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Women's Divorce Rights in Jordan: Legal Rights and Cultural Challenges

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Women's Divorce Rights in Jordan: Legal Rights and Cultural Challenges

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Abstract

This research aims to examine women's divorce rights in Jordan examining the topic both through their legal rights as well as through the cultural challenges and stigma that divorced women face. The research is focused specifically on the rights of Muslim women, who have to file for divorce through the Shari'a court system, in Jordan that are Jordanian nationals. The literature used in the research provides background insight into Jordan's tribal system, family law in Jordan, and psychological theories that relate to group therapy and self-efficacy in divorced women. The researcher hypothesizes that despite the many socio-economic and legal reasons that stand in a woman's way of getting a divorce, the main reason is the cultural stigma that exists surrounding divorce, and the way that the culture is set up to blame a woman for her failed marriage. Through interviews with both women that had gone through the process of getting divorced in Jordan and Jordanians that work in organizations that provide legal aid and support to these women, it was discovered that going forward there needs to be a change in the mindset regarding divorced women. Across the board the findings were that the main reasons why women were so reluctant to exercise their right to get divorced was because of the cultural stigma. The proposed solution relates to peer to peer counseling and group therapy services, which will connect women to each other and offer a support network that needs to exist in order for women to feel like they are not alone in the painful process.

Keywords: Women's Rights, Divorce, Education

Introduction

The umbrella for my topic is women's rights, but specifically focused in women's rights in the cases of divorce. This topic is important because it is one of the essential human rights that every person should be entitled to, however, there are many instances where obtaining a divorce can be a difficult and lengthy process for a woman. Marital issues have always been of interest to the researcher, and when learning about the Sharia court system and how it differs from the way that divorce cases are handled in the United States. Another thing that enhanced my interest and desire to study the topic of divorce was the movie *Gett: The Trial of Viviane Amsalem*, which tells the story of a woman and the lengthy process that she goes through in an attempt to get divorced from her husband. Throughout the film, it is clear that the religious court is biased against Vivianne, and her husband tries to slow the process to make it as difficult as possible. Although the film is Israeli, and rabbinical religious courts are different than Sharia courts, this film portrayed the divorce process as being so seemingly unattainable, the researcher wanted to see how the process worked in Jordan. One of the thematic seminars from this semester, Psychology of Peace, also encouraged me to become curious about the psychological implication of divorce and the idea of internalized trauma that we explored during class. In the future, I hope to work in Human Rights law with a focus on women's rights, and assuring that women and men are equal in the eyes of the law is a crucial step to gaining equality.

Context

In order to understand the challenges that face women in Jordan that are trying to get a divorce, it is crucial to understand the societal structure and the influence that

family and community plays in every aspect of Jordanian life, especially for women. Understanding the social dynamic, and taking into account that most Jordanians are instilled with the tribe mentality that is indicative of the Bedouins, greatly impacts the nuclear family and the expectations with how women are supposed to act. In a study conducted by the World Value Survey, they found that 99% of Jordanian men and women that responded considered religion to be incredibly important in their lives.¹ It is crucial to understand the way religion is misused to incorrectly justify suppressing a woman from accessing her rights to divorce her husband. After the 2010 amendments were made to the *Personal Status Code*, there was a definite attempt to close the gender gap, giving women more rights in terms of marriage, but they are definitely still not equal to men in familial matters, by any stretch of the imagination. Are Jordanians even aware of these changes, and if so, how do they feel about it? In another World Values Survey, only 16 percent of Jordanian men and 19 percent of Jordanian women considered equality of men and women as an essential part of democracy, showing that there are strong attitudes towards traditional family roles, with many of the respondents reacting negatively towards the idea of a woman being a single parent. This is just one example of the necessity of understanding between legislative reforms and social norms- it doesn't matter how many new reforms are put in place if the culture and the norms do not change.

This paper will seek to look at the legal obstacles that women face as well as the cultural challenges that they must battle in order to obtain a divorce. Although lack of access and funds are definitely a factor within why women are so hesitant to get

¹ Data from the World Values Survey can be found at <http://www.worldvaluessurvey.org/wvs.jsp>

divorced, it is crucial to acknowledge the psychological effects of betraying the family/ community that most importantly plague women wanting to seek a divorce.

As mentioned in the first part of the introduction, there are three different types of courts in Jordan: Civil courts, military courts, and religious courts. Religious courts, or the “Shari’a” court system, is designed for matters of “personal status,” which includes most family law matters: marriage, divorce, child custody, and adoption and guardianship. If all family issues are settled in religious courts, what is the legal implication of marriage in Jordan? Because of the underlying religious importance of marriage, there are no civil marriages performed in Jordan- all marriages must be performed in accordance with the religious tradition of the individuals getting married. This further complicates matters of divorce because if marriages are not regulated across the board, there is no one way for the divorce to be handled, since it is completely reliant on the religious tradition of the parties involved. Because divorce varies based on religion, in order to limit confusion, the cases that are specifically being discussed in this paper are Muslim (since they differ greatly in Roman Catholic and Orthodox traditions, which make up a small minority of Jordan’s population). Another important thing to take into consideration is the way that the divorce process differs between men and women.

This paper will seek to explore the many challenges that women face when they are trying to get divorced as well as proposing solutions to helping to amend the problem in the future.

Terms and Definitions

Divorce: Arguably the most important word of the paper, but what does it entail in the context of the paper? When talking to women, it was astonishing how many of them lived apart from their husbands and had been doing so for years, why is that not enough? According to Schramm et al,

“Divorce is not only a socio-cultural issue but also a social determinant of health. In this regard, they have been done many studies on social, economic, psychological, juridical and biological factors influencing family health and divorce,”² and “Divorce can generally cause some harm to economy and human capital and in terms of gender analysis, it may hinder women’s role in development process and at that time may exploit and marginalize them”³

Family Codes/ Law: Shari’a/ religious court system. Family codes deal with issues of personal status, which include marriage, divorce, child custody and support, alimony, and inheritance. There are no civil marriages in Jordan, if a couple wants to get married they have to go through the religious court system (there are different codes for different religions), and for the sake of brevity, this paper will only focus on the Shari’a, Muslim court system, not on any non-Muslim marriages. Family law in Jordan is a reflection of the social norms related to gender roles within the family, and they are tied closely in with women’s rights and their struggle for equality.⁴

Jordan’s Personal Status Code (PSC): Since this paper criticizes the status of women within the current legal system, it is crucial to understand what the law (family code)

² Schramm et Al, 2013 and Walid & Zaytseva, 2013

³ Kalantari et al, 2011

⁴Prettitore, 2015

currently is pertaining to marriage and divorce. In 2010, there were amendments to the family code which was an attempt at closing some of the gaps in gender equality. Although women gained the right to add stipulations to the marriage contract, like allowing a wife access to no-fault divorce, men still remained the legal head-of-household, with women being still obligated to be obedient to them. The reforms also increased the minimum age of marriage to 18, from 16 for boys and 15 for girls, but judges can still allow minors to get married if they believe it to be in the best interest of the child.

Choice/Reality Theory Group Therapy: Choice theory is a counseling theory that was developed by William Glasser in the 1960s, in group therapy the main goal is to focus on helping people solve problems and become better at making effective choices in order to help them improve their quality of life. In the study used for this research, in particular, the goal of the group therapy sessions were to help women to improve their self-efficacy.⁵

Self-Efficacy: An individual's belief in her innate ability to achieve goals; a personal judgement of how someone is able to "execute courses of action required to deal with prospective situations."⁶

Jordan's Tribal System: Because tribalism played a crucial role in the development of modern day Jordan, it is no surprise that the effects of the system are ever-present and long-lasting. Tribal systems to this day are set up in a way that puts them slightly

⁵ Glasser, 1998

⁶ Bandura, 1982

separate to the kingdom and therefore they are different entities than the legislative body. In the context of this research, this shows the way that culture and the ruling body can be at odds, even in urban settings where the more rural “tribe” is not even present. The sense and the attitude of a tribe extend beyond the namesake, one’s “tribe” becomes their family, the community that they are in, and this is because of the foundations of tribalism, which modern Jordanian society was built upon.⁷

Hypothesis

Despite facing both legal and socio-economic challenges when a woman wants to seek a divorce in Jordan, the main factor that ultimately prevents her from getting a divorce is cultural, due to the close emphasis on community and family. The stigma and social shame that are associated with divorce stem purely from the culture, and a misinterpretation of religion (just Islam in this context) is wrongly cited as a way to shame women into not knowing and exercising their rights to demand a divorce. Women who have positive role models of divorced women, and women who are able to receive peer to peer and group counseling with other women that have also gotten divorced will have more success and better self-efficacy.

Questions

What laws are in place to protect women in the case of marriage and divorce? Do women know their rights?

Why does the community have such a large impact on women, and is there any way that this can be challenged?

⁷ Alon, 2007

Research Parameters

This research aims to understand women's divorce rights in Jordan; the legal and socio-economic obstacles that they face as well as the cultural stigma that divorced women are faced with. The research is based upon the hypothesis that community and culture play a bigger role in the inability for women to obtain a divorce and have equal divorce rights than the actual laws. As well as advocating for an increase of peer to peer counseling and group therapy in order to build a support network and elevate role models and community pillars for girls to look up to, so that they know their rights before they get married, or so that they feel supported throughout the actual divorce process.

The parameters of this study include interviewing members of NGOs that are working in Amman, Jordan to provide legal aid and other empowerment resources for women that are trying to get divorced as well as women in Amman that have been divorced, in order to learn more about their experience first hand. No surveys were distributed due to the sensitive nature of the topic. In terms of scope, both average women and members of organizations were consulted, and both came from different backgrounds and disciplines. It is important to note that there were no "vulnerable" parties interviewed, no children or women that were directly going through a divorce at the time of research, and it would've been interesting to have these perspectives included as well. It is also important to note that all of the parties interviewed were Jordanian nationals that had spent the majority of their lives living in Jordan, no refugees or foreigners that had gone through the process were used, in an attempt to narrow the scope and get a strictly Jordanian perspective on the issue.

Because one of the organizations interviewed, provides legal aid, I expected them to take the approach that advocated and focused on the ways that the laws could be amended in order to close the gap between women and men for marital equality. Whereas I hypothesized that the women that had been through divorces, would focus more on the culture and the emotional side of what they experienced. I also hope to explore the ways that the different parties hope to improve the status of women's divorce rights in Jordan in the future: focusing especially on group therapy and improved education for high school aged girls.

Literature Review

In terms of the literature that is currently available for this topic, the researcher wanted to pull together a series of works that offered background into the structure of the community, since that is a major factor impacting a woman's decision to get divorced, as well as articles that specifically focused on the way that divorce happens and women's specific experiences of it. Relating back to the hypothesis that one way to fight against the stigma and increase women's self-efficacy was through group therapy and education, there is also literature that pertains to that topic.

One of the biggest factors that influences a woman's decision to divorce is family, in the chapter "Jordan" in *Arab Family Studies: Critical Reviews*, the idea of the nuclear family in Jordan and the way that, even in cities, the idea of "family" is derived from the Bedouin tribe mentality is extensively explored. This chapter offers insight into the importance of the community in the Jordanian society, and the roles that women are typically expected to play; one who tends the house, is modest, and honorable. When

looking at the model of the Jordanian family, although there are similar shared values, there is a lot of difference between those that reside in urban settings, Amman, and those that still live in more rural, tribal communities. In the reading, the authors discuss how typically families are patriarchal, meaning that things like domestic abuse and even divorce are seen as familial issues that should be settled within the house rather than being taken to court. Another pertinent issue brought up in this chapter is the influence of education on the way that girls view their position in society and reinforce national ideologies.

Moving on from the role of family in Jordanian life, it is important to understand the origins and the role that *family law* plays in women's rights. The only way for there to be actual systematic change when it comes to divorce rights for women is legally, but when looking at family law, there always is conflict between women's rights and cultural traditions. In a 2015 report published by the Legal Aid Organization: Arab Renaissance for Democracy and Development (ARDD), they detail the many ways that women are unsupported by the legal system, in terms of family courts. One major issue that the ARDD points out within the Shari'a court system is that there are no women members, and many of the lawyers that are assigned to women's cases are overworked and unable to pay attention to the actual needs of the woman involved. In addition to women not being represented within the court system, there are also structural barriers in place that prevent women from seeking justice, such as hidden court fees and a lack of access to affordable legal counsel.

In addition to these physical barriers, women also face tremendous amounts of social pressure because of the taboo that surrounds resolving conflict in court rather

than with the family. One of the proposed solutions to facing this fear relates closely to my hypothesis, and it is the use of group therapy support sessions and peer to peer conflict resolution. Traditionally, conflict resolution for issues like divorce is handled with the woman and a male guardian or elder in the family, and this is ineffective because the male counterpart can use the family's power to make her agree to something that is in the best interest of the family instead of for her. Opening up a dialogue between women that are going through the same experiences allows them to support each other and come to a decision that is the most beneficial for themselves and their children rather than for their community.

Main Issue

Before being able to look at the rights and the progress that women have made in terms of divorce rights, it is essential to consider the article "Divorce and the Status of Women in Jordan,"⁸ which discusses a study that seeks to examine divorce rates, especially with the way that they are tied to socioeconomic circumstances as well as looking at Quranic verses that deal with divorce. In terms of the way that divorce cases are typically handled, the article references how divorce cases are complicated by the handling in religious courts because the relevant passages that are used from the Quran are historically biased against women. According to the Quran divorce is permitted in Islam but is meant to serve as the absolute last option for a failing marriage. At the end the article features women and their experience with divorce and the impact that it has on their lives. One of the main shortcomings of this article is that it

⁸ Barhum, 1987

was published in 1987, so it is not reflective of the society today, however, the main point of the study was to look at the impact of socio-economic status on divorce rate in Jordan, which is a huge factor in present-day Jordanian society.

The most crucial part of this journal article in understanding divorce comes from the interviews that they conducted with the thirty divorcees, twenty-seven Jordanian and three non-Jordanian women. In the study, one of the important factors that was considered was the perception of marriage as an agreement between the two families whose children were getting married, which resulted in the families having a large amount of influence in the decision, and 20% of the sample studied married their first cousins. One of the main issues that still plagues Jordanian society still is child marriage, regarding underage girls that are getting married off at the discretion of the Shari'a Judge, and at the time that this study was conducted 50% of interviewees were under the age of 18. It is important to note, also, that since the 2010 amendments to the PSC, 18 is technically the minimum marriage age for girls in Jordan, however, it is easy to find loopholes for this, whether the family consents to it or the judge believes it to be in the girl's best interest.

Going forward: Solutions for Equality

While approaching the "solution" can seem daunting because of the legal obstacles that women have to face and the cultural attitude towards them, there are two main factors that can arguably help with improving the quality of life for women. These factors are education pre-marriage that can promote healthier relationships and group

therapy for divorced women to help improve their self-efficacy. Theories for both will be explored.

What is marriage education? First off, something that is definitely not talked about enough, but it is something that strives to help couples before they get married and during their marriage to develop interpersonal skills to diminish conflict, or at least give them the tools to better handle it. In 2002, in the United States, the federal government created the Healthy Marriage Initiative, which gave almost \$1 billion in welfare to provide state-sponsored marriage education programs that had more than 3,000 pages worth of curricular materials.⁹ The program was designed for low-income married adults, and it was shown that by helping couples to increase their communication skills, they were able to create more stable environments to raise children in, resulting in more positive outcomes for both the children and the adults. One of the main criticisms of the Healthy Marriage Initiative is that it perpetuates gender inequality for men and women, and this is something that could be amended with the development of a program like this in Jordan. If there was mandatory education, couples would have to undergo strategic communication training as well as having to discuss concerns like finances and housework prior to getting married so that they could be sure that the person that they intended on marrying was the right one for them.

Marriage education might serve as a viable tool in preventing people from getting married for the sake of marriage, but what if they still want to get divorced? Divorce is a traumatic event in anyone's lifetime, and as explored already in the paper, it is considerably more traumatizing for women than it is for men, with them usually getting

⁹ Randles, 2016

ostracized from the community and facing social stigma that prevents them from getting jobs in the future. The other tool for improving the current situation for women's divorce rights is choice theory group therapy.

One of the main studies that exists was an experiment that was conducted in 2015 in Tehran in the Department of Psychology at the Payame Noor University. The purpose of this research project was to study the effectiveness of choice theory group therapy on the self-efficacy of divorced women between the ages of 18 to 23 years.

Using self-efficacy questionnaire (SGSES), 30 women who was of low self-efficacy were chosen on simple random and were randomly divided into experimental and control groups. Experiment group received 8 sessions treatment of Choice Theory group therapy for two months while the control group did not receive any training. After receiving training, self-efficacy was measured for next time. The collected data was analyzed by SPSS v.21 and by applying multivariate analysis covariance. The results revealed self-efficacy ($P < 0.05$) significant effect. The present investigation clarified choice theory group therapy increased divorced women self-efficacy.¹⁰

Although the study was done in Iran, there is no comparable study that has been done in Jordan, but women in both countries face similar challenges, especially because this study focuses on the status of younger divorced women. This relates closely to the situation in Jordan because statistics published in the Jordan Times from The Sisterhood Is Global Institute (SIGI) in February of 2018, revealed that in Jordan

¹⁰ Valinezhad, Aghili, Bagheyfouni, 2015

21% of male and 51% of female divorcees were under the age of 25 in 2016.¹¹ At a younger age, people are more vulnerable and susceptible to external pressure, which typically results in marriage arrangements that are created by families. Even in cases of love, many people change and mature a lot during their early 20s, which is the case in Jordan, as shown through the statistics. In the study, the scientists observed that that younger women are more psychologically vulnerable for a multitude of reasons: social insecurity, less of a role in their community, lack of education are just a few, but all of them point towards the idea that most young women do not have the proper quality of resilience to successfully be able to process and get through divorce without it being incredibly damaging to them in the long run.

This study focuses on the psychological implications of divorce, arguing that divorce is a cause of stress, which decreases women's self-efficacy because it strongly influences the way that they feel about themselves and their own abilities. Why is self-efficacy so necessary for young divorced women? Having self-efficacy is synonymous with being resilient, being able to confront obstacles, and cope and adapt in difficult situations. Because divorce is painful and strongly impacts women's psychology, with some of the negative outcomes being mood disorders, anxiety, and a change in social relationships and decrease of social support. The same consequences are not as prominent for men because women are stigmatized and labeled as damaged in a way that men are not.¹² Because divorce is on the rise, it is crucial to study the ways to empower women and train them to solve and handle conflict better.

¹¹ Jordan Times, 2018

¹² Akhavan Tafti, 2003

Choice theory encourages participants to make effective choices and reality therapy is based on common sense and emotional conflicts, offering ways to appropriately assess emotions in the context of the issues at hand. At the end of the two month period, the women that had received choice theory group therapy had improved self-efficacy because through reality therapy they were able to take responsibility and see the impact that they had on their own life and choices going forward.

All of my interview participants agreed that group therapy would be an important tool in healing for newly divorced women, and through this study, it shows the effectiveness and ability for choice theory group therapy to effect positive and long-lasting change in the lives of divorced women. As well as helping them feel better about themselves and reinstalling a feeling of control over their lives.

Methodology

Throughout the three week research period, I definitely learned a lot not only about women's rights in the context of divorce but also about Jordanian society and value systems in general and from the female perspective as well. For the research, participants and resources were identified through a lot of help and oversight from my ISP advisor, who pointed me in the right direction for what resources to use for the literature review and which members of organizations/ of the community that would be of help to my project. The participants come from different backgrounds but were all Jordanian nationals that had lived in Jordan for the majority of their lives. In terms of the interviews themselves, I provided guiding questions, but the interviewees tended to steer the conversation towards what they were comfortable talking about. I also chose

to take notes instead of recording the conversations, due to the sensitive nature of the topic, I knew that the participants would not feel comfortable with me recording their personal stories or experiences. The interviews took place either in the participants office or in a cafe, the women wanted a more casual, less personal setting. During the interview process, I was careful to make sure that the participants felt at ease and tried to take notes only when there was a natural pause in their recounting of the experience in order to respect their privacy and wishes. Many of the notes that I took were quickly jotted down, and I made sure to review them immediately following the interview, including anything that I was unable to write and expanding on the main points, but I felt like writing down keywords allowed me to have enough to go off of and formulate a response and a reaction to the interview after it was finished. Arguably, this helped me to engage with the information that I was presented with a lot better than if I had just recorded it and listened back because I could look through the main points that were reiterated by all of the different interviewees, seeing the main issues and concerns that people had across the board, putting aside their relationship with divorce (whether it was a direct experience or if they were trying to help those in need).

Since all of the interviewees wanted to remain anonymous, they have been assigned a letter to their name instead of their actual name, and any information that can be closely traced back to them will be omitted. This was expected due to the sensitive nature of the topic, but I am highly appreciative of all of those that were able to participate in my research and their openness. Because I elected not to do a survey of my own, I was lucky that I could find and closely reference Valinezhad, Aghili, and

Baghteyfouni's experiment because they provided me with a lot of concrete data for choice theory group therapy and the effect that it had on self-efficacy.¹³

Obstacles and Problems

The main obstacle was the sensitivity of my topic, and the way that interviewees reacted to it. Going into the research period, I knew that people would have apprehensions about talking to me regarding their personal experiences, but across the board, the majority of the interviews conducted were somewhat vague and not the exact experience that I was prepared for, of course, looking back it makes sense because obviously women that have endured the trauma of divorce, especially in the way that the system is currently set up, they would be unwilling to talk about it. Also, another regret was not being able to talk to anyone that is a part of a Shari'a court system. In the original plan, I was supposed to meet with a Sharia judge in order to get his perspective on divorce and how the court system and the new laws in place are set up to help women, and if they are effective in doing so, or not, but because of his busy schedule, there was simply not enough time throughout the period.

Also, due to the sensitive nature of the topic, those who I interviewed wanted to remain anonymous, even the organizations that were consulted, which is difficult because it poses challenges to unpacking the difference between governmental organizations and NGOs and foreign as well as domestic- if those involved are unwilling to give their names. I realized early on that this would be a big issue for my research

¹³ Valinezhad, Aghili, and Baghteyfouni, 2015

and tried to pool resources of studies that had been done in the past that related to my topic even if it wasn't specific to Jordan.

Findings

During the research process there were a lot of times where previous ideas and assumptions were challenged to the extreme. The difference between interviewing organizations that were involved in helping women and the women themselves were so extreme. One thing that was true across the board was the desire for anonymity, which I thought was interesting considering that the organizations that were interviewed are well known and are working towards the advancement of human rights in general, not just women's rights.

What were the similarities that all of the participants mentioned and did they support my hypothesis? Across the board, even with the organizations that provided legal aid, it was reiterated that the main problem was not the legal system and the way that it favors men over women, but rather the culture and the way that it is set up against women.

One thing that I didn't consider that one of the divorced women that I interviewed pointed out to me was the role that social media played in de-stigmatizing divorced women. She said to me, "Most people just see the frame but do not acknowledge the whole picture," meaning that people see women living their lives as if nothing is wrong after getting divorced, but they do not see the constant pain and shame that divorced

women have to live with every day.¹⁴ There are a multitude of different support groups all over Facebook for divorced women that connect them and allow them to have a platform to share their stories in a judgement free zone. In the forums, women are able to talk openly about the abuse that they had to tolerate during their marriage as well as some that wanted to get divorced even before they got married because of the non-consensual arrangement that was constructed by their families. They talk about the challenges of going to court and the way that the judges are unable to sympathize with them because they are not women. From the second that women get divorced, they are preyed on by male colleagues and ostracized from their family, and these groups help women gain visibility for their issues and stand together. At this point, the women that I talked to were not ready to spread their stories publicly because of the amount of public humiliation, abuse, and pain that they have suffered already, but in the future, with more people coming forward and sharing their stories, I believe the stigma will be lessened. Through these groups, also, there could be a chance for in person meetings and peer to peer counseling that will help other women that want to get divorced in the future.

One of the most prominent role models is Radwa El Sherbiny, an Egyptian divorced woman, who has two girls and advocates for women's rights in the context of divorce. She co-wrote the script for the show 'All About Her,' which talks about women's issues- from health to difficulties to hijab fashion, and she also has a fashion line. Radwa El Sherbiny wants her show and vast social media presence (3.8 million Instagram followers) to be more than just entertainment, and she wants her platform to serve as a way to empower and reach women, especially single and working mothers.

¹⁴ Interview C, 2018

When asked what advice she would give to young women reading this, Sherbiny answered, "Don't marry someone for the sake of marriage alone. Only marry someone when you're ready and sure that he's the one. You have to be 100% sure you're going to be happy with him. You also have to make sure that his family suits you, and not just him. Don't let that stop you from being successful and pursuing your career."¹⁵ My interviewees kept discussing the culture of traditional masculinity and the effect that it had on marriage: men, according to my interviewees did not want to be with a woman that had more money, was more educated than him, or that was outspoken and career-focused. Radwa El Sherbiny is a champion for women because, as this quote shows, she wants to encourage girls not to marry for the sake of marriage but to make sure that their values align with those of their future husbands. Men are afraid of strong women, and therefore women dumb themselves down to fit the ideal, but Sherbiny encourages girls to fight against that and to find someone who loves and appreciates their strength.

¹⁵ El Shamy, 2017

Conclusion

Let's circle back to the two original questions that drove my research experience and draw everything together using them as a guiding point.

1. What laws are in place to protect women in the case of marriage and divorce?

Do women know their rights?

Short answer, yes and no. The 2010 amendments made to the PSC intended to try to start closing the gap between men and women in terms of legal equality. Women who are educated know their rights, but that doesn't necessarily mean that they are able to obtain a divorce without their husband consenting to it. Even if women know their legal rights, they are always blamed in the case of divorce, despite being a victim of abuse or even an unwanted marriage. Also, even though technically there is a minimum age in place now, judges can still sign off and approve of marriages for girls under the age of 18 if it is deemed to be in their best interest, which is inherently damaging to young girls. Until women can legally exercise their rights and chose whether or not they will want to get married and stay married, women will not be equal to men.

2. Why does the community have such a large impact on women, and is there any way that this can be challenged?

An entire thesis could be written on the influence of the community in a woman's marital decisions in Jordan. Although there has been a push for modernization with the increase of technology and globalization, Jordan still is rooted in its tribal culture, which

places emphasis on the importance of community, rather than on the individual.¹⁶ When looking at the legal shortcomings, it is easy to propose a solution: change the law, but when it comes to the need for cultural change that is way more difficult. As someone that is not a part of Jordanian culture, it is not my place to demand cultural change, since also it is highly unlikely that I will ever have to file for a divorce here.

Overwhelmingly, the response was the need for visibility. Visibility means a lot of things starting with increasing education on marriage so that girls know their rights before they enter into a legally binding agreement with someone. As well as providing family counseling services before marriage, where the couple can discuss their financial situation and their expectations to make sure that they are on the same page. Also it would help for there to be peer to peer counseling within the community rather than just having an older man help the woman to make the choice. Lastly, increased exposure for divorced women. Role models like Radwa El Sherbiny are a great start, but women that are divorced need to have people like this to look up to so that divorce can move in the direction of de-stigmatization, since only women who are divorced are looked down upon. It seems daunting, but with the increased modernization, I believe that through change and through increased vigilance and support from empowerment organizations, there will be a movement to close to gap between men and women.

In conclusion, there is still a lot more work to be done in terms of women's divorce rights in Jordan. There also needs to be more proactive government initiatives to help women that are in marginalized communities, it should not purely be the responsibility for NGOs that are working in Jordan. Linking back to my hypothesis,

¹⁶ Alon, 2007

though, after all of the research and interviews, I can conclusively say that it does seem like the main obstacle that stands in the way of a Jordanian woman getting a divorce is the community and the cultural stigma that surrounds being a divorced woman.

Although all of the interviewees did say that education and counseling would help to increase knowledge about the issues and improve women's self-confidence, there have not been any studies done in Jordan that directly tests this, so in the future, it would be interesting to see data relating to this in Jordan specifically.

Study Limitations

Although there was a lot of research that was able to be conducted during the three-week time frame, the major limiting factor was time. Since there was such a short period of time that interviews were able to be conducted, some people were unavailable in the short span of time. In the original plan, both women that had gone through the process of divorce, their ex husbands, as well as their children were meant to be interviewed for the research, but due to the short research period, there was not enough time to get a full in-depth review of the possible harms that could come to vulnerable groups during the research period. If there was not the limiting time factor, it would've been highly beneficial to have followed a woman going through a divorce from start to finish to see her experience and how it was a direct reflection of the system, seeing the obstacles that she faced throughout the process firsthand.

Another crucial thing that must be acknowledged in terms of study limitations is my own personal positionality. As a woman from the United States, our culture is pretty individualistic, so going into it, I was careful to take into account the communal culture

and ideas of tribalism that were completely foreign to me before learning about Jordanian society. However, I do not think that my positionality greatly affected the way that I approached my research, and I found myself listening a lot more than speaking during my interviews, allowing those that I was interviewing to drive the conversations.

Also, despite all of the interviews being conducted in English, since the topic is sensitive and emotional for those parties involved, it is also possible that some things were not conveyed correctly or to the fullest extent if it had been in the participants' first language.

Recommendations for Future Studies

In terms of future studies, there is a lot that can be done to expand on this research. As briefly discussed in the limitations section, it would be especially valuable to find women that were unhappy in their marriage and discuss their reasonings why they wanted to resort to getting divorced and the challenges that they were personally facing. Throughout the process, the researcher could follow the woman as she hired a lawyer, went to court, and then finally settled her case. This would be an important insight into the way that the system either would help support her or not account for her needs.

Another way that future studies could be done pertaining to this topic would be looking at education and the way that it relates to a woman's decision to get married. This could also include surveying them to see if they knew about the 2010 amendments to the family law, in addition to seeing what future measures they would like to see in terms of women's rights for marriage. Do they know their rights, and are they willing to

explore what they want from a marriage before making the commitment? What support systems do they have- is it peer to peer or just the men that are in their community?

The most relevant experimental future study for my hypothesis and topic would be tracking women that had gone through a divorce, with half of the group going through Choice Theory Group Therapy and the other half not, and measuring their self-efficacy and confidence over time. This would be based off of the original study that was conducted in Iran, but with an understanding of Jordan's culture.

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Primary Sources:

Interviews:

Interview	Participant Description	Date
A	Legal Aid Advisor (Male)	11/28/18
B	Executive Director, Local Legal Aid Organization, Jordanian (Female)	11/28/18
C	Divorced Woman, Jordanian	12/5/18

D	Divorced Woman, Jordanian	12/3/18
E	Divorced Woman, Jordanian	12/4/18

Appendices: Interview Questions

Important to note that these served as guiding framework for the interviews, but in actuality I allowed the interviewee to discuss what they felt comfortable discussing

What is the impact of Jordan’s culture and traditions on the way that divorce is perceived for women?

What is the impact of socio-economic status on divorce? How are women that have less money at a disadvantage specifically with seeking legal aid and being able to be represented fairly in court?

Currently, how do you feel about the status of women's divorce rights in Jordan?

Is there a fund for divorced women or are they left with nothing following the divorce, unless supported by their husband?

What is the influence that the lawyers have on representing women and facilitating the divorces? Are they partially to blame for the injustices that are legally caused?

What laws are in place to protect women from unjust settlements?

What resources are available for women that are thinking about getting divorced and those who have been through the process?

Is there a solution to divorce? Do you think that an increased awareness of counseling and education in schools pertaining to marriage would help people understand marriage before committing fully and being unhappy?

Informed Consent Form

Women's Divorce Rights in Jordan

Christy David; University of San Francisco

School for International Training—Jordan: Geopolitics, International Relations, and the Future of the Middle East

- 1. The purpose of this study is to learn about women's rights in divorce cases in Jordan.**
- 2. Rights Notice**

If at any time, you feel that you are at risk or exposed to unreasonable harm, you may terminate and stop the interview. Please take some time to carefully read the statements provided below.

a. **Privacy** - all information you present in this interview may be recorded and safeguarded. If you do not want the information recorded, you need to let the interviewer know.

b. **Anonymity** - all names in this study will be kept anonymous unless the participant chooses otherwise.

c. **Confidentiality** - all names will remain completely confidential and fully protected by the interviewer. By signing below, you give the interviewer full responsibility to uphold this contract and its contents. The interviewer will also sign a copy of this contract and give it to the participant.

3. Instructions:

Please read the following statements carefully and mark your preferences where indicated.

Signing below indicates your agreement with all statements and your voluntary participation in the study. Signing below while failing to mark a preference where indicated will be interpreted as an affirmative preference. Please ask the researcher if you have any questions regarding this consent form.

I am aware that this interview is conducted by an independent undergraduate researcher with the goal of producing a descriptive case study on women's divorce rights in Jordan.

I am aware that the information I provide is for research purposes only. I understand that my responses will be confidential and that my name will not be associated with any results of this study.

I am aware that I have the right to full anonymity upon request, and that upon request the researcher will omit all identifying information from both notes and drafts.

I am aware that I have the right to refuse to answer any question and to terminate my participation at any time, and that the researcher will answer any questions I have about the study.

I am aware of and take full responsibility for any risk, physical, psychological, legal, or social, associated with participation in this study.

I am aware that I will not receive monetary compensation for participation in this study, but a copy of the final study will be made available to me upon request.

I [do / do not] give the researcher permission to use my name and position in the final study.

I [do / do not] give the researcher permission to use my organizational affiliation in the final study.

I [do / do not] give the researcher permission to use data collected in this interview in a later study.

Date:

Participant's Signature:

Participant's Printed Name:

Researcher's Signature:

Thank you for participating!

Questions, comments, complaints, and requests for the final written study can be directed to:

Dr. Raed Altabini, SIT Jordan Academic Director

Email: raed.altabini@sit.edu