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The Evolution of Jordan's Parliamentary Institution and the Impact on Political Reform: A Critical Review

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Abstract

This research is a critical study for Jordanian parliamentary evolution and its impact on political reform in Jordan. We hypothesize a significant correlation between parliamentary development and democratization in Jordan. The study found that the Parliamentary institution, which represents the core of democracy in Jordan, is weak and lacking the ability to perform its main political duties. Researchers concluded that democracy in Jordan is in a status of stagnation. Since its formation in 1929 until 2019, parliament's political power within the Jordanian political system remains substantially ineffective. The Executive Branch of government possess far more political power than the Legislative Branch of government. This fact that our research found negatively affects the credibility of the whole Jordanian political reform rhetoric. We use the descriptive analytical historic approach and content analysis of the legal provisions that govern the parliamentary development in Jordan.

KeyWords: Parliamentary Evolution, Political Reform, Legal and Constitutional Reform.

Introduction

Despite the impressiveness of Jordan's parliament when compared to other Middle Eastern states, its political power is continuously unstable and fluctuating. Therefore, as far as democratization is concerned, Jordan is far from perfect. Since 1929, Jordan's eighteen different legislative bodies (between 1929-1947 there was 5 legislative bodies) have witnessed setbacks due to different electoral laws as well as continued attempts by the government to limit its powers, and the varying influence of political parties. The laws and legislative processes currently in place render the popularly-elected parliament ineffective at best and a mere pawn of the actual power centers at worst. Firstly, the specific mechanics of the legislative process puts serious decision-making power in the

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hands of the executive branch. Secondly, elections are structured in such a way that favors candidates that are unlikely to belong to organized opposition groups or political parties, mostly due to the types of electoral systems utilized. Thirdly, the parliament is lacking in terms of organizational and technological capabilities; e.g. primitive electronic voting systems and undeveloped sessions' proceedings.

The combination of these elements creates a cycle of political apathy that will not end easily. But a flawed system of representative government is infinitely better than none. Parliament continues to be a legitimate outlet for popular opinion and criticism of governmental policies. The fact that a sovereign electoral body is already present in Jordan means that there is high potential from which to improve. This research critically examines the development of parliamentary politics in Jordan as well as the greatest challenges it faces, in an effort to cast light on the true nature of the Jordanian parliamentary politics hence its democratic status. It describes several aspects of Jordan's parliamentary evolution, the legal framework guiding the legislation process, and the major challenges parliament faces. This in turn should give significant insight on the overall status of democracy in Jordan.

Research Questions

The main research agenda is to explore the status of parliamentary development in Jordan and democracy. This research aims to address the following questions:

1. What is the historic evolution of Jordan's parliamentary politics?
2. What are the most important changes in the legal and constitutional articles that affect the legislative structure and process in Jordan?
3. What are the major challenges that face the Parliamentary institution in Jordan and the likelihood of its development?
4. What is the impact of Jordan's Parliamentary development on Jordan's democratization process?

Research Goals and Hypotheses

This research aims to critically explore the evolution of Jordan's Parliamentary politics and its relationship with the status of democratization in Jordan.

General Hypothesis:

We hypothesize that there is a significant correlation between parliamentary development and democratization in Jordan.

Sub-Hypothesis1: The underlining assumption is that Jordan's parliamentary development was instrumental in maintaining a relatively better democratic standing.

Sub-Hypothesis2: The research further proceeds under the assumption that while Parliamentary development in Jordan is the major reason behind its "democracy in transition" status, the lack of major changes and consecutive progress has hindered Jordan's elevation to an absolute democracy status.

Research Approach

The scientific method of inquiry that best suits this research is the descriptive analytical historic approach and a content analysis of the legal provisions that govern parliamentary development in Jordan. This is in addition to the Institutional Analysis Approach of scientific inquiry. These qualitative approaches will utilize historic and legal findings, as well as previous research. This approach also provides the necessary thorough analysis and description of the phenomena under examination. It values accuracy as a scientific goal, and overlooks generalizability that tends to be the pursued scientific target in the case of quantitative empirical research. The study will start by exploring the historic evolution of Jordanian Parliament analyzing the contemporary legal framework for the legislative branch in Jordan, and the greatest challenges facing parliament. The study will end with a conclusion and summary of findings.

Importance of the Study

The study herein is of a significant importance because Jordan has been a democracy in transition for a long time with not enough research on the role of Legislative on this stagnation. The study, therefore, fills a scientific gap. Practically on the other hand, understanding the role of Parliament can indeed be a major enhancement toward advancing democracy in Jordan.

Historic Overview:

The Origins of Representative Government in Jordan

The history of modern Jordan began on April 11, 1921, when Emir Abdullah established the central government of Transjordan in the approximate borders of modern day Jordan (Embassy of Jordan—Washington, 2007). Although Transjordan was under a British mandate, the Emir diligently set about obtaining independence, and on May 1923 his efforts were rewarded with the signing of the Anglo-Transjordan Treaty, which gave Transjordan a semi-autonomous status, recognized Emir Abdullah as the Head of State, and allowed him to establish national armed forces.

Transjordan's constitution was drafted in April 1928 when Emir Abdullah and Great Britain agreed on the establishment of the "Organic Law," which served as the nation's constitution until it gained independence from Great Britain in 1946. The law called for the creation of the Legislative Council, an electoral body which replaced the former Executive Council (The Office of King Hussein I of Jordan, 2007). Elections for the first Legislative Council were held in 1929. The body consisted of sixteen members, fourteen of whom were indirectly elected by a directly elected body of "secondary electors," while the remaining two were appointed by the Emir from the North and South Bedouins after he forms two committees to select these two deputies (Abu Nowar, 1989, 304). The Legislative Council's powers were mainly advisory, but it is worthwhile to note that Jordan has experience with electoral politics dating back to 1929 (Salibi, 2006,115).

Unification of the East and West Bank (1950-1988)

Following the 1948 Arab-Israeli War, the West Bank was incorporated into the Kingdom in 1950, and roughly 500,000 Palestinians living west of the Jordan River became Jordanians, drastically changing the state's domestic political situation and voting demographic. Parliamentary elections were held in 1950, and the West Bank was given equal representation. The number of seats in Parliament was increased from twenty to forty, with half allotted to the newly acquired West Bank. The new Parliament was made up largely of supporters of the State, but members of the Arab nationalist Ba'ath party and other critics of Jordan's government also gained some seats. It is of crucial importance to note that political parties were not only permitted, but were also very active and relatively strong at this time (Abu-Odeh,1999,49). Furthermore, the Parliament during the 1950s was comparatively more willing to oppose the executive branch than it has been during most other eras of Jordanian politics. After the new Parliament was formed and on April 24, 1950, it officially declared the unification of the East and West Banks, expanding Jordan's territory to include the West Bank and granting full citizenship to all Palestinians "who wished to claim it." From that point on, Palestinians and the Jordanian government have been inextricably linked.

The year 1952 saw the creation of a new, more liberal, constitution, and remedied some of the major "flaws" in the previous version. The major additions to this constitution included the creation of increased separation between the different branches of government, and giving Parliament the powers to propose laws and to force the cabinet's resignation through a vote of no-confidence. The latter power is of crucial importance because, as discussed below, the ability to hold the government accountable is perhaps the most important power Jordan's Parliament possesses. Under the previous constitution, Parliament's power was

essentially limited to playing a part in the passing of legislation; this added power drastically increased the importance of the Jordan's elected Parliament.

The Chaos of the 1950s

Important developments occurred during the 1950s. Firstly, Arab nationalist parties were gaining power in Jordanian society and in the Parliament. In a victory for leftists, the 1956 elections resulted in Ba'athists and representatives of the National Socialist Party, an Arab nationalist group sympathetic to Egyptian president Gamal Abdel Nasser, winning about half the seats in Parliament (17 seats), the balance being controlled by state-loyalist conservatives (US Library of Congress 2007). The steadily growing support for Arab nationalism was dangerous to the moderate regime in Jordan. The second development came in 1957, when an Arab nationalist coup attempt was foiled. In response to the increasingly frightening threat of Arab nationalism, adherence to the constitution was halted that year, martial law was declared, political parties were banned for thirty years, and the government was accountable only to the King. Parliament remained in session, but it was stripped of real political power reverting back to its original state. The final major event came in February of 1958, when Jordan merged with Iraq under the title of the Arab Federation. The Arab Federation experiment came to a grinding halt when Hashemite rule was overthrown in Iraq in a bloody coup led by Ba'athists. The revolution in Iraq had major consequences for the entire region, especially in Jordan. Iraq, which had been one of the largest obstacles to supporters of pan-Arabism, was no longer an issue, and it was generally believed that Jordan would soon follow. The fall of Iraq to revolutionary nationalists was tremendously threatening to the state of Jordan (Salibi, 2006, 201-203). The accumulation of these issues created very negative consequences for Jordan's parliament. In addition to the declaration of martial law (Marshal Administrative Regulations of 1957 and 1967 though its referred to as Marshal Law), which was dismantled in 1991, the government responded to the nationalist threat by prohibiting political parties entirely in 1957, which would remain the case for over thirty years (US Library of Congress, 2008). A period of deliberalization had indisputably begun in Jordan.

The 1967 War and the Halt of Electoral Politics

Parliamentary life in Jordan experienced another drastic change after Israel occupied the West Bank following the disastrous Six Day War in 1967. The occupation meant that Jordan no longer had real control of the West Bank, but it retained administrative duties in the area. The fact that half of Jordan's Parliamentary seats were allotted to people living in occupied territory, which Jordan maintained was within its borders, created additional problems for

electoral politics in Jordan. Consequentially, elections held in April 1967, two months prior to the war with Israel, would be the last time Jordanians voted for a new parliament for over two decades (The Office of King Hussein of Jordan, 2007; The New York Times, 20 December 1989). However, the Parliament was not disbanded, but remained in session until 1974. The same Parliament was recalled for a brief period in 1976 and then twice more in 1984 and 1986, but in the last two re-callings Parliament was considered the 10th House of Deputies and was extended 2 years until 1988. Both 1984 and 1986 also saw by-elections (complementary elections), in which East Bank citizens voted for representatives to fill vacant seats, but the Parliament was made up primarily by MPs elected in 1967 (Bani slamah, Aledwan, 2016).

It is important to stress that the issue of parliamentary elections (or the lack-there-of) during this era was incredibly complicated. In addition to all the major threats facing the Hashemite government that had become so frightening during the 1950s, Jordan's situation was made more problematic by the fact that it no longer had control over land that made up half of the country's polity. Disbanding the 1967 Parliament entirely and holding new elections would mean the exclusion of West Bankers, which would in turn mean Jordan's acceptance of the Israeli occupation. Twenty two years with no national elections followed these events while the 9th and 10th House of Deputies remained in session.

The 1980s and the Resumption of Parliamentary Life

During the 1980s, the circumstances for the Jordanian parliament changed again. Jordan's willingness to continue dealing with problems regarding the West Bank was on the decline, and on July 28, 1988 King Hussein formally dissolved the 1967 Parliament, meaning that West Bank representation in Jordanian politics was over. Three days later he gave a speech formally declaring administrative and legal separation with the West Bank (Salibi, 2006, 268). These two decisions were instrumental in severing the administrative ties between Jordan and the West Bank allowing electoral politics under the constitution to be possible once again.

Other developments during the 1980s also contributed to the resumption of parliament life. The Kingdom was facing serious and mounting debt, caused by poor economic management and corruption, and the Jordanian people were becoming increasingly discontent with government failures, culminating finally into major riots in 1989 (Robbins, 1990, 55-57). Riots started in Ma'an in the south spreading into different governorates, demanded better economic policies and standards of living, fighting corruption, and more representation. This time, the Jordanian government responded to adversity by liberalizing. Because the West Bank issue was no longer relevant, and because the government was facing

mounting internal pressure, allowing citizens to vote and form a new parliament was both possible and practical. After the necessary changes were made in Jordan's electoral laws and districts to accommodate a state that no longer included the West Bank, parliamentary elections were held in Jordan for the first time since 1967.

Democracy Comeback:

Jordan's Eleventh Parliament

The results of the 1989 election were drastically different than had been predicted. Islamists, represented primarily by the Muslim Brotherhood, had been expected to win less than ten seats; however, they wound up with thirty-four (twenty of which were won by Muslim Brotherhood candidates, the other fourteen were taken by MB supported independents). Meanwhile, leftists, who were not expected to get more than one seat in the parliament, ended up with ten. Oppositional forces thus controlled forty-four seats, making up more than half of the eighty-member parliament, which most had assumed would be dominated by traditionalists in support of the state (Robbins, 1990, 57).

The 1989 Parliament was an energetic, active, and relevant political force. Members debated various controversial topics, such as "corruption, economic reform, and civil liberties," and parliamentary discourse were openly discussed in the press. Some important steps towards further liberalization were taken during the existence of this Parliament, including the legalization of political parties in 1992, the complete lifting of the administrative regulations of martial law in 1991, and the passing of a relatively liberal press law in 1993.

The Reversal of the Liberalization Process

This brief golden age in Jordanian democratization came to a halt in 1993, when it became clear that the Jordanian government did not intend to continue the liberalization process at the rapid speed it had set four years previously. The government's goals were markedly different than those of the Islamists, especially regarding Jordan's relationship with the West, most importantly in relation to peace negotiations with Israel, which were completed in 1994. Overwhelming Islamist opposition in parliament was therefore viewed as a major threat to Jordan's interests. In 1993, the government began taking steps to reduce the power of opposition forces in Parliament by passing the one-man, one-vote law, which forced voters to select only one candidate in multicandidate districts, decreasing the likelihood of oppositional forces gaining seats in Parliament (Choucair, 2006). Opposition forces nearly boycotted the 1993 elections in protest of the new law, but reluctantly participated. The effect of the new electoral laws on the Islamic Action Front IAF (the political party created

by the Muslim Brotherhood following the lift of the political parties ban) was clear: the party won only 16 seats in the 1993 parliament, whereas in 1989 it won 24, and independent Islamists managed to win only two, compared to the 10 they gained in 1989. Although leftists did not experience a dramatic drop in representation, the huge decrease in the number of seats held by Islamists made the elections a clear victory for traditionalist, pro-state forces.

During the mid-1990s, the relationship between the cabinet and the Parliament deteriorated, and hostilities between the government and the people intensified as well (Choucair, 2006). In 1997, the government reacted to increasing popular and Parliamentary opposition by continuing its deliberalization process with the passage of a new press and publications law, which increased restrictions on both who was permitted to publish newspapers and what they were allowed to publish. Partly in response to the new laws, and partly due to a general belief that involvement in Parliament was fruitless, the IAF, along with most other opposition parties, boycotted the 1997 elections.

Parliament was dismissed in June 2001. Elections were then postponed twice (2001-2003) due to the fear that regional tension during that era would result in a radicalization of Jordanian society and a strong Islamist representation in a popularly elected Parliament (Carnegie Papers, 2006).

When elections were held again in 2003, the IAF, after some consideration, decided it was better to have Parliamentary representation than to boycott elections, and the party participated in elections for the first time since 1993. Although the elections resulted in Islamists once again making up the biggest opposition party in Parliament, taking 17 out of 110 seats, their strength was drastically less than it had been in the early nineties, as the 2003-2007 parliament was dominated by pro-state forces (Carnegie Papers, 2006). Relative to where it had been at the beginning of the liberalization process, Parliament had become an impotent political body.

Constitutional and Legal Framework for Legislation in Jordan

As is the case in most semi-democratic political systems containing representative legislatures, the Jordanian legal structure is intentionally designed to limit the power of the Parliament. The existence of legal barriers on Parliamentary influence is not unique to Jordan. The framework of legislative and electoral processes poses major barriers to the Parliament's ability to be an efficient, influential, and representative institution in the governing process.

The appropriate starting point for a discussion of Jordan's legal framework is, of course, the state's constitution and its amendments. The current constitution was created in 1952, during an era when Jordan's political parties were strong.

Although the 1952 constitution granted more power to the Parliament than the previous constitution, a brief examination of its actual provisions demonstrates the reality that most political power was in the hands of the executive, and that Parliament's power was incredibly limited.

Jordan's governments, as the country's executive, are constitutionally granted extensive political power. Governments are the sole representative of Jordan and possess all powers related to foreign affairs (UNDP POGAR, 2007). Furthermore, although power is separated between the legislative and executive branches, the executive branch plays a major role in legislation. The entire Upper House of the legislature, as well as Jordan's Higher Judicial Council are picked by the Executive Branch of government. The executive branch may also, in times of emergency, dismiss the legislature, postpone elections, and declare martial law. Finally, the executive branch of government has veto power over the passing of all potential laws unless ruled out by at least 2/3 majority of the both the Upper and Lower House of Parliament.

Jordan's legislative branch is a bicameral system made up of an Upper and Lower houses. The Chamber of Deputies or the Lower House of Parliament (Parliament), which is to be elected by direct, free, and fair elections every four years, shares legislative power with the appointed Senate. One of the main responsibilities of the Jordanian legislature is, of course, the passing of laws. The actual legislation process is somewhat complicated, as a bill must go through various phases before becoming law. First, draft laws must be introduced by the Government and then submitted to the Speaker of the House of Representatives (Jordanian House of Representatives, 2006; The Office of King Hussein I of Jordan, 2007). Even if ten or more deputies adopt a draft legislation, it must be sent to the Government that has the constitutional right to send it to the Speaker. The Parliament then either approves, rejects, or decides to amend the draft law in which case the draft is passed to the appropriate committee within the House for consideration. The specialized committee's report regarding the draft law is then submitted to the rest of the House, which then evaluates the bill and may either approve, amend, or reject it. If approved, bills are then passed on to the Senate, where they go through a similar process. If the bill is rejected or amended by the Senate and these actions are not accepted by the House of Deputies, a joint session is held with members of both houses in attendance, under the chairmanship of the Senate Speaker, during which issues in dispute are discussed through 2/3 majority vote. Once a bill is passed through both the Lower and Upper House, it is sent to the king who can ratify it, reject it outright, or resubmit it to the House with a statement explaining the reasons it was not ratified. A bill officially becomes a law after receiving the king's ratification and

is published in the Official Gazette, or six months after it has reached the king but has been neither ratified nor vetoed.

In addition to this role in the legislative process, at least 10 members of either houses can submit to the Government a proposal for the drafting of desired law, after which the Government will compose an official draft law if it wishes to. Secondly, the Parliament has the exclusive responsibility of approving or rejecting the appointed cabinet, including the Prime Minister, through the Vote of Confidence procedure. Parliament can at any time pass a vote of no confidence dismissing the Cabinet of Ministers or any specific Minister. (Jordanian House of Representatives, 2006; The Office of King Hussein I of Jordan, 2007) This ability to hold the government accountable is one of the most important powers Parliament has. Finally, the legislature possesses the power to override an executive veto over a passed law with a two-thirds majority in both houses. However, the actual application of this power over any major law is made unlikely by the fact that the Senate is chosen by the executive and will not vote against it.

Clearly, the Jordanian Parliament's powers in terms of the role it plays in legislation and the overall political system are quite limited. Admittedly, bills must be passed through the Lower House in order to become a law. However, laws are drafted by the cabinet and must be approved by the executive as well as the non-elected Senate. Parliament's true legislative role is therefore more of a check on the Government's ability to pass laws than as an autonomous institution in an independent legislative branch. Still, the Parliament does have two important functions: Its role in legislation can at least serve as a forum for popular opposition to government policies, and, its ability to approve and reject potential cabinets, as well as its power to dismiss ministers through a vote of no confidence, allows the Chamber of Deputies to challenge the Cabinet.

Political Reform through Constitutional Reform

The King issued seven Discussion Papers between 2012 and 2017 most of which were devoted to political reform. To further advance political reform during this period, two reform committees were established: Constitutional Amendments Committee and Dialogue Committee. Following constitutional reform, Elections Law, Political Parties Law, Municipality Law, and Decentralization Law were issued. These laws were also aiming at developing democracy life in Jordan. The declared aim behind all these steps is to reach the political status and set the stage for parliamentary governments.

The Constitution was amended to grant more powers to Parliament, and somewhat improve the overall balance between the Legislative and Executive branches. The most significant amendments happened in light of the Arab

Spring when almost two third of the constitution articles were amended. Two committees were formed in 2011: the National Dialogue Committee and the Constitution Review Committee. The first was tasked to put suggestions on how to develop political life including the needed changes of the Constitution, while the second committee mandate was to focus on constitutional reform. Parliament status was the main beneficiary of constitutional reform that granted this institution the weight, independence, and sovereignty it deserves. Amendments gave some more balance between the Executive and Legislative branches of government, improved and developed the political, parliamentary, and party life, and solidified the judiciary as an independent balancer through the establishment of the Constitutional Court. All previous additions undermining the power of the Parliament that were added to the constitution since 1952 were demolished. 42 constitutional amendments were enacted out of the total of 131 articles of the constitution or 32.1%. 13 amendments out of the 42 were related to Parliament, signaling that developing Parliament status and role was a main target of constitutional reform. Three main constitutional reforms occurred in Jordan in 2011, 2014, and 2016.

2011 Amendments (Official Gazette 2001):

- Article 53 was amended forbidding the government from using the Speech from the Throne as its ministerial statement submitted to Parliament to gain vote of confidence based on it. Previously, governments could simply use the King's annual Speech from the Throne as its own speech, program, and statement.
- Article 55 was amended limiting Parliamentary power to just approving the trials of ministers and not conducting any trials as was the case before. Ministers are now tried before the Regular Court system in the capital Amman.
- Article 58 established a long waited Constitutional Court, which was tasked to look into the constitutionality of laws and the interpretation of the Constitution.
- Article 67 established the Independent Election Commission, which was tasked to supervise and conduct Parliamentary elections. Previously this was the job of the government specifically the Ministry of Interior. The establishment of this commission gave significant improvement to the transparency of national elections. This is a major establishment only similar to establishing the Constitutional Court.
- Article 69 dictates the election of the Speaker of the House must be for two years instead of one, saving the House's time and giving speakership more stability and status.

- Article 71 was amended to grant the Court of Appeal the right to look into election litigations which was previously the job of deputies. This gave more transparency to election results.
- Article 73 was amended by deleting Paragraphs 4, 5, and 6. These paragraphs gave the executive branch the power to dissolve parliament and postpone elections indefinitely. These paragraphs were used to postpone elections from 1967 till 1989, and freeze parliamentary life from 1974 till 1984 due to conditions related to war with Israel and the occupation of the West Bank. Elections must be held within four months if Parliament was dissolved or ended its final session. If elections were not held, then the dissolved parliament must be called to reassess.
- Article 74 was amended by adding a paragraph that requires the government that dissolves Parliament to resign within one week after that. The Prime Minister of the resigned government cannot form a new government meaning a government that dissolves Parliament is essentially dissolving itself as well. Also, Ministers who would like to run for elections must resign before sixty days of election date not fifteen days as was the case before.
- Article 78 paragraph 3 was amended extending sessions to six months instead of 4.
- Article 84 was amended to make only a simple majority needed for the quorum of Parliament sessions and not two-third majority as was the case.
- Article 94 forbade the government from issuing any temporary laws unless Parliament was dissolved, and strictly in cases of war, national emergencies, and un-postponed spending. In any case, temporary laws must be reviewed and approved by Parliament within the coming two Parliamentary sessions.
- Article 119 dictated that the Audit Bureau must present its annual report to the Lower and Upper Houses of Parliament when before it was constitutionally only presented to the Lower house, and informally given to the Government.

2014 Amendments (Official Gazette 2014):

Article 127 of the Constitution was amended to give the King the sole authority to appoint the Army Chief of Staff and the Director of the General Intelligence Department. Before this amendment, the Prime Minister must have recommended the names of the leaders of these two institutions before the King could appoint them. This comes in light of the King's Discussion Papers in which he outlined his vision for the need and required path for parliamentary governments. These two institutions along with Constitutional Court and Higher Judicial Council are very important for the stability of the Parliamentary

government and must be independent from any party politics that normally accompanies parliamentary governments. The intention was to keep these institutions apolitical and away from partisan politics; something that Jordan's political system is unique in doing. This amendment was criticized for the possibility of creating reduced accountability of these institutions given their direct link to the King alone. It was also criticized for undermining the Constitution and the role of the King in the system. According to the Constitution, the King must rule through his ministers. Therefore, practicing his constitutional duties independently without any role for the ministers undermines a fundamental component of the Constitution. Finally, the government may not be held accountable by Parliament for the behavior and decisions of the Military and Intelligence Department, since they are not legally and constitutionally responsible for them. This might be a serious breach of the principle of accountability in parliamentary systems (Hamuri, 2015, 160).

A report issued by an official think tank (Jordan Social and Economic Council) in 2013 best describes the above. Jordan Social and Economic Council in that report asserted that governments do not have genuine authority which was taken by Royal Court and security agencies during this period. Ministers who are supposed to recommend decisions to be ratified by the King became subject to the pressures of other rival institutions, hence the balance between institutions was lost prior to this period and somewhat improved after 2011 amendments (Jordan Social and Economic Council, 2013, 104-106).

2016 Amendments (Official Gazette 2016)

Article 40 was amended to give the sole authority to the King without the signature of his ministers to appoint the Regent, Crown Prince, Chief and Members of Constitutional Court, Chief of Higher Judicial Council, Speaker and members of the Upper House of Parliament, Chief of Staff of the Military, Director of the General Intelligence Department, and Director of Gendarmerie.

The Lower House of Parliament passed these amendments with 120 for, five against, and twenty five absent. The 2011 amendments were ratified within 39 days, the 2014 within 16 days, and the 2016 amendments within 18 days. By all measures, this is an expedited amount of time to ratify such important and landscape constitutional changes.

The above three waves of amendments clearly show that while the 2011 amendments were a direct push for democracy that to a certain degree created the needed balance of power between branches of governments and solidified the role of Parliament in the political dynamics, the same could not be said about the 2014 and 2016 amendments which were viewed as a step in the opposite direction. These amendments did not follow suit in the path to actualizing

parliamentary governments in Jordan - the symbol of democratization and core message authorities keep emphasizing. In short, we can say that these constitutional liberalization measures were cosmetic rather than substantial or operational; the same power distribution and sharing equation continued (Shadooh, 2017, 95).

Election Laws and Democracy:

Election Laws and Parliament

Election laws plays a vital role in the development and performance of the elected House of Deputies. Election laws are controversial by definition, yet in Jordan's case it has also been used to pre-determine election results of Parliament hugely affecting the authenticity of political life. Jordan has had five election laws since the year 1986, these are:

- Election Law 22 for the year 1986 based on which the 1989 elections were held. 32 opposition party members were elected from the 80 seats parliament. The Law, which was said to be the best for opposition representation, gave a number of votes to voters similar to the number of seats in their districts. This Law is considered the most effective in positively impacting the development of Parliament and political parties. It helped voters move beyond their tribal loyalties since the Law gave voters an equal number of votes to the number of seats held for their districts (Reynolds, Reilly, Ellis, 2005, 55).
- Amended Election Law 15 (the Amended same previous law) for the year 1993 is known as the one-man one-vote law. Elections in 1993 and 1997 were held based on this law. The law gave one vote to voters in a multi-member districts essentially tribalizing elections and significantly reducing the number of opposition in parliament. This law is considered by many to be the most significant detriment to parliamentary and democratic development in Jordan. The main articles of this Law continued until 2016 constantly casting negative impact on the development of Parliament (Aladwan, 2004, 63).
- Election Law 34 for the year 2001 preserved the one-man one-vote system. The Law reduced election age from 19 to 18, and increased the number of parliament seats from 80 to 110. But most importantly, a first time quota for women was adopted giving Jordanian women a guaranteed 6 seats in the House of Deputies.
- Election Law 9 for the year 2010 which also preserved the controversial one-man one-vote article, but this time in multi member "virtual" districts. Voters were electing without knowing the geographic boundaries of their districts. The number of deputies was raised in this law to 120.

-Election Law 25 for the year 2012 increased the number of seats to 150. This law devoted 27 seats in Parliament to be elected at a national level with proportional representation and not within any specific districts. The Law was said to be a combination of the one-man one-vote system and proportional representation system. The aim was to help political parties run on national agenda bases and increase their presence in Parliament.

All the changes in election laws in the aftermath of 1989 elections did not impact the structure or behavior of Parliament. The one-man one-vote created an environment of political indifference among Jordanian citizens and political parties forcing several of them -mainly the biggest Islamic opposition- to boycott elections. Elections became tribal and not based on programs or policies. Election Laws hindered the most important institution for democracy development in Jordan to develop and assume political reform and democratization.

Election Law 6 for the year 2016

This Law was considered to a high extent a credible departure from the disastrous one-man one-vote article that significantly damaged political and parliamentary development, and hurt social unity. It's an open list proportional representation election system in which voters vote in as many as the number of seats in their districts from one list. The percentage of votes received by that list gives it the same percentage in Parliament.

This law was a significant electoral improvement since 1993. It includes several advantages most notably the first time deployment of proportional representation regime even if it is in an open list system. Theoretically speaking, this should increase party representation in Parliament. Moreover, lists can run across governorates. Another major big advantage of the law is the new districting structure and gerrymandering. Except for the three big governorates, the remaining nine became single one election districts which pushed voters and candidates to think in a wider more national mind-frame abandoning their tribal or small geographic political limits. Districts were reduced from 45 to 23 with Amman having 5 districts, Irbid 4, and Zarqa 2. The remaining including the three Bedouin districts and one stand-alone district. In 2013, elections of the 17th House of Deputies, which came after the major constitutional amendments and the creation of the Independent Election Commission, held a participation percentage of (39%) with outcomes that did not reflect significant impact on elections and parliament (Barari, 2013, 7). The new election law created a new very different dynamic that shackled election stagnations caused by the one-man one-vote system. The law however was criticized because it did not significantly help political parties, and created internal competition among lists candidates

since it was an open not closed proportional system. Proportional representation systems function well in an election environment where political parties are strong, mature, and highly competitive, which is not the case in Jordan. Below is a table of election laws development in Jordan since 1986:

Table 1: The Development of Elections Laws: 1986-2016

Parliament	Type of Election System	Election Law
11 th 1989-1993	Multi vote list system (Block Vote)	Election Law of 1986
12 th 1993-1997	One Man One Vote system (Single Non-Transferable Vote)	Amended election Law of 1993
16 th 2010-2012	One Man One Vote system with virtual districting. (Single Non-Transferable Vote)	Election Law of 2010
17 th 2013-2016	Parallel Mixed System; Election at district level (123 seats) and at national level (27) (National Open List Proportional Representation -27 seats / Single Non-Transferable Vote- 123 seats).	Election Law of 2012
18 th 2016-2020	Voters vote for the list and candidates inside that list. (Governorate Level Open List Proportional Representation)	Election Law of 2016

Source: The Table was prepared by researchers based on elections laws in Jordan (1986-2016)

Uneven Representation within Parliament

The problem of unequal representation was significantly tackled in the 2016 election law but continues to be an issue. Prior to the 1993 law, "voters were entitled to as many votes as the number of parliamentary seats allocated for their district (The Office of King Hussein I of Jordan 2007). Most likely in response to the surprising success of Islamists in the 1989 elections, the government created a new electoral law, which limited all voters to only one vote. Commonly referred to as the "one-man, one-vote" law. Even with the 2016 law, Jordanian voters displayed a tendency to vote first and foremost along local, service-oriented lines, meaning that a Jordanian voter is more likely to cast a vote for a candidate that he/she believes will be likely to assist them personally, than for a candidate running on an ideological or a political platform. Frequently, these votes are cast along family lines or tribal affiliation. In fact, these locally-elected deputies are more local elites than they are politicians (Aledwan, Bani Salameh, Shdouh, 2018, 258) as they frequently do not possess political positions or experience, but instead depend entirely on tribal support

and are seemingly more concerned with prestige than with pursuing a specific national agenda. In the 1989 elections, voters could cast their first vote for whichever candidate they were connected to, and use their remaining votes to support candidates with a political affiliation. Consequentially, candidates with clearly defined ideological or political stances, such as Islamists and Leftists, fared relatively well in that contest.

Both the gerrymandering issue and the electoral law serve the main function of decreasing the chances of ideologically or politically motivated candidates from gaining seats in Parliament. The result of this, as is demonstrated by every parliamentary election since 1993, is the existence of parliaments that are dominated by candidates with local tribal support, as opposed to political groups. These aspects of the Jordanian electoral system pose major barriers to representative politics in Jordan.

Governmental Restrictions on the Press, Parties, and NGOs

Also of crucial importance to the Parliament's situation in Jordan is the fact that the power of civil society is severely limited through various restrictions on the press, political parties, and non-governmental organizations (NGOs). Of these issues, perhaps the most important is the legal framework regarding the press. Admittedly, during the beginning of King Abdallah's reign as king, the area of press freedoms saw marginal improvement. King Abdallah has, for example, frequently expressed his desire to increase transparency and reduce press restrictions in the Kingdom, and has taken some measures to reach these goals, such as the removal of several particularly restrictive aspects of the Press and Publications Law as well as the "the passage of new legislation to allow private broadcast media. (The Committee to Protect Journalists, Press Freedom Online, 2000). Still, the Jordanian press remains not free, as the current laws continue to place major restrictions on what can and what cannot be written (International Herald Tribune, 2007). Journalists remain unable to freely write about various controversial subjects, especially anything critical of government officials or policies (Press Freedom Online. 2000).

A separate but related issue concerns the weakness of political parties and legal restrictions regarding parties' abilities to form and connect with voters. Of course, political parties in Jordan are currently in a better position than they were before. Political parties were allowed to operate as long as they work through "legitimate and peaceful means, adhering to the supremacy of the law, the principle of political pluralism, and the preservation of national unity. The law also stated that political parties must "renounce all forms of violence and discrimination, and avoid utilizing the state for partisan purposes." Finally, any group that desired to form a political party was required to have at least 150

founding members. The rules for the formation of a political party were changed several times. The latest 2015 law altered the ways in which political parties could receive funding: parties were promised public funds if the founding members consisted of 500 people, and if they were restricted from accepting funds from unapproved sources. To receive funding, parties have also to be from 5 governorates and include women and youth as founders and in high positions. Finally, and perhaps most significantly, the new law decreased the required number of founding members to 150 if the party does not want to receive public funding (UNDP POGAR, 2007; The Office of King Hussein I of Jordan, 2007).

The new law can be perceived as somewhat beneficial to the growth of political parties because it requires increased involvement for women and allows for public funding. Registration regulations were also eased and non-resident Jordanians were allowed to join in founding a party. Also, parties could not be dissolved without a court order.

Finally, NGOs are marginalized by governmental regulations. Indeed, the rights of non-governmental organizations in Jordan are so restricted and controlled by the government that it is hardly accurate to refer to them as "non-governmental." The government interferes with NGOs' affairs in virtually every dimension—from funding to agendas.

Furthermore, restrictions on NGOs have been increasing in recent years. Limitations are placed on permissible sources of NGO funds, prohibiting NGOs operating in Jordan from accepting donations from various domestic and foreign sources if they do not receive prior government permission (Human Rights Watch, 2007). In short, governmental restrictions and methods of controlling non-governmental organizations leave Jordanian NGOs entirely void of relevant political power. The National Center for Human Rights pointed to the responsibility of political parties and non-governmental organizations in developing democracy and push that process forward. They should stand in the face of the government's policies that delay reform and weaken parliamentary performance further negatively affecting reform (National Center for Human Rights, 2017, 59-61).

Greatest Challenges Facing Parliament

As the above pages have made clear, the Jordanian Parliament faces many challenges that has hampered its development. The Chamber of Deputies is politically weak due to the legal system that grants far more power to the executive than to the elected Parliament; it is likewise not fully representative of the political beliefs of the Jordanian people thanks to electoral laws which discourage Jordanian voters from selecting candidates based on anything other than personal ties. On micro-level terms, the Parliament is also plagued by

logistical inadequacies. Furthermore, restrictive laws have ensured that Jordan does not possess the strong civil society that is necessary in order for societies to liberalize. At the moment, it does not appear likely that these legal barriers will change fundamentally in the near future, due in part to events external to Jordanian affairs which have persuaded the government to maintain its firm grip on political power. Finally, the Jordanian people understandably have very little faith in their country's one elected political body. The combination of all of these problems makes progress highly unlikely in the near future. If one of the many major obstacles were to be removed—if, for example, electoral laws were altered to allow politicians running on non-local platforms to gain seats in parliament—the process of political liberalization could begin again in earnest. But as long as each of the major challenges is present, the political situation in Jordan will remain slow and static.

Another major obstacle to Parliament's development has been the lack of transparency and continued manipulation of elections – the degree of integrity -, which can be referred to as distorted Parliament development syndrome. Governments not only designed pre-determined election laws results, but also manipulated election results. This significantly hit the transparency of elections hence parliaments, which inevitably performed in a way that was viewed by voters as weak and ineffective. The 12th to the 16th Houses of Deputies were said to have non-transparent elections (Jordan Social and Economic Council, 2013, 103).

The Cater Center issued a report in 2013 in which it asserted that the 2007 and 2010 elections were non-transparent and witnessed interferences (Cater Center. 2013). The National Center for Human Rights said almost the same about the lack of transparency in elections (National Center of Human Rights. 2013). This reality affected the behavior of voters making them vote on personal elegance and benefit bases and not on a politics of merit bases (Lust-Okar, 2006, 456). It also affected the quality, performance, and political weight of Parliament making deputies hostages to their own personal benefits rather than public interests. The 18th House of Deputy Election witnessed improvement, but the phenomena of political money (Black Money), in which votes were subject to buying and selling, continued and the Independent Election Commission was unable to terminate this challenge) National Center for Human Rights, 2017, 57).

The first issue, the Parliament's political weakness, has already been discussed in great detail. Most political power in Jordan is not in the hands of the Parliament, but rather in those of the executive. The imbalance between governments and parliaments made the latter subject to the powers of the executive and look as a follower of it. Parliament, due to the government's policies, lost its ability to perform independently and stand in the face of

government. The second issue, the unrepresentative nature of the Parliament due to current electoral laws, is also addressed above: candidates running on political platforms concerning the entire nation are much less likely to win seats than are candidates depending on local, often tribal, support. These issues represent two of the most important challenges facing the Parliament today. At the moment, its role in Jordanian politics is quite marginal, and this role will never increase if it does not first become a body that truly represents the political agendas of Jordanians on the national level, as opposed to a gathering of local elites lacking a coherent agenda.

Events external to domestic Jordanian politics further worsen the already grim prospects for the government moving forward with liberalization. The peace process with Israel, the wars in the region and associated refugee problems in Jordan, as well as rapidly increasing economic difficulties for the Jordanian people all will remain on the top of the government's agenda; democratization will most likely remain on the back-burner. Not only is political reform not a priority, but democratization is often viewed by the government as a major threat to the country given regional instability. Especially following the events of June 2007, when the Palestinian Islamist group Hamas violently took over Gaza, the Jordanian government views any step that might give Islamists (i.e., the IAF) more power or influence as a threat to the country's security (Schenker, 2006).

Another major challenge the Parliament faces is the absence of powerful political parties in Jordan. Essentially the only relevant political party in Jordan is the IAF, an Islamist party which by no means represents the entire spectrum of Jordanian political opinions. The IAF is in many cases antithetical to the interests of the state and those of Jordan's key allies, making it even less satisfactory as the only organized national political party available to Jordanian voters. Unfortunately, Jordanian society is not currently structured in a way that encourages the growth of new political parties, for a number of reasons. The first reason political parties are not forming in Jordan is the fact that the single legitimate political outlet—the Parliament—is incredibly weak relative to the state. Secondly, it is difficult for candidates running on national platforms to gain seats, discouraging citizens from organizing into new political parties. Thirdly, restricted press freedoms make it incredibly difficult for any potential new political parties to express their messages to the voting public, or even, for that matter, to adopt political messages that are largely opposed to the government's policies. The final major barrier to the formation of new political parties is the apathetic nature of Jordanian voters towards the Parliament in general and political parties in specific. According to a recent report published by *Democracy Reporting International*, public opinion polls show that only less than 10 percent of the Jordanian population felt that political parties "represented

their political, social, and economic aspirations," while 85 percent believed that "none of the existing parties could effectively represent them (The Hashemite Kingdom of Jordan, 2007). Given the lack of support for political parties in Jordan, it is no surprise that citizens with political ambitions are not rushing to form parties, opting instead for alternative methods of gaining support.

Unfortunately, the lack of enthusiasm for politics in Jordan is not limited to partisan politics. The fact is that many Jordanians are apathetic regarding the political process in Jordan. Whereas rural regions generally have good voter turnout, turnouts in largely populated urban areas are usually much worse. In Amman, it was often the case that only around 30% actually vote. Because rural populations are traditionally viewed as more supportive of the state than are the citizenry in urban areas, relatively weak voter turnout in urban areas means that the parts of Jordan that most desire change do not see voting as a valuable method of obtaining it. The lack of political energy in Jordan poses two major challenges to the Parliament. Firstly, it obviously makes the Parliament less representative. Secondly, the absence of a highly politicized polity allows the stagnant nature of political life in Jordan—i.e. the lack of political parties, the weakness of civil society, etc.—to continue indefinitely.

Another problem the Parliament faces, which has not yet been considered, is the fact that it lacks the organizational and technological capacity (primitive electronic voting systems and undeveloped sessions' proceedings) necessary for a political body to function on the level of parliaments in more developed countries. The problems of this nature are essentially infrastructural issues such as insufficient research capacities, poor training for both Members of Parliament and parliamentary staff, and basic institutional inadequacies (USAID in Jordan, 2006). Of course, these problems pose barriers to Parliament functioning as efficiently as possible. However, specific problems such as these are the kind that can and should be addressed. Parliament needs continuous improvement in these areas, though because such problems appear likely not to pose major long-term challenges to the Parliament, they would most accurately be categorized as minor challenges in comparison to most other problems discussed in this section.

Undoubtedly, these issues overlap and fuel each other. As stated in the introduction to this section, one of these challenges alone could most likely be overcome by improvements in other areas. But as long as all the major challenges—the limited legislative authority constitutionally granted to Parliament, the problematic electoral system, the weakness of civil society and government regulations causing it, and political apathy in the populace—exist, it appears likely that the Parliament will remain, and least in the foreseeable future, a weak political body possessing little public attention.

Conclusion

This research is an attempt to investigate Jordan's Parliamentary development through which democracy can thrive. We found that the institution which represents democracy in Jordan is weak and lacking the ability to perform its main political duties, hence concluding that democracy in Jordan is in a place of stagnation. Since its formation in 1929 until 2019, Parliament's political weight within the Jordanian political system and dynamics remains substantially ineffective. The Executive Branch of government possess far more political power than the Legislative Branch of government. This fact hits hardly the credibility of the whole Jordanian political reform rhetoric. There seems to be no real way to improve political reform, and a gradual process is the road decision makers take when it comes to developing representative governments. Based on this research, we offer the following specific conclusions and recommendations:

- 1- This study revealed that parliamentary development is a strong indicator of democratic status and development in Jordan. The lack of genuine development of Parliament affected strongly the ability of significant development in democracy in Jordan. The mutual effect between democratization and parliamentary development could not be clearer than in Jordan's case.
- 2- House of Representative is not only weak, but also lacks public trust according to continuous polls. This in part is due to the slow development process and improvements, and the contradiction between public reform rhetoric and the reality that lacks serious evidence of reform and democratization. All constitutional Amendments, King Abdullah II Discussion Papers (2012-2017), and dialogue committees, did not improve the level of democracy and parliamentary performance to expectations. Despite all of these measures taken, the institution that represents democracy in Jordan – Parliament – is still weaker than the government and ineffective in the decision making process.
- 3- Parliamentary development can at best be characterized as distorted. External factors like the British mandate and the Palestinian issue, and internal factors like election laws designed to favor the Executive Branch, stand as major reasons and variables behind the distortion in parliamentary development.
- 4- Election fraud and lack of transparency that polluted political parliamentary life, in addition to Parliament's institutional capacity are also reasons that can explain Parliament's inadequate improvement and role.

- 5- This distortion produced weak Parliaments with little political role and influence. Parliament became known as “service oriented” where MPs are only interested in improving services to their small social constituencies, and that came at the expense of Parliament’s national and political role.
- 6- Distorted parliamentary improvement and development negatively affected the progress and credibility of the whole democratic development process in Jordan. Jordan seems to be losing its regional age as a leading country when it comes to reform and democratization.
- 7- While the constitutional amendments of 2011 were important in somewhat restoring balance in the political system and dynamics giving Parliament more power, the amendments of 2016 send a serious message about the functions of parliamentary governments as it gives the unaccountable King the sole right to make decisions rather than his accountable government before Parliament.

تطوّر المؤسسة البرلمانية الأردنية والأثر على الإصلاح السياسي: مراجعة نقدية

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ملخص

يهدف هذا البحث إلى تقديم دراسة نقدية لتطور البرلمان الأردني، وتأثير ذلك على الإصلاح السياسي في الأردن. الفرضية الأساسية للبحث أن هناك دالة قوية بين تطور المؤسسة التشريعية ودرجة الديمقراطية في الأردن. وتوصلت الدراسة إلى أن المؤسسة البرلمانية التي تمثل جوهر الديمقراطية في الأردن ضعيفة، وتفتقر إلى القدرة على أداء الوجبات الرئيسية المناطة بها، وأن الديمقراطية في الأردن وكنتيجة لذلك في حالة من الركود، وأنه ومنذ التأسيس في العام ١٩٢٩ وحتى ٢٠١٩، ظلت القوة السياسية للبرلمان في إطار النظام السياسي الأردني بدون أثر. وتتمتع الحكومة بسلطة سياسية أكبر من السلطة التشريعية. هذه الحقيقة التي توصل إليها بحثنا تؤثر سلباً على خطاب الإصلاح السياسي الأردني بأكمله. تم استخدام المنهج الوصفي التحليلي والتاريخي ومنهج تحليل المضمون؛ من أجل إثبات صحة الفرضية الأساسية للبحث.

الكلمات المفتاحية: تطور البرلمان، الإصلاح السياسي، الإصلاح القانوني والدستوري.

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