crimes based on gossip and assumptions, and victims are never given the chance to defend their honour or present their side of the story.

One of the main findings of this research is that change in Jordan cannot occur simply by amending the legal codes and penalties associated with honour crimes. Although the government is ready to embrace change, society is clearly not ready for it. Arguably, there

are two codes governing honour crimes in Jordan: one is set by the legal fraternity, and the other is set by society. In the case of honour crimes, there is a clear conflict between what society expects from a family and from an individual, and what the state expects from a citizen. That these crimes continue to occur even after punishments have become harsher suggests that society's moral code remains especially powerful, despite recent changes to the law.

Serious societal changes are necessary to reduce and eradicate honour crimes in Jordan. One of the major concerns that hindered adequate examination of the court files was poor recording and investigation of cases where women were murdered in the name of honour. Court files prepared by lawyers were also not fit for purpose, thus undermining access to justice for victim's/survivors families: they often lack detailed information such as defence and witness statements. The issue of victim risk identification requires urgent attention in such cases. There should be processes in place in Jordan to identify and mitigate risk before an honour crime has been committed. The measure of a successful police response to an honour crime/abuse incident should not be whether a form has been filled in—rather, it should be whether the officer has correctly identified the level of risk, taken appropriate action to in cases where murder has not been committed as a result and obtained or protected evidence necessary for a prosecution. The overall police and judicial response to these honour crimes is thus severely lacking, failing to bring offenders to justice or to protect victims (Gill, 2019).

While a number of positive recent developments have taken place to address these problems—including educational campaigns by women's human rights defenders in Jordan to raise awareness of these human rights violations—honour crimes and gender-based violence remain significant, embedded problems in Jordanian society. There is an urgent need to improve police responses and develop more effective policies, practical initiatives for the criminal justice system. For example, in the UK, women's organisations have led the way in both identifying honour killings as a specific problem requiring urgent international attention, and in arguing that the most effective way forward is to invest in prosecuting perpetrators; to educate students in schools and colleges about gender-related harms; and to invest in specialist services initiatives across a range of public support agencies (Gill, 2019).

The importance of maintaining honour in Jordan does not need to be disavowed—rather, the way honour is perceived in Jordanian society must shift, and achieving this will require implementing robust changes society. Honour in a cultural group context is fixed: any attempt to alter it through legal and legislative means alone cannot be successful, and it cannot be successful in Jordan unless serious attention is paid to culturally aware reinterpretations of the gender gap.

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