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## Paper 181

### What's happening elsewhere:

### Reasoning from a Middle Eastern case to Europe

by

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# What's Happening Elsewhere: Reasoning from a Middle Eastern Case to Europe

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## ABSTRACT

Sociological insights from other societies can enlarge our understanding of events and organizations in our own society. This becomes even more important as we are dealing with immigrants from cultural backgrounds which are vastly different than ours, particularly from Muslim societies. Some Western and Islamic voices have come to advocate the narrative of a “clash of civilizations”, of a war on terrorism and jihad respectively. In such polarizing frameworks, behavior of minorities, which previously went unnoticed or was not perceived as a threat to the wider society, suddenly emerges in form of indexical orders which link micro-contextual phenomena to the macro-sociological antagonistic narrative, effectively ascribing the other a hostile attitude.

To overcome some false dichotomies, this paper first looks at the West European concept of nested hierarchies of normative systems and then sketches historically, legally and ethnographically the overlapping hierarchy of the polycentric and multinormative society of Jordan as an alternative interpretation framework of the behavior of Muslims in Germany.

**Keywords:** polycentric multinormativity, intercultural conflict, indexical orders, Ottoman history, Jordan, Germany, immigrants, parallel societies

## INTRODUCTION

What could an ethnographic study of a Middle Eastern society possibly contribute to a subject like “Europe in Discourse”? That is a very fair question to ask and it is not surprising that somebody doing ethnographic research in Jordan should delete the call for papers for the above-mentioned conference from his in-box right away, deeming his own research utterly irrelevant for the conference theme. This paper owes its existence to two “encounters” of sorts; two ideas which combined led to the realization that even though it might seem counterintuitive at first there are indeed very important lessons to be extracted from ethnographic data gathered in the Middle East.

The first was a statement from Howard S. Becker's book *What about Mozart? What about Murder? Reasoning from Cases* (2014). In the chapter “What's Happening Elsewhere: Reasoning from a Case to the World” Becker suggests that “[w]hen sociologists look at other countries, they hope to see something different from what they see at home. But they also want to use what they see elsewhere to enlarge their understanding of events and organizations at home” (Becker, 2014, Chapter 2, paragraph 2).

Becker's hint at the value of insights about other countries for understanding our own society prepared the second encounter, which took the shape of a German TV report with the title *Ein Staat - zwei Welten? Einwanderer in Deutschland* (Knobel-Ulrich, 2015), which translates into “One State - Two Worlds? Immigrants in Germany”, tackling the issue of parallel societies. The word *Parallelgesellschaft*, i.e. the German word for parallel societies, was originally introduced by the sociologist Heitmeyer and came to denote an ethnically homogeneous segment of the population which isolates itself spatially, socially and culturally from mainstream society (Belwe, 2006). It has generated a great amount of discussion and is viewed by some, as this TV report so clearly shows, as a fundamental problem for a functioning democracy.

Less than five minutes into the report, the connection which Becker spoke about, the one between “elsewhere,” which is Jordan, where the ethnographic data used for this paper was collected, and the “events and organizations at home,” namely the relationship between the German state and society and some of its Muslim immigrants, suddenly emerged. As a matter of fact, it happened when the TV report showed interview snippets with young German citizens of Turkish and Albanian ethnic

background in which they expressed a deprecating view of certain German laws, specifically regarding gender equality and women's rights. One could tell from the reactions and interjections of the German journalist conducting the interview, that she perceived those views as a contempt of the German constitution and as a quasi-attack on the fundamentals of German society. These young Turks and Albanians with German passports exemplified in the TV report the troublesome reality of parallel societies which allegedly undermine the societal consensus which the German democracy is built upon.

On one hand, having grown up in Germany myself, I can relate to the reasoning behind the German journalist's interpretation and her strong feelings. On the other hand, having spent many hours listening to Jordanians and how they speak about their norms, society and state, I remember how the following shot through my mind as I listened to the young men from Turkey and Albania: "They talk just like my Jordanian interviewees do about their own government. They are not against us, they are just good Ottomans."

To call them "Ottomans" does have some historical legitimacy. Jordanians, Albanians and Turks were all part of the Ottoman Empire for centuries and thus it is not too far-fetched to suspect that one could find some residue of the Ottomans' influence in their habitus. However, it would go far beyond the scope of this short paper to establish a defensible justification to call this relationship indexical in the Peircean sense. An index was for him a sign which is connected to its object by a spatio-temporal relationship of contiguity or of causality (Nöth, 2000, p. 66). The goal here is not to establish a shared historical origin of similar attitudes. For the purpose of this paper it is enough to work out their iconic resemblance in order to show that the reading of the situation presented in the TV report is not as compelling and as conclusive as it might appear. The report gives the impression that immigrants can be either with us or against us. *Tertium non datur*, a third option, is not given.

In a similarly false dichotomy, we are told by others that we are experiencing a "clash of civilizations" (Huntington, 1996) and that this clash is indeed "inevitable" (Hizb al-Tahrir, 2002). Note, that both Western and Islamic voices suggest this narrative. While the jihadists speak of a "holy war", George W. Bush declared a "war on terrorism" ("Text of George Bush's speech," 2001). In such times it is easy to be caught in the middle. Allegiances are questioned and even minor things can give rise to suspicions. Simply speaking a certain language can get you kicked off the airplane, of course, only if you have the "matching" skin and hair color (e.g. Hassan & Shoichet, 2016).

Augsburger, in his book *Conflict Mediation Across Cultures: Pathways and Pattern* (1992), has some very helpful words which help explain what the intention of this paper is:

Conflict is a crisis that forces us to recognize explicitly that we live with multiple realities and must negotiate a common reality; that we bring to each situation differing - frequently contrasting - stories and must create together a single shared story with a role for each and both. (1992, p. 11)

If our goal is to force a certain reality on whoever lives within our countries' borders, then empathy and mutual understanding become meaningless. However, this paper is written with the conviction that we *must* create a shared single story or else be doomed to repeat some darker chapters in our human history. To create together a shared story requires imagination and sometimes, just like in personal conflicts, we are so stuck with our interpretation of a situation that it is virtually impossible for us to imagine an alternative perspective. This paper is trying to inspire the imagination of a European discourse by providing an example from "elsewhere", hoping it will "enlarge" our "understanding of events and organization at home" by doing the following four things.

Firstly, it will have a closer look at the interview snippets presented by the TV report in order to understand what exactly was seen as controversial by the journalist and then briefly point out using some main features of the recent Western European history of norms to show the reason behind the strong emotions. Secondly, the focus will then turn to the Ottoman Empire to give an overview of its multinormative heritage. In the third part will be shown how the local societal circumstances and the political conditions of the 20<sup>th</sup> century contributed to the fact that until today Jordan not only has kept a system of polycentric multinormativity but even keeps implementing some laws from the Ottoman period. In a fourth step, insights from the ethnographic interviews conducted in Jordan will be presented to substantiate and illustrate the polycentric multinormativity we have been speaking about.

## Undermining the constitution or defending basic rights?

A school class, presumably 9th grade, discussed a film about the honor killing of a young woman. Although almost all of the students in that particular class were born and raised in Germany and also held German citizenship, some of them seemed to empathize more with the perpetrator than with the victim. This triggered the journalist Rita Knobel-Ulrich's curiosity and she decided to visit the class and conduct some interviews (Knobel-Ulrich, 2015).

The interviews, which were obviously edited and shortened, were recorded in a classroom with other students present. The class consisted of male and female students and was also ethnically mixed, composed of students with and without a migratory background. The report showed only snippets with multiple cuts from an interview conducted by Rita Knobel-Ulrich (RKU). Starting at 3:07 min until 4:49 min, the TV report shows three young men who probably are around 15 or 16 years old. Baran Cantirt (BC) with Turkish background, Arton Muslin (AM) with Albanian background and Ali Kayamaz (AK) whose ethnic background was not explicitly mentioned but according to his name probably also is of Turkish decent. What follows is a transcript which I translated from German.

### Translated Transcript

1. BC: I have a sister, she is 16 and I, I myself go ballistic if she goes out with a guy or so.
2. RKU: We are living in Germany. Here girls are allowed to dance, to go out and to decide for themselves with whom they want to be friends.
3. BC (chuckling): No. She's not allowed.
4. RKU: You wouldn't allow that?
5. BC: No.
6. RKU: But you're German! You're born here. You've got a German passport.
7. BC: One has to preserve the honor of one's sister.
8. RKU: But your sister has the same rights like you. After all we do have a constitution. Good grief!
9. BC: Yes, sure, but I don't accept it.
10. Speaker: The classmates listen interestedly. Now others raise their hands.
11. AM: I'm also born here, yeah.
12. RKU: You're German.
13. AM: Yeah, that's right.
14. RKU: And would you marry a German woman? A Christian, for example? Lena, Laura, Lisa?
15. AM: Well, marrying? Dating, maybe yes, but not marrying. With us it is that we have to marry a compatriot, an Albanian. I'm Albanian. She needs to be Albanian. And a Muslima. Yeah.
16. RKU: Does she have to obey you?
17. AM: Yes, of course. It's like Baran already said... if she hangs out with guys or even sleeps with them then one maybe even has to use violence.
18. RKU: In the constitution it says: men and women have equal rights.
19. AM: OK, but...
20. RKU interrupts him: That you don't accept.
21. AM: No, I don't accept it.
22. RKU: But it's our constitution.
23. AM going silent, looking down at the desk and muttering: Well... (silence for some seconds)
24. RKU: So the family is more important than the constitution
25. AM: Yeah, actually it is.

26. Camera moves to AK sitting next to him. AK: It's the father who usually sets down the law at home and we have to obey him.

## Observations

Before presenting several observations, it seems appropriate to point out that these interview snippets do not necessarily represent the actual *modus operandi* of these young men in their real lives. We are dealing here not with how these interviewees actually behave, but how they describe they would behave. To use Cicourel's insight, we are dealing with "accounts" of specific situations which can be seen as "representational devices for communicating their experiences and their claims to knowledge" (Cicourel, 1974, p. 9). In addition to this qualification, it is important to recognize the edited nature of their statements. This transcript tells us not so much about the real social reality but about how these young men talk about their reality and how Knobel-Ulrich uses their statements in presenting them according to her own perception.

Keeping this in mind, there are some observations worth mentioning. The first one is about how being German is defined. Knobel-Ulrich defines that being born in Germany (paras. 6 & 12) and carrying a German passport (para. 6) means to be German. Furthermore, it also entails unwavering loyalty to the German constitution, including full support of gender equality as is defined in the *Grundgesetz*, i.e. the constitution, which is to be seen as the highest normative authority (paras. 6, 8, 18 & 22).

Her "German" interlocutors with migratory backgrounds certainly did not seem to agree with her entirely. None of them uses "German" when referring to themselves. After Arton Muslin concedes that he is born in Germany (there is obviously a question which preceded his utterance which is not part of the report but was cut off while editing the interview), Knobel-Ulrich deduces that he is German, which he then acknowledges by a "yeah, that's right" (paras. 11 - 13). However, he does identify himself readily as Albanian and refers to his Albanian identity three times in his next response (para. 15).

Another difference between the journalist and the interviewees is the fact that she keeps referencing the German law and constitution, while the young men do not seem to refer to any state or government whatsoever, neither to German nor to the Turkish or the Albanian state, constitution or laws. Rather, they invoke other kinds of normative authorities, namely customs (paras. 3, 7 & 15), religion (para. 15) and authoritative figures from the family (paras. 1, 9, 17 & 26).

For Knobel-Ulrich the questions regarding equal rights of men and women seem to be indexical in the sense of Michael Silverstein's concept of indexical orders which describes "how semiotic agents access macro-sociological plane categories and concepts as values in the indexable realm of the micro-contextual" (Silverstein, 2003, p. 193). Concrete actions, features or artifacts become linked to ideas or values on a higher level of abstraction. The previously mentioned phenomenon of people being deplaned for speaking Arabic can be explained with such indexical orders. Due to such indexical orders, the parents or grandparents of some US-American friends with German origin stopped speaking German during WWII because speaking German became a sign of ambiguous loyalties.

Therefore, openly denying equal rights to females, as Baran Cantirt does (paras. 1 & 3), does not just mean to disagree with a specific part of the German legal system but it points to and indexes a certain kind of attitude which is irreconcilable with living in Germany (para. 2) and incompatible with being a German (para. 6). It does not seem important in this context to inquire if members of these alleged parallel societies otherwise live a law-abiding life, e.g. if they obey the traffic rules, send their children to school, comply with all the regulations in their businesses and pay their taxes.

Some indexical orders bestow prestige on their users and are used to mark a certain societal standing or the claim to it. Silverstein calls this "identity-by-visible-consumption" (Silverstein, 2003). When somebody talks about a wine like an expert, a connoisseur, then according to Silverstein this *oinoglossia*, wine talk, might be more than just talking about wine but also about dropping some cues for others on a micro-sociological plane to link herself to a certain macro-sociological elite identity. Obviously, this can be done by many things, e.g. other kind of talk, like semiotics talk, certain clothes or artefacts, taking part in certain events like tasting, etc., but it is important that there exists an indexical order, shared by the other sign users, in which the index can unfold its appeal. Obviously, such prestige conferring indexicals are not equally accessible throughout the population. There are also those indexicals which have bad connotations and are not desirable, at least in certain circles, and therefore are avoided, like a certain accent which makes me sound uneducated or listening to certain musical styles.

Silverstein also maps out how these orders come into being and how lower-order indexicality develops into higher-order indexicality. In other words, how certain phenomena which were there without people being aware of them, first start being noticed and then acquire certain meanings and eventually develop into rather stable associations between concrete and visible, i.e. micro-sociological, phenomena and concepts, categories or values on a macro-sociological plane.

Knobel-Ulrich's TV report, I argue, does in fact, knowingly or not, work towards developing such a negative indexical order using attitudes espoused by certain Muslim immigrants in regard to women and gender equality as the micro-sociological representamen indexing a macro-sociological interpretant by which she effectively is driving this group into a corner to coerce them into assimilation.

Since this is ethically questionable and sociologically counterproductive, this paper attempts a deconstruction of the TV report's reading. In the next section, I will try to answer on what logical basis her arguments work.

### **The supremacy of the state in the normative hierarchy in Germany**

The persuasiveness of Knobel-Ulrich's argument is connected to the history of norms in societies like France, Germany or the Netherlands where the state with its legal norms came to assume a dominant and unique position in the hierarchy of normative systems, at least on the national scale, one might add. Bourdieu views the state as "the culmination of a process of concentration of different species of capital" which even creates some sort of "metacapital granting power over other species of capital and over their holders" (Bourdieu, 1998, p. 41).

According to Weber, Germany and other European societies went through a process of secularization and *Entzauberung*, i.e. disenchantment. Aron points out that "[i]n a material and disenchanted world, religion can only withdraw into the privacy of the conscience or vanish toward the beyond of a transcendent God or of an individual destiny after earthly existence" (Aron, 1967, p. 224). Thus, it is not surprising that some European states, including Germany, experienced what has come to be known as *Kulturkampf*, culture struggle, in the second half of the 19th century during which questions about the role and authority of religion in the modern state, particularly the Roman Catholic Church, were settled in favor of the power of the secular state (Kent, 1978).

These processes contributed to the concentration of capital of the state leading to the point that the state became something "which successfully claims the monopoly of the legitimate use of physical and symbolic violence over a definite territory and over the totality of the corresponding population" (Bourdieu, 1998, p. 40, emphasis in original) and thus created a **nested** hierarchy of norms. Like Russian matryoshka dolls, where one doll is encompassed by the next bigger in size and the biggest contains them all, the state contains and claims precedence over all other normative codes. Other examples of a nested hierarchy would be biological taxonomies or the military command structure, where the commands from a higher level always trump the lower level commands and the military in its entirety has to submit to one commander-in-chief.

In such a neatly and stringently organized, or at least imagined, hierarchy, Knobel-Ulrich's argument decrying the categorical refusal of certain German laws is understandable. Nevertheless, even in such a stringently organized hierarchy there is normative pluralism and polycentricity. In fact, the very existence of different normative systems and centers of authority require the paradigm of nested hierarchies to be assigned unambiguous positions within such a hierarchical structure. However as we shall see in the next section, there are other ways to regulate the different competing competencies and jurisdictions. They are different not only in terms of who is on top but the whole structure looks less like a triangle but shows more peaks, is more polymorphic with changing jurisdictions depending on different factors. Generally, in such an **overlapping** hierarchy, relationships are more ambiguous.

## **Polycentric Multinormativity as Alternative Model**

### **The Ottoman Inheritance**

Unlike the development in France, Germany and other European states which lead to a unique position of the state endowing the state with a normative authority which supersedes other normative authorities and codes, be it religious, tribal or any other societal code, the intercodal relations in the Ottoman Empire took a very different shape.

The Empire's beginnings lay in the end of the 13th century and at one point it controlled much of Southeastern Europe, Western Asia, the Caucasus, North Africa, and the Horn of Africa. Needless to say this entailed a plethora of different languages, cultures, religions and ethnic groups who all needed to be governed and to integrated to a certain degree, at least administratively, into the Empire (Kia, 2008).

In 1516-17 the area, which is now roughly the western and most populated part of Jordan, was conquered by the Ottomans and remained in the Empire for 400 years (Irvine, Abu Jaber, & As'hab, 2016; Shaw & Yapp, 2016). However, the Ottomans never seem to have found it worth their effort to get a tight grip on this area. The population living on the territory before the foundation of the Emirate of Transjordan in 1921 is usually “described as highly ‘divided,’ ‘lawless,’ having no ‘central’ authority” and, as Massad points out, even the British concluded that “[d]ue to the inability and disinterest of the Ottoman state to administer (what became) Transjordan effectively, the ‘population’ (...) was unaccustomed to obedience to central authority” (Massad, 2001, p. 26).

However, even apart from the challenges which this particular region posed to a centralized government, the Ottoman Empire generally was not really interested in a strong centralization of its dominion until rather late in its history. Originally it was “built on the principle of dividing the population of the empire into separate and distinct religious communities” (Kia, 2008, p. 105) which eventually led to the millet system. The millet system enabled the Ottomans on one hand to allow their subjects to carry on their lives according to their own religious, cultural, and ethnic traditions and on the other hand to incorporate them into the Ottoman system on the administrative, economic and political level (Karpat, 1982, p. 142).

While the debate regarding specific questions about the origin and dissemination of the millet system is ongoing (see Braude, 1982 for a critical review), what modern scholarship has been able to establish is that understanding the idea of the millet system, as such, is essential for understanding the process of nation formation in the area “not only in order to understand the dichotomy between nation and state, but also in order to evaluate, in depth, the socio-cultural characteristics of the national states in the Balkans and the Middle East born out of the millet matrix” (Karpat, 1982, p. 141).

For our purposes it is particularly noteworthy that the millets became “intermediate bodies between the individual and the State” which “were recognized as having jurisdiction over their own community not only in religious affairs, but also in civil and penal matters” and even “were responsible for the collection of taxes” (Pacini, 1998, p. 5). Even those Christian communities who were not recognized as millets (at least before the 19th century) – viz. the Maronites, Nestorians and Syrian Orthodox – “for all practical purposes (...) functioned as autonomous religious communities under their own leaders” (Kia, 2008, p. 3).

Thus, for the longest part of its history, the Ottoman Empire did not enforce a centralized and unified legal system but generally preferred that all of their subjects, and not just some minorities, would rule themselves in domains which were not relevant to running the Empire.

In the second half of the 18<sup>th</sup> and through the 19<sup>th</sup> century the pressure from the rising European powers grew for the Ottomans to modernize and centralize their system in order to become more competitive, particularly in the military domain. This phase of continuous reformations is known as the *Tanzimat* and one important outcome was the creation of the *Mejalla*, which was “a comprehensive compendium of Hanafi fiqh to be administered in the new civil (Nizamiye) courts” (Hanioğlu, 2008, p. 74). It was the first legal system in Ottoman history which was applicable to all subjects, no matter what ethnic or religious background (Onar, 1955).

However even in this unifying legal codex, and this is of crucial importance, did the Ottomans not embark on regulating the entirety of life of their subjects but only that “which was essential to modernizing the Ottoman Empire versus that which maintained its ‘traditional’ cultural identity” (Massad, 2001, p. 51). The regulation of family law and inheritance law remained with the religious courts. Nota bene, in a society where religion and family are pivotal values and constitute the core of identity, these domains and the norms regulating them are anything but peripheral or secondary. As central as these matters were for the different groups and the individuals, the Empire did not see this self-ruling space as something that was threatening the state's interest.

The *Majalla* had great influence on the Middle East far beyond the existence of the Ottoman Empire. After all, it

served as the civil code in a number of successor states (e.g., in Iraq until 1951, and in Jordan until 1952), and as a major source for the composition of a civil code in others (e.g., by the



renowned jurist 'Abd al-Razzq Amad al-Sanhr in Egypt in 1949, in Syria in 1949, and in Iraq in 1951, as well as in Israel, where several of its statutes are still in effect). It has even inspired the civil codes of several nonsuccessor states, such as Afghanistan and Malaysia. (Hanioglu, 2008, p. 74)

In summary it can be said that the Ottoman Empire basically operated in a polycentric and multinormative mode where the state accepted that other normative authorities regiment core domains of the everyday life of their subjects. The state did not expect that all of its subjects should live under the same law, at least in some domains, and it did not view its role as interfering in those domains. This basic attitude was handed down to some of its successor states, including Transjordan.

### **In Jordan's legal system**

When the Ottoman Empire was disassembled, Transjordan was given to Abdullah I, who inherited the difficult task to do the opposite of what was happening in so many other places of the former Ottoman Empire. Greece and Serbia, for example, were created on the basis of a Serbian and Greek nation which started to claim the right to its own independent statehood. The construct of Transjordan, out of which the modern state of Jordan would eventually evolve, was a complete novelty; an entity with these borders had never existed before. In other words, there was no such thing as a Transjordanian (or Jordanian) nation to start with, but rather a group of tribes inhabiting the territory which became Transjordan (Fathi, 1994).

Whereas usually “the autonomy and relative power of tribes is inversely related to the strength and authority of a centralized, bureaucratic state,” the Jordanian case constitutes an interesting exception for the simple reason that “at its inception the state built its base on the allegiance of the tribes” (Fathi, 1994, p. 49). Obviously, this gave the tribes, including their norms, a strong position.

In Turkey, Atatürk decided to pursue a rather strong secularist route what would later become known as Kemalism. In Transjordan, such a course of action probably would have been neither feasible because the population had not been exposed to the same ideas as Turkey over the 18<sup>th</sup> and the early 19<sup>th</sup> century. Nor was it the Hashemites' dream to rule a secular state. Quite the opposite in fact, they were aspiring to reestablish the caliphate (Paris, 2003).

Thus while Turkey itself abandoned the Majallah as early as 1926, from the point of view of the Hashemites, the Ottoman legal system fit their immediate needs rather well. Consequently the Majallah remained in effect until 1952. As a matter of fact, in some parts it is still effective today (Hayajneh, 2012) and until this day the religious courts “have jurisdiction over all matters of 'personal status'” which includes “most family law matters such as marriage, divorce, child custody, and adoption or guardianship,” including “all inheritance matters” (U.S. Embassy in Jordan, n.d.).

From these short remarks it is already abundantly clear that in Transjordan the state acknowledged two other normative forces - tribes and religion - which were older and more primordial than itself. Also, the role of influence of religion seems to be rather well-established. The state's constitution stipulates that Islam is the religion of the State (“Constitution,” n.d., article 2) and it delegates important areas of its citizens to the religious courts (article 104). In a sense even legitimacy of the Hashemites to rule the country is, at least partly, based on the “Hashemites' ancestral ties to the Prophet Muhammed,” which presupposes an Islamic framework to be seen as valid (Brinch, 2015, p. 2).

What about the role and influence of tribal authority and norms, though? It is true that the law of tribal courts from 1936 was officially abolished in 1976. Nevertheless, tribal norms, tribal reconciliation and dispute resolution are still a vital part of the Jordanian culture and customs (Furr & Al-Serhan, 2008). The tribal norms strongly emphasize concepts such as hospitality, generosity, group loyalty and protection of family honor (Antoun, 2000). The avoidance of shame and its removal are very central and strongly connected to questions of female chastity and the reputation of sexual purity of the female members of the tribe and family. Violations of tribal norms which result in loss of face and shame often require either revenge or so-called honor-killings (Augsburger, 1992).

There are several laws which still refer to tribal code, but there are two things particularly which have been functioning as loopholes through which the tribal norms and procedures still can function. Firstly, as Furr and Al-Serhan explain, when it comes to criminal matters, the Jordanian legal system recognizes a public and a personal right. These rights acknowledge the interconnection of the state and tribal law. If a person is convicted in the state system the public right is satisfied. If the victim's family agrees, usually through the tribally recognized procedures and the payment of “blood money” to

relinquish its private right, the court can reduce the sentence to the minimum required by the state. The courts can reduce capital cases to imprisonment under this system. (Furr & Al-Serhan, 2008, p. 23).

Secondly, article 98 of the penal code “excuses what can be termed 'crime of passion' because the person committing it is not acting rationally” (Sonbol, 2003, p. 323). It is important to understand that although the law is an import from French criminal codes, it does not share the French definition of a crime of passion. In France a person who e.g. discovers that his wife is cheating on him, catching her with her lover *in flagrante delicto*, and kills her out of rage, might go free. If he left the room to look for a weapon then the “crime under passion” plea would be refused by the judge. In Jordan, however, “a person could go a month before killing his victim and still be considered ‘out of his mind’” (Sonbol, 2003, p. 324). Similarly, article 340 gives a “reduced sentence to just about any member of a clan who kills or harms a female relative for what he considers to be sexual misconduct” (Sonbol, 2003, p. 321).

Although there are more instances of the Jordanian law accommodating tribal norms and customs, these examples shall suffice to show that in Jordan people live in a real polycentric multinormativity without the state law superseding all other codes in the form of a nested hierarchy. In fact in early 2016, Daoud Kuttab (2016) described the handling of a murder case in the Jordan Times which illustrates the overlapping hierarchy of norms. It is a case where tribal law blatantly replaced civil law through an *atwa*, a tribal agreement:

The agreement, signed by Minister Mohammad Thneibat, declares without trial the guilt of the suspected killer, decides capital punishment for him and vows not to pursue any effort for clemency for him.

Furthermore, the tribal agreement includes a decision to deport all the relatives of the suspected killer, including decedents “up to his fifth grandfather”. The *jalweh*, or deportation, applies to tens of Jordanian families that must leave their homes and towns for three months.

In return for this harsh and unconstitutional punishment, the families of the killed agree not to take revenge against the other tribe. (Kuttab, 2016)

By putting his signature under an agreement which spells complete disregard of civil law and human rights (United Nations, n.d., e.g. articles 3, 10 & 13), the state, as represented by the minister, bowed to the tribal authorities and their customary laws. It also shows that, firstly, tribal law and civil law are not always compatible or smoothly complementing each other but often stand in direct contradiction to each other and, secondly, that it is not clear which one comes out on top.

### **In Jordan's everyday life**

We have traced the roots of Jordan's polycentric multinormativity through historical and legal literature. It is time now to gain a direct impression from the everyday life of Jordanians today. So how is the situation presently in the Jordanian society regarding tribal and religious norms in relation to governmental norms and laws?

#### *Research*

For the purpose of my inquiry I use a sociolinguistic approach and focus on the three words, ‘*ayb*’ (عيب), *ḥarām* (حرام), and *mamnū* (ممنوع). At the beginning of my time in Jordan, as I started studying Arabic, I remember mixing these words up because for me they all denoted something “forbidden”. As a matter of fact, all three words can be categorized as metapragmatic qualifiers denoting violations of injunctive norms. Injunctive norms are norms which people are expected to comply with as opposed to merely descriptive norms (Christensen, Rothgerber, Wood, & Matz, 2004). Gradually, I came to understand why my interlocutors looked so puzzled when I called something *ḥarām* even though it had nothing to do with religion. These words - particularly ‘*ayb*’ and *ḥarām* - are neither synonyms nor are they related in degree, for example hot and warm, and Jordanians have a rather keen sense of their distinct meanings and use them meticulously for certain domains and the respective norms. I learned that

1. ‘*ayb*’ is used to categorize something as shame or shameful
2. *ḥarām* pertains to things forbidden by religion
3. *mamnū* ‘ is derived from *mana* ‘ (to forbid) and literally means “forbidden”

The data used for this paper were collected during the first out of two rounds of interviews for a dissertation project which was motivated by the question how norms function, develop and change in

the Jordanian society and started off with the hypothesis that each of the three metapragmatic qualifiers stand in a substantially well-defined relation to one of the three different normative codes mentioned earlier, viz. *mamnū* ' being mapped onto the legal code, *ḥarām* on the religious code, and *ʿayb* invoking the tribal or social codes, which I will henceforth call customary code.

From March 25 until June 23, 2015, altogether 31 Jordanian citizens were interviewed, 14 men and 17 women ranging from age 16 to 74, out of whom 4 were of Christian and the remainder of Muslim background. Roughly half, viz. 16, live in Amman. Two live in a small village close to Ajloun, two in the rural area North of Irbid, five in a small town in the Northern Jordan valley, four in a town in Ghor Safi, one from Aqaba and one from Kerak. The level of education of the interviewees varied between PHD (linguistics and economics) and elementary school education.

The interviews were conducted in spoken local Arabic as semi-structured ethnographic interviews in the private homes of the interviewees, the homes of their friends or relatives or their workplaces. The bulk of interviews is ranged in length from 20 minutes to one hour.

Except in four cases, all the other interviewees were asked in the first part of the interview to talk about their personal background and their upbringing and then to describe a normal day in their everyday life. The second part of the interview focused on the three words *ʿayb*, *ḥarām* and *mamnū* ', inquiring what the difference between them is and how they relate to each other, if there are gender-related differences, and how the interviewees felt about those differences.

#### *Findings from the research data*

##### **Hypothesis confirmed regarding *ʿayb* and *ḥarām***

The collected data partly confirmed the hypothesized correlations between the three words and the different sets of norms. *ʿayb* was clearly linked to customary norms and *ḥarām* invoked exclusively religious norms. The only exception regarding *ḥarām* was the exclamation “*ya ḥarām!*” which is an expression of sympathy and pity and could be translated as “Poor thing!” or “Have some mercy!” Apart from this exception, interviewees consistently claimed that both terms were unequivocally related to customary traditions or religion, respectively. Although *ḥarām* is seen as Islamic in origin, the interviewees agreed that it was also widely used by Christians.

##### ***Ḥarām* more “real” than *ʿayb***

Compared to *ʿayb*, *ḥarām* was seen as being more “real”. This came back to me recently when I listened to a Jordanian friend reasoning about the ubiquitous nuisance of cutting-in-line and telling me that he realized that it *was* *ḥarām*. Humans discover if things are *ḥarām* or not, they do not decide if they should be or not because God is the authority and He decided what is *ḥarām* and *ḥalāl* (the opposite of *ḥarām*, i.e. allowed). *ʿayb*, on the other hand, is built on what people think, on customs and traditions. These can vary from family to family, from place to place and over time.

##### ***Mamnū* ' with more complex pattern of codal relations**

The word *mamnū* ' showed a much more complex pattern of dissemination over the three different codes with a conspicuous difference between Amman and the rest of the country. As mentioned previously, it means literally “forbidden” and as such it can be used to talk about something forbidden by any of the three different normative codes. Interviewees sometimes said something was *mamnū* ' because it was *ʿayb* or *ḥarām*. However, when interviewees were asked if there is a difference between *mamnū* ' and the other two words it became clear that many things which are neither *ḥarām* nor *ʿayb* could nevertheless be *mamnū* ', indicating that there are normative authorities besides the religion and the customs.

*Mamnū* ' invokes the idea of an authority which has the power to declare rules. This could be either private rules of a family, e.g. set down by the father or other authoritative figures, or the “rules” of the government, viz. the state laws. Crossing a red light or violating some building regulation would be seen as *mamnū* ' but has nothing to do with *ʿayb* or *ḥarām*.

However, *mamnū* ' is not simply an umbrella term comprising all normative codes. Although, it can be used to refer to violations of the religious and the customary code, it is also used frequently in an exclusively legal sense – in opposition to *ʿayb* and *ḥarām*. Certain things, like e.g. smoking in front of one's father, are not *mamnū* ', i.e. it is not forbidden by law, but they are nevertheless *ʿayb*. Thus, *mamnū* ' can be used as a general term referring to any violation of injunctive norms no matter which kind or as referring to a specific normative code, usually the legal code or family rules, as opposed to the other codes.

### **Mamnū' in Amman and mamnū' outside Amman are not the same**

Often interviewees were asked what the basis or the authority for the different words were. 'ayb and ḥarām were always easy to answer, as already mentioned. In Amman, mamnū' frequently was associated with the "law" (kānūn). Interestingly, this relation cannot be established from the data gathered outside Amman even though some of the interviewees had worked for the government, either as teachers or as military personnel. The state with its laws seems to be virtually non-existent in the thinking of people living outside Amman because, except for one Christian man around Kerak, nobody used kānūn to explain the word mamnū'.

### **Central role of 'ayb and customary code**

One important question of the research – one which is also very central for our present discussion – is about the relation between the different normative codes and implicitly the normative authorities and sources behind them. In this regard, it was most interesting to watch some of the reactions when people were asked the question "Is there a difference between 'ayb, ḥarām and mamnū'? And if so, what is it?"

One of the interviewees, M023, was a Christian man in his late 50s, born and raised in a village close to Kerak, who has been living and working in Amman for decades. As he hears the question about 'ayb, ḥarām and mamnū' his face breaks into a transfigured smile like somebody who was shown a picture from his childhood and says: "'ayb, ḥarām, mamnū'. [Short pause.] When I hear these words I remember that I'm a Jordanian," and continues to explain how children in Jordan are raised on the concept of 'ayb. Later during the interview, when asked which of the three concepts he believes to be the strongest ('aqwa) in the society, he responds without any hesitation and full conviction by exclaiming: "'ayb!" He then goes on to give single-handedly what could be considered the summary of all the data in a nutshell regarding this question:

The mamnū', that is maybe something from daddy or mommy or there is mamnū' in the laws. But the 'ayb that is something in the society. Never mind if you do wrong things at home, maybe you get punished; they beat you. But if you do something 'ayb, that brings the 'ayb to the whole family, to all the families. Dishonor! And it brings the dishonor to the whole family and that's the disaster because where should we turn our face from the [scornful] looks? And what's the appearance in front of the people because the important thing is what people say about us. It's the most important! So, the 'ayb is the biggest. If you are very religious, then the ḥarām is stronger. But in the society the 'ayb is the strongest because the 'ayb pertains to the whole society and therefore it disfigures the face of a person or of the family in front of all the people. The mamnū', since it is different from house to house, there is no disgrace in the mamnū', there is punishment. The ḥarām is an offence against God and if you are religious that is also a disaster. (M023, para. 15)

He is not the only one who smiled when he heard the question. A Muslim man in his early 30s from Mafraq who also has been living in Amman for several years, smiled when I asked him the question. "Why do you smile?" I ask. "I'm smiling," he responds, "because these three words, they use them a lot in our culture." And shortly later stresses particularly the frequent usage of 'ayb: "The word 'ayb, in each house we hear it tens of times, 'ayb, 'ayb..." (M011, para. 84 & 86).

### **'ayb – feared but not loved**

The dominance of 'ayb and the customary code was not seen necessarily as something positive or desirable by many, if not most of the interviewees. While the religious code underlying ḥarām was generally seen as just and good, even by secular people who obviously did not comply with conservative norms. Only very few people, mostly such who had converted to Christianity, dared to criticize Islam. However, the majority of people were ready to admit that they were less than fully supportive of the customary code. In fact, for some it was something which should be done away with and replaced either by religion or secular laws and norms.

### **Women disadvantaged in the customary code and 'ayb**

The greatest problem people had with 'ayb and the customary code had to do with the fact that it places vastly different restrictions on males and females. It focuses on the value of family and tribal honor and the avoidance of shame. As the family honor is directly tied to the chastity and reputation of the female members, everything becomes 'ayb that could endanger the reputation of the girl, and consequently the honor of the family. More often than not the question about what is 'ayb lead the conversation directly to gender related issues and sexual norms for women. This was not just connected to Jordanian-Bedouin tribal culture, as the definition of 'ayb by a middle-aged Palestinian city dweller with a PHD

in educational linguistics clearly shows: “If we are talking about ‘ayb, then mostly this is connected to moral issues with an immediate connection to sexual relations” (M013, para. 46).

Obviously, there are also norms which apply to men but a Muslim couple in their late 40s (F001 & M002), taught me two sayings early on in the process which resonated deeply with anybody I happened to quote them to: “The man is not shamed by shame” (al-zalama ma bi3ibu il-3ayb) and “A women is like glass” (al-mara zay il-qazaz), meaning that a man can basically do whatever he wants and he will still be able to remedy his honor, but for women the damage is permanent – like a broken glass (M002.1b). The consequences could be tragic as the continuous occurrence of honor killings in Jordan clearly indicates. Although, it is only a few families who take such measures to remedy their honor, usually the girl and also her siblings will have a permanently damaged reputation which is very disadvantageous when looking for a marital partner.

Needless to say, it is particularly women who are dissatisfied with the ‘ayb code. Interestingly, though, many of them do not turn to secularism or an Islamic form of feminism but insist that the dominance of ‘ayb is a sign of jahiliyya, i.e. the state of ignorance before the divine revelation arrived, and that introducing and enforcing the sharia – particularly through educating women about Islam, would remedy the problem.

#### *Concluding remarks on polycentric multinormativity in everyday life of Jordan*

As the insights from the interviews have so clearly shown, Jordanians live their lives in the rich tapestry of the overlapping hierarchy of norms with multiple normative codes and also multiple authoritative centers defining those codes. Some of these norms, particularly customary norms and to a certain degree religious norms, are more central to their lives and their identity than e.g. legal norms. The customary norms happen to focus a lot on gender relations and family roles and the state does not have an important role in this domain.

## **Conclusion**

This short survey dealt mainly with institutionalized forms of Jordan’s multinormativity and showed that, unlike the German case it is spread out over different kinds of institutional centers, including those which do not even pertain to the realm of the state. In fact although the Europeans spread the Westphalian system during colonial times and with it its distinctly European concept of state, the colonized people, for the most part, never adopted the European state idea entirely but developed hybrid versions, integrating different elements from both backgrounds (Bacik, 2008). In Germany the development favored to absorb most of these institutional centers into the orbit of the state and to allocate them in a nested hierarchy. That gave the state the prime position to influence all other norms according to its own core narrative or at least to render those norms as inconsequential which were incompatible with its own. The historical circumstances in Jordan, together with its Ottoman past and the distinctly tribal texture of its society, led to the polycentric multinormativity as described in the previous section. What countries like Germany are facing now is the re-importing of those hybridized institutional cultures, which in some ways are similar to theirs, but at the same time also espouse distinctly different notions of public and private domains and corresponding norms.

Baran, Arton and Ali, the three young men from the TV report, surely know something about the friction between different cultures as they try to negotiate coexisting and conflicting norms in specific chronotopic units of their everyday lives. There is no need, however, to frame these frictions as instances of an ideological battle over abstract values. Having read all the information from the previous section, one only needs to imagine for a moment what it would be like for a Jordanian family to live in a country like Germany. Even if all the family members tried hard to integrate, without giving up on their own identity altogether, and if they all adopted the German state as their new legitimate patron and gave it the same loyalty as they would back in Jordan, they might very well end up talking the same way the young men from Albania and Turkey, not because they are against us or our state, but just because they are good “Ottomans”.

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