



## **Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship**

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**“You make others around you uncomfortable  
You grow up in front of their eyes and they  
hate it**

**Nothing hurts more than keeping silent while  
oppressed and wronged so you can get only part  
of your rights**

**They laugh at your face although they are un-  
certain in dealing with you,**

**But then they blurt it out: 'whose son are you?'**

**They smile at you and you smile at them**

**You realise your smile means that you are  
standing stern**

**And that their smile is to mock you.”<sup>1</sup>**

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<sup>1</sup> Excerpt from a poem by Ammar, a youth interviewee, July 2013 (Translated from Arabic).

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## List of Acronyms

|         |                                     |
|---------|-------------------------------------|
| IMF     | International Monetary Fund         |
| NGO's   | Non-Governmental Organizations      |
| RONGO's | Royal Non-Governmental Organization |
| WB      | World Bank                          |

## **Abstract**

Despite a formal discourse of equal citizenship in Jordan, orphaned youth, especially those with no lawful lineage are still marginalised and excluded. This thesis examines how orphaned youth in Jordan enact their citizenship in the legal, social and civil society fields. An ethnographic study with a group of politically active orphans in Amman was conducted mainly focused on unstructured interviews. Bourdieu's Social Reflexivity Theory and a framework of citizenship theories in the Arab World are used to analyse various aspects of the orphan's experiences in the three above-mentioned fields. I argue that within all fields, various aspects of orphan's citizenship are constrained by patriarchal and patrilineal structures and habitus.

## **Keywords**

Orphans, Youth, Citizenship, Lawful Lineage, Islamic Law, Patriarchy, Patrilineality, Civil Society, Jordan.



# Chapter 1 : Introduction and contextual background

The Hashemite Kingdom of Jordan is an Arab country located in the Middle East that identifies Islam as the official religion of the state. Family and Personal Laws (*ius privatum*) are rooted in Islamic Law. As a Kingdom, the Monarchs played a big role in the state and nation-building projects and discourse since the establishment of the Emirate of Transjordan in 1921, and afterwards its independence from the British Mandate in 1946. Jordan is a patriarchal state and society that favours men and older people (Amawi 2000). It adopts a patrilineal system of nationality and citizenship. These constructions of state and society play together to shape the experience of certain groups including women and orphans.

## Who are the orphans in Jordan?

The experience and meanings of orphanhood are socially constructed. A considerable body of literature theorizes orphanhood experiences in terms of the impact of this status on the wellbeing of children. This includes the impact on education as well as orphans' psychological and emotional well-being (for example; Levine 2001, Filmer 2008). Literature on orphans in the Arab World mostly concerns itself with Islamic laws that cater for orphans (for example; UNICEF 2009 and Bargach 2002). Literature covering issues of vulnerable children and groups in the Arab World is mostly framed by social protection ideas and theories (for example; Marcus et al. 2011). However, it does not go beyond evaluating the services available to vulnerable children. This research expands the discussion by investigating how structures in various fields, and what follows of rights, capital, and spaces available, form the experience of orphans and construct their citizenship status.

The group this research targets, as well as being orphans, are youth, itself is a category that is highly theorized and problematized. According to Beauvias et al. (2001), 'youth' is usually theorized as a state of in-betweenness, a state in which rights and responsibilities are changing and are fluid. Youth are seen as participants in a series of transitional changes leading to adulthood. Youth as a category is also considered a social construct and not necessarily a demographic category. This allows for each society to define who is included in the category 'youth' and what does this label mean (ibid). Therefore, the youth targeted by this research are regarded as the intersection point at which the social percep-

tions of age, gender, and class meet in a particular way within a particular context to shape their experience.

In the Jordanian context, the term 'orphans' is used to refer to children and youth who fall into three categories; First, people whose one or both parents have passed away. In this category, children could be still living with the only parent, extended family, or in institutions. Second are children whose both parents are alive but are divorced and remarried with no intention of raising them within their new families. These children could be living with extended family or in orphanages. The third category consists of children with no lawful lineage. While the first two groups have their life experience affected by social pressures of not having a family, the third category orphans have their experience and citizenship shaped also by Jordanian Laws that are based on Islamic Law. For a full understanding of the context of orphans in Jordan, a discussion of two concepts related to their citizenship status is due.

## **Lawful Lineage and Kafalah in Islamic Law**

Billoo (2006) defines Islamic Law as the law derived from the theological foundations of Islam. Muslims believe that Islamic Law is divine and goes with accordance to God's will which makes it unquestionable (Ishaque, 2008). Moosa (1998) and Charrad (2001) explain that Islamic Law is derived from verses of the Qur'an through a process of explanation and reasoning. Modern Personal Status Laws and Family Laws in Islamic and Arab countries take Islamic Law as their base. Two issues in Islamic Law and Jordanian Personal Status Laws are relevant to this thesis; the concept of Lawful Lineage, and Kafalah as the Islamic alternative to adoption.

### ***Lawful lineage***

According to Welchman (2007), lawful lineage is the "legally established filiation of the child to the parents and the subsequent establishment of legal rights and claims" (ibid: 144). Lawful lineage is established on the side of the mother (recognition that she is the lawful mother) by giving birth. In that sense, if the mother is known, then the child is lawfully hers. Lineage to the Father requires a proof of lawful relationship that is Islamic Marriage. Therefore, lawful lineage is related to a legal process of marriage on which the legal status and rights of the child in Islam rest. It is the basis of most rights in Islam. Full rights as son or daughter are earned by being conceived within wedlock. This affects the rights and status of foundlings, children with unknown fathers, as well as children who are abandoned by their fathers. This frames the added disadvantage of the third category of orphans mentioned above.

## ***Kafalah***

Islamic law does not allow adoption but allows what is called Kafalah to orphans. Bargach (2002) explains that before Islam, various practices of adoption were popular in the Arab Peninsula. In the early years of Islam, a Qur'anic verse is revealed asking Muslims to relate their children to their rightful fathers only. The verse had been revealed to abolish the spirit of tribalism and clans while instituting solidarity and unity on the basis of faith. "Adoption, as symbolic enactment of sonhood, was nullified precisely because the sacred status of blood needed to be profaned and replaced by an unwavering allegiance to faith" (ibid: 52). However, in our modern times, prohibiting adoption and putting all the weight of rights on lawful lineage serves to strengthen blood relationships as the only means to be recognized in a family.

According to Welchman (2007), Kafalah is a system of care that permits children to be looked after and cared for by a family not their own but without the rights given to a lawful child including the right to the name of the family, and its inheritance. In Kafalah, a party takes it on themselves to provide the needs and wants of the child without bestowing on them rights that are reserved for children of their lineage. Bargach (2002) explains that Kafalah is a gift of care; a contract between two parties, a child and a care-taker. In the case that there is no individual willing to take care of the child, he/she is entrusted to the fellow Muslims (Moosa 1998). In our modern times, this translates into the state being the patron or fosterer of orphans. Kafalah in Islamic Countries, including Jordan, is treated as a civil contract and regulated in Civil Law, not as part of Family Law, which shows that it is not intended to provide a family, but only to give care and charity (Welchman 2007, Bargach 2002). This is the rationale under which the care system in Jordan functions; the state is the fosterer of orphans until someone else offers this gift of care.

## **Research objective and question**

The primary objective of this thesis is to investigate the construction of citizenship for orphans especially those with no lawful lineage. It also investigates the ways in which this citizenship status affects their lives in the Jordanian context. Therefore, this project contributes to development studies through investigating social policies regarding orphaned youth citizenship in the Jordanian, Arab, and Islamic contexts.

Relating to this objective, my primary research question asks **'How is citizenship status of orphaned youth in Jordan constructed and enacted?'** while my sub questions are:

- 1. How is citizenship and nationhood of orphans constructed in the legal field?**
- 2. How do orphans enact their citizenship in the social field? How does that interact with gender issues?**

### **3. What is the role of the civil society field and its organizations in endowing orphans' citizenship status?**

After reviewing and situating this research within existing literature in the next chapter, the remaining chapters of this thesis will answer these questions sequentially in order to feed in the main research question.

## **Research context and problematic**

In any year, claims Ibrahim and Howe (2011), Jordan has 800-1100 children spread on 32 orphanages around the country. Inside orphanages, explains Abu Tok (2009), children experience great amounts of distress and neglect. Their health services are not efficiently provided, they get various degrees of education but mostly only primary and secondary levels. The low quality of education orphans receive in general, coupled with the bad situation of care and upbringing in orphanages result in youth who are disadvantaged and vulnerable. Claims had been made by some orphans that they have also been sexually assaulted and abused inside orphanages (JNC 2013).

Care institutions in Jordan assume no responsibility for orphans after they turn 18. They are expected to shift from a status of full dependency on the state to a status of complete independency in a very short time. In their transition, Jordanian orphans are positioned within structures of family relations (or the lack of them) as well as market relations. Wallace and Jones (1992) as well as Cardon (1997) discuss youth as a transitional category and link it to shifts from education to the labour market; from being financially and personally dependant on family and care, to being independent in one's own right. In this understanding, the transition of orphan youth to full adulthood is not a matter of age, but a matter of acquiring a certain legal and social status. This view is totally absent from the rationale of the care system in Jordan. In his interview Rami reflected on that saying:

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

Osgood et al. (2010) expand the discussion about this transition in relation to youth leaving care institutions. They argue that as hard as it is on youth who have the support of their families to transit from dependency to independency, it is much harder on youth in care institutions as they age out to find themselves required to be completely independent. The care system assumes that this transition is straightforward, easy and normal. It does not recognize difficulties faced by youth as this transition period becomes long and complex. Aging out of orphanages at the age of

18, the youth report that they become homeless in most cases. Some youth manage to rent small places as groups of either men or women. The dependency and agency attached to reaching adulthood is not real for the orphans in Jordan. Instead of being in a situation where they have more social capital than ever, they age out into a status of homelessness and loneliness.

When it comes to girl-orphans, the context is more complicated. Two possible scenarios apply to girl orphans. The first is for the orphanage administration to marry the girl off to non-Jordanian nationals. This is because Jordanians usually get married within big families known for their status, honour and good reputation. The second scenario is for the girls to age out of the orphanage and end up on streets. If they do not find jobs, they turn to work in the sex industry. This is highly frowned upon in Jordan which increases their stigma. Moreover, if the female orphan becomes pregnant outside wed-lock, the cycle of no lawful lineage repeats itself.

Direct action was the course the youth adopted in bringing their case to the public eye. Responding to what they felt a violation of their rights in a respectful identity and citizenship, a group of orphans who aged out of orphanages have brought their case to the public eye starting in 2010. Their emergence as a group who demand their rights created a controversy that is still debated now. Members of the group who used to mobilize for these series of demonstrations and media appearances occupied a square in Amman for two weeks before being forced out and dispersed by the police. They demanded better conditions inside orphanages, jobs, subsidized accommodation, health insurance, and citizenship rights that are equal to other Jordanians. This served as the beginning of my inquiry in this subject.

The problematic of this research is that the formal discourse in Jordan claims equal rights and citizenship status to everyone. However, in reality, legal, social and political structures foster a citizenship that is based on notions of the patrilineal patriarchal family within connective social relations to kin group, which is the exact opposite of what orphans experience (lacking family's support and shouldering exclusion). The failing Kafalah of the state and the patriarchal and patrilineal nature of state and society put orphans in a situation of discrimination, dependency, and powerlessness, while at the same time not allowing real change of power relations within these structures.

### ***Al-Aman Fund for the Future of Orphans***

In order to analyse the connections of orphans to civil society in Jordan, the reader is herein presented with the role of Al-Aman Fund for the Future of Orphans. The Fund is the only Civil Society organization in Jordan that aims solely at providing for orphans of all categories after the

age of 18. Al-Aman Fund is a Royal Non-Governmental Organization (RONGO) that was initiated by Queen Rania of Jordan in 2006 to ‘provide orphaned youth with a better future’<sup>2</sup>. They target orphans who have received care and resided in Jordanian orphanages all or for parts of their childhood. Support is also extended to orphans who live in poverty with a guardian or an immediate relative, lost both or one parent, and who resided in orphanages for more than one year. Al-Aman Fund is supported by donations and provides services in five areas. Support schemes include educational scholarships, living expenses, counselling services, apprenticeship and employment training as well as medical insurance. Youth interviewed for this research benefited at some point in their lives from Al-Aman Fund. Some of them received education scholarships for college and university while others attended various capacity building workshops and courses. After finishing their education, three months of living and accommodation expenses are extended to beneficiaries of the Fund within which they are required to secure a job and depend on themselves entirely.

## **Fieldwork: Ethnography and Qualitative Methods**

This project was conducted using an ethnographic approach. I have used a review of existent literature, informal conversations, documents from various sources, and participant observation to gather data. I have theoretically engaged with various concepts before starting fieldwork and these concepts acted as ‘sensitizing concepts’ providing a general sense of reference and guidance in approaching empirical cases and data (Bryman 2004). Ethnography was chosen because the aim was to understand the experiences of orphans in depth and shed light on their life with its own norms, social relations and social perspectives (O’Leary 2010).

I have chosen to use unstructured interviews which allowed me to take the conversation with youth participants in various directions according to their story and case. I have chosen qualitative methods dependent on meeting and talking to build trust and rapport with members of the group. Another consideration is that some of the youth have little or no education so they would not have been comfortable dealing with written text. I have conducted fourteen unstructured interviews with officials, experts, and youth. Two officials were interviewed; Mr. Malek Khassawneh, the Public Relations Officer in the Civil Status and Passports Department was interviewed to get a detailed account of the registration of children with no lawful lineage. Mr. Ma'moun Al-Qudah, Director of Services and Programs in Al-Aman Fund for the Future of Orphans was interviewed as well. Through him, I was introduced to the services provided by Al-Aman Fund to orphans of all categories. He also acted as my point of access to a group of orphans who benefit from the

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<sup>2</sup> As quoted in the Organization’s promotional brochure.

Fund's services. Moreover, three lawyers specialised in Islamic and family law were interviewed. Through them, I gained a better understanding of the way the law deals with cases of lineage, to better analyse the legal part of this research. I got introduced to the officials and the lawyers through personal and professional contacts.

### ***Data collection and Sampling***

The data collection took place in July and August 2013 during the month of Ramadan (The month of fasting for the Islamic World). Interviews with youth mounted to eleven sessions in which I have heard from fourteen youth; nine males and five females. Most Interviews took place in the headquarters of Al-Hikma Law Offices in Amman that were chosen for convenience. One of the lawyers I have interviewed offered me to use her office for my interviews. This seemed like the best option, taking into account that public offices and organisations have very short working hours in Ramadan. A private office also provided the privacy needed for such interviews but it remained a culturally acceptable place for male participants to meet with a female researcher. I have gained permission from officials and experts to use their real names, while youth's names that feature in this thesis are either their real names that they allowed me to use, or aliases that they chose themselves.

Interviews with male participants took place in the presence of a third person (sometimes my father, other times one of the lawyers partners in the office) for culturally sensitive reasons. For the same reason, I believe, three interviews with male respondents included more than one youth. They would come to the office and bring a friend with them. That served the research further as I had the chance to hear from both youth. All females were interviewed in complete privacy. The group I ended up gathering data from was composed of youth from the main three categories of orphans mentioned above. After being introduced to a group of youth by Al-Aman Fund, sampling took the form of a snow ball effect where I would ask the youth to direct me to others who would be of help in this project.

### ***Data Analysis***

Analysis of the data gathered was inductive and followed the norms and techniques in Qualitative Data Analysis including coding, thematic analysis of concepts, and emergent relationships between them. I used interview reports, documents I was provided with, and notes from my observations to extract findings related to various themes. The first theme was the theme on the legal rights and citizenship of orphans. Data in this cluster came from interviews with officials, lawyers, and some reflections by youth on their legal status in interviews. The second theme that emerged was related to how the youth experienced and enacted their legal and social citizenship. This was mostly drawn from direct interviews.

The role of Al-Aman Fund in the experience of orphans and the overall politics of civil society and NGO sector in Jordan was the third theme that emerged from the data. This theme was fed by the interview with the leadership in Al-Aman Fund, interviews with youth, and notes from my observations.

## **Reflections: How I saw, how I was seen**

I am a Jordanian female born and raised in Jordan till I was 18 years old. I come from a tribal family in the East Bank of Jordan River (what is now within the borders of Jordan) as opposed to West Bank families from a Palestinian origin. I spent my higher education years in England and achieved a BA Degree in Sociology. I returned to Jordan and worked in the NGO sector in Amman before commencing this MA Degree.

Throughout this research I tried to reflect on my biases regarding the issues I am researching. Perceiving people with unknown lineage with distrust is the reality of the Jordanian society, a reality that I tried to fight within me. I tried, also, to escape the perception that women are subordinate to men and have a thinner citizenship and less freedom. This was apparent in the setting of my interviews as I had to conduct interviews with male participants in the presence of a third person. This made me realise that I'm critiquing and analysing a phenomena that I myself is a part of which helped me better contextualise my analysis and thinking.

Moreover, I have tried to be aware of the perceptions of youth towards me. Youth's perception of me as a female affected the way they talked to me and the words they used. Male participants used the most polite and politically correct terms in talking about taboos and stigma. The opposite happened with female participants who talked in more slang in the private interviews we had.

As a Jordanian born to a tribal family, I was aware that I have been perceived as a person with power. I noticed that as soon as knowing my name the youth would know that I'm privileged to have enjoyed the power of a family name. This was obvious in how they used the example of me versus them in trying to explain situations that they face because of their disadvantaged status. They would use my example to depict a person with access and power in contrasting images to their degree of power and access.

Upon knowing that I study abroad and that I'm writing this research in English, some youth expressed that I don't know how the society in Jordan functions, and I can't relate to their experience. In certain cases, this perception frustrated some youth as they could not explain the con-



text to me. This made me more aware of the differences I had with them and pushed me to empathize more, trying to understand issues from their perspective. It made me ask deeper questions and not explain things according to my own perceptions. In these cases, difference worked to my favour as it allowed me to ask and enquire about taken-for-granted issues.

I was also perceived as an expert by youth who were about to enter the NGO sector and found an association because I worked for a well-known national NGO. Sometimes I felt that they were intimidated upon knowing the position I held. However, most of the time I felt that they trusted that I knew what they were referring to when talking about difficulties they face in accessing the NGO sector and civil society in general.

## Chapter 2 : Framing the research

### Analytical tools: Social Reflexivity Theory

In trying to understand and analyse the situation and reality of orphans and youth with no lawful lineage in Jordan, Bourdieu's theory on social reflexivity will be used including his concepts of Habitus, Capital, and Field. Calhoun et al. (1993) explain that Habitus is the socialized norms and tendencies that guide behaviour, thinking and practice. In this sense, Bourdieu theorizes the agency of individuals and their practices as constituting as well constituted by social structures. So, habitus emerges as the capacity for structured improvisation or the intersection between structure and action, society and the individual. Kwenda (2009) explains further that Habitus could be understood as the set of dispositions leading to practices and perceptions that come from a long process of enculturation to the degree that these dispositions become a second nature, nearly not thought of or conscious. In this sense habitus influences choices and opportunities available to the social agent by putting and removing boundaries and spaces for choice and action.

The Field in Bourdieu's theorizing is the social milieu in which agents take their positions and are positioned by structures of that field. Each field is semi-autonomous and categorized by specific agents. For example, the legal system could be considered as a field in which, law-makers, judges, lawyers, people with law cases and prisoners are agents with various degrees of agency, power, and various locations compared to each other. Within each field there exist struggles over power, position, and capital. The position, agency and power of agents within the field, depend on the capital of agents (Calhoun et al. 1993).

Capital is viewed as a form of power, a set of privileges, positions, and material richness that is given importance by the habitus in a special field. In the mediation between individual and society, capital plays a big role. On one hand, society is structured by a specific distribution of power and capital. On the other hand, individuals seek to maximize their capital, power and benefits given their relational position in a specific field. So when agents accumulate capital they end up with a set of social trajectory and life chances that, in turn, serve to reproduce class distinctions and power structures within fields and amongst them.

Two further standpoints in Bourdieu's theory are relevant to this project; his stance on the nature of agency that agents have in a field, and his theorization of social reproduction of habitus and structures vis-à-vis transformation by collective action.

Unlike rational choice theories that view social agents as calculating individuals, free in their choices and driven by economic interest, Bourdieu views agents in a specific field as constantly in the middle ground between free will and pursued interest on one hand, and constraints of social structures and what their position yields of power on the other. That is why, argues Bourdieu, structures are reproduced as the result of actor's agency or the lack of it, while in the same time their agency is constituted by these structures. Therefore, reproduction of social order and structures in fields are not solely the result of conscious agent's will, nor is it the result of external structures beyond the reach of agents' will. It is the result of what people did even if their goal or intension was not reproduction. Agents do not see their action as one choice within all possibilities exactly because they do not see or comprehend all possibilities available for their decision and action. In that sense, the habitus is the source of these actions possible to agents that can be regarded as strategies although they are not necessarily the outcome of strategic calculated thinking. Bourdieu emphasized the practical mastery of agents in their own fields and compared it to a game in which the rules become second-nature. The mere fact that the game is playing and agents are following a certain habitus within certain powers they use, the social structures are reproduced and power relations are not changed.

This leads to a brief discussion of how Bourdieu viewed transformation in societies. Unlike theorists who view collective action resulting in change in structures as a break from social norms and habitus, Bourdieu argued that crucial change happens within the constraints of the same habitus. Revolutions for example did not mark a break with the habitus but were based on it even though it broke the pattern of stable reproduction of the power relations. In this understanding of change, maintaining the *status quo* becomes a matter of constructing a system and a structure that keeps power relations in check. This construction of a system is continued and intended. Bourdieu stresses:

“Once a system of mechanisms has been constituted capable of objectively ensuring the reproduction of the established order by its own motion [...] the dominant class have only to let the system they dominate take its own course in order to exercise their domination; but until such system exists, they have to work directly to produce and reproduce conditions of domination”

-Bourdieu, cited in Calhoun (1993:76)

In short, what Bourdieu is presenting is a theory of social reflexivity in which habitus, capital and agents interact in a specific field within its structures. This frame can be used to better understand the agency and power of orphaned youth that are shaped by their citizenship status in various fields. It will also serve to analyse how youth enact their citizenship status in terms of rights, sense of belonging, and the spaces available for their participation in civil society.

## Citizenship

Citizenship is theorized in many ways depending on the social and political landscape of regions and countries that, in turn, is the result of a specific history and nation and state-building projects. Isin and Wood (1999) explain how citizenship can be viewed as both a status and practice. It constitutes a set of rights and duties (political, civil and social) as well as a set of practices (cultural, symbolic and economic). Practicing and enacting citizenship depends on the rights that one is given and the duties expected from them. In the same terrain, a lot of rights start as practices within structures and then get embedded in laws. Therefore, citizenship is both a legal and a sociological concept that expresses the relationship between legal rights and the social practices within specific social structures. In this chapter, concepts relating to youth citizenship and how it is theorized in general and particularly in the Middle East will be discussed.

## Youth citizenship

Beauvias et al. (2001) argue that youth citizenship status is precarious because sometimes they are treated as adults, and sometimes the terms for children apply to them. This state of in-betweenness creates a relationship with the state that is incomplete and hard to define especially that the category 'youth' itself is being reconstructed and prolonged. The authors take citizenship to encompass three dimensions. First, the dimension of rights and responsibilities; second, the dimension of access; and third, feeling of belonging. These dimensions are those around which the analysis of data for this project will be organized. Manning and Ryan (2004) theorize youth citizenship in a similar terrain by explaining that it can be regarded in two ways; the legal narrow sense of rights and responsibilities, and the broader sense of participation, access and involvement in the political, social and economic fields. In that sense some aspects of citizenship are applied to the individual and other aspects concern the collective, and relations stemming from social actions and structures.

Another way youth citizenship status could be looked at is in the theorizing of Tilly (1995) who views the relationship between the individual and the state as continuum and not as a uniformed category. Citizenship ranges from a thin citizenship (that entails few transactions and rights and obligation in relations to the state), to a thick citizenship (that entails a big share of rights, obligations and transactions sustained in relation to the state). This view of citizenship, argues Amawi (2000), is useful in understanding patriarchal states and societies, where citizenship is relational and connective. However, before discussing theories about Citizenship in the Arab World, some concepts need to be defined and explained; patrilineality, and connectivity, as well as a brief discussion on the importance of families in the Jordanian society, that would set citizenship theories in the Arab World in context.

## **Sources of social capital: Patrilineality and Connectivity**

Patrilineality is defined by Joseph (1999) as “kinship descend through the father’s lineage” (ibid: 2). In Arab societies, patrilineality is intertwined with patriarchy and affects aspects of citizenship of various groups. In the West, claims Joseph (1999), patriarchy is defined as the domination of male to female by virtue of being a male. In societies that depend on membership in kin groups for power and access, patriarchy develops a sub-structure that assumes domination for males by virtue of being a father and an elder kin; patrilineality. In short, patrilineality is patriarchy that is based on kinship. As patriarchy is based on kinship, it is transformed to all spheres of social and political life because social and political lives are based on membership in kin groups as well (Joseph 1996). Patrilineality is a key frame for this project because membership in kin group, religious group and national group through nationality comes from the side of the father. This membership itself gives the person access, power, and a sense of belonging within society, social relations, and in relation to the state (ibid).

Identity in Arab societies is not seen as an individual matter, it is constructed in relation to tribal and kin-based communities (Rosen 2006, Layne 1994). “The idea of self as unity rather than potentially fractionable is central to Arab concepts of personhood, moral worth, and social place” (Rosen 2006: 7). This relates to what Joseph (1993) terms ‘connectivity’. She defines it as social relationships “in which boundaries are relatively fluid so that persons feel a part of significant others” (ibid: 452). Social relations are embedded in local forms of patriarchy that are based on being part and parcel of a bigger kin group. Being part of kin group, a person becomes responsible not only for the wellbeing, power and status of themselves but those of the whole kin group. The fault of a person seizes to be an individual fault, but a fault that is ascribed to the whole family or tribe (Ibrahim and Howe 2011, Amawi 2007). In the same logic, an honourable act by the individual who belongs to a certain kin group is taken to represent the whole group. Because Arab societies are characterized by high connectivity, tribes and families come to acquire power, and act as a source of capital to their members.

## **Sources of social capital: Families and Tribes**

This leads to briefly discussing the nature of kin groups in Jordan. Layne (1994) describes tribes in Jordan as a mosaic with each tribe having its own way of life, boundaries and history while it contributes to the national picture along with other tribes and groups. Another analogy used in literature is the segmentary triangle that shows the lineages of each tribe and group classifying which tribes and families extend from others. Both models assume that being born in a specific group denotes your relationship to other groups and to the state. This affects how people

perceive of their nationality and citizenship which constitute their relation to the state. Layne (1994) argues that although these metaphors help in understanding the overall picture of tribes in Jordan, they undermine the fluidity between various tribes and groups and the dynamics of who belongs and does not belong to the Jordanian nation.

Kaplan (1980) observes that to be considered a true Jordanian one has to be “tribally organized and oriented” (ibid: 53). However exclusionary this term is, it is also not clear and ambiguous especially in the light of the tribal custom of ‘brothering’ other tribes and the special relation Jordan shared with Palestine.<sup>3</sup> A lot of the tribes on either the west or east bank of the Jordan River had ‘brothered’ each other and offered protection and support for social and economic reasons. For example, in order to facilitate the trade in some area between the two banks, the stronger tribe would offer the other tribe agreement of brotherhood in which they are considered as one and they have the right for the other tribe’s support, protection, and solidarity (Layne 1994). This shows how the Jordanian imagination of nation and state, as well as social relations and economic access and power, revolve around membership and association with kin groups. As mentioned above, membership in the kin group and nation is necessarily patrilineal which puts the access, power, and belonging of orphans and youth with no lawful lineage in a place of ambiguity.

Amawi (2007) shows how the tribal structure in Jordan serves a certain role in organizing social, religious and political roles. They set boundaries by which individuals make a distinction of who belongs and who does not. They also help recognize affiliations and loyalties. Moreover, the structure helps define social obligations inside and outside tribes. Although the Jordanian society is modernizing and moving towards more urbanization, the citizenship system constructed is still reproducing these relations of power within a collective structure. Tribal loyalty and membership in kin groups continue to fulfil the needs of Jordanians in a way that the state does not. They cater for material interest, security needs, safety, a feeling of belonging and fulfilment of identity. Examples of this include the system of mediation that is so widespread in Jordan. Within such a system, powerful individuals are able to use their resources to fulfil the needs, and support others of their kin group. These structures are reproduced within the whole system and reinforced through socialization and upbringing (ibid).

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<sup>3</sup> Before the occupation of Palestine and the establishment of the State of Israel in 1948, both East and West banks of Jordan River were joined to form the Hashemite Kingdom of Jordan. After 1948, this union ended, but the population of the West bank that took refuge in the East had the right to a Jordanian nationality.

This highlights the importance of names in patrilineal societies. Names in this context do not only create boundaries of who belongs (Davies 2011), but also carry the legacy of being part of a certain kin group. A surname is not an individual form of identity, but as all constructions of identity in Arab societies, it is embedded in collective understandings of the self, as well as ascribed power, access and belonging (Joseph 1999).

## **Citizenship in the Arab World**

Theories of citizenship in the Arab World have to be contextualized within broader understandings of the meanings of belonging, and in the historical events and conceptualizations of nationhood and family. Parolin (2009) deconstructs modern Arab citizenship to three kinds of membership. First is the membership of kin group or tribe; second is the membership of religious group; and third is the membership to a nation state and acquiring civil rights. She argues that all three had converged together to create social cohesion as experienced now in these societies. This is fundamentally different from the kind of citizenship that results in social cohesion in the West (for example White 2003 in the context of Canada) that is based primarily on individual as legal subject vis-à-vis the state. Joseph (2000) and Amawi (2000) argue that structures of these forms of membership mentioned above were constructed in ways that favoured men and weakened the citizenship of women.

Citizenship in Arab countries is theorized with relation to patriarchy, patrilineality and collective identity (Joseph 2000). Therefore, some groups who are not privileged within these structures have thin citizenship compared to others. Amawi (2000) and Joseph (2000) agree with Parolin (2009) that women's citizenship is a thin citizenship that rests on the patriarchal family headed by a man, and not the individual, as the main unit in society. Within this structure, men (as heads of families) are full citizens in their relations to the state, while women are subordinated within the family and forced into a patriarchal structure in their relationship to the state. Moreover, the family structure and citizenship relations based on family and kinship are naturalized by the state and religion. In both nation-building and religious discourses, the family shows as a pre-political category, something that is idealised and of the divine. Moreover, the placement of family law in Islamic law further sanctifies the family domain as patriarchal (ibid).

All literature theorizing citizenship in the Arab World agree that because citizenship is patrilineal and patriarchal, it results in legal and social structures in which women are subordinated and have a thinner relationship to the state and civil society. However, this same context affects the citizenship status and practices of orphans and people with no lawful lineage. While the thin citizenship of women comes from their constructed subordinate place in families, the thin citizenship of orphans and

people with no lawful lineage stems from not having a family at all. Orphans in Jordan are expected to survive and thrive within citizenship structures that assume the centrality of family while they are not part of families. This project takes it on itself to extend the arguments made by the literature above regarding the citizenship of women, and show how the citizenship of orphans is constructed and affected by patriarchal and patrilineal structures in the legal, social, and civil society fields.



## Chapter 3 : The Legal Field

Constructions of citizenship are highly dependent on legal rights. Laws that define citizenship and nationality rights are the first step in the construction of one's national identity. Orphans with no lawful lineage are the subgroup whose citizenship is mostly affected by laws in Jordan. The aim of this chapter is to discuss the laws that deal with and frame the citizenship status of orphaned youth especially those with no lawful lineage. It also sheds light on laws that affect the rights of female orphans.

### Nationality

Two laws in Jordan deal with the issue of lawful lineage. The first is the Nationality Law and the second is the Civil Status Law. Jordanian Nationality Law number 6 for the year 1954 stipulates that nationality can be granted to anyone born to a father holding Jordanian nationality; anyone born in Jordan to a mother holding Jordanian Nationality and to a father whose citizenship is unknown, or who is stateless, or whose paternity has not been legally established; anyone born in Jordan to unknown parents considering that any foundling that has been found in Jordan is deemed to have been born there. Children with no lawful lineage are considered foundlings and they have the right to the Jordanian nationality. However, when it comes to practicality of the registration of these children, their nationality and citizenship rights are made different from other Jordanians.

### Discriminatory registration process

Civil Status Law deals with the registration of children with no lawful lineage in various articles. Article 19.B stipulates that whoever has found a child whose parents are not known has the responsibility to hand him/her to the police, who in turn will leave the issue in the hand of the Ministry of Social Development. The Ministry sends a letter to the Civil Status and Passports Department to register the child. Three cases are identified in the law in which the child is registered with no lawful lineage. First, is the case of a foundling who no one claims, second is when the child is born from incest, and third, adultery on part of a married woman that results in pregnancy.

### *Family names*

Upon registration, the child is given four names; his first name, followed by the father's name, the grandfather's name, and then a family name. These four names will be chosen randomly by the registrar, with the family name appearing as a normal noun. Family names in the Arabic language don't take the form of first names. They have suffixes or prefixes meaning 'house of' or 'tribe of'. Thus, having a family name that looks

like a first name is distinguishable. This creates a lot of problems for youth when they age out of orphanages. This whole process is patrilineal and based on the assumption that one has to be part of a family. That is why orphans with no lawful lineage find themselves at odds with society and unable to fit. Rania expressed the importance of family name:

“It makes life a bit easier. We live in a tribal society. They would ask you: whose daughter are you? Where is your family from? These are not nosy people. This is just making polite conversation. No one even gives a thought to the possibility that you don’t have a family name or you don’t know your origin”

Ishaque (2008), writing in favour of Kafalah not allowing the transfer of surnames to fostered children, defends the right of orphans in having their lawful father’s surnames. He also argues that knowing one’s lawful lineage and origin without the deceit of closed adoption supports the child’s right to a truthful identity. However, youth interviewed did not care about their origins or who their true parents were. They seemed more keen on getting a family name, wherever that comes from. Riham, when asked about whether she really wants to know her real family, said “Not really. I only need any family name. I don’t care about my family who left me”. Salim refused to search for his family. He showed disgust while saying; “I would not go back and search for my parents. This is stupid. I have created my life and I’m living it my way, why would I go back and make my parents my responsibility or my problem?”.

Males interviewed talked about their lost families as a reliability they don’t want in their lives now. Most of them, although wishing for a family name, expressed more power and determination to create their own families. They were aware of their privileged status as men who have the power to pass on their family names. However, females expressed the need for a family in order to fit in and gain power. This shows how the patrilineal and patriarchal habitus and structures of the legal field in Jordan play on the citizenship of women and makes them in need to fit in patriarchal families.

### ***Distinguishable national numbers***

Youth with no lawful lineage get passports and identity cards like all Jordanians but their documents have a distinguishable national number that starts with the prefix ‘2000’. The Civil Status and Passports Department denied this fact all together and assured me that their national numbers are like all Jordanians starting with the year of birth. However, most youth I have interviewed who don’t have lawful lineage showed me their ID cards with the national number starting with ‘2000’. This lack of transparency on the part of the state is adding to the problem and giving the impression that they have things to hide. Al’aa, who led the demonstrations to ask for numbers to be changed, reflected on the daily experiences orphans face for having a different national number:

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

The disadvantage orphans face is in the meaning of the contents of their documents. Not having a family name and being issued a distinguishable national number undermines the sense of belonging these youth have because the legal field uses patrilineality as basis for capital and rights.

## **Female orphans with no lawful lineage**

The literature discussed above makes a case for the legal field in Jordan being patriarchal and gendered. Amawi (2000) and Joseph (2000) in particular argue that the legal subject in Jordan is made to be a man in his capacity as a head of a family. In the absence of a direct relationship to the state, women in Jordan gain some capital and power from being in their imagined place within a family. This is what female orphans don't enjoy on top of the discrimination by the law that affects all Jordanian women. This section will argue that the legal subject vis-à-vis the state is not only a patriarch male, but also a person within a family. Therefore, not having a family thins the citizenship status of orphaned females further. In making this argument clear, I will be discussing the issue of family registry book as well as some aspects of Jordanian family law.

### ***Family Registry Book***

Amawi (2000) explains the family registry book is a document given to the male head of the family on which all members of that family are listed. This document is required in most formal processes and procedures. Females are included either in the family book of their fathers (before marriage), or their husbands. As a way of going around the fact that children with no lawful lineage are not registered to their fathers' names, they are issued a separate family registry book since their registration, whether they are male or female. For males, this is normal and they grow up owning this document as any other male would. Female orphans with no lawful lineage, unlike other Jordanian females, have this book which is considered a deviation from the norm.

When I discovered this fact in the field, I felt positively about it as a way of making female orphans' relationship to the state direct without male mediation. However, while interviewing females with no lawful lineage, most of them perceived such a regulation negatively. They expressed that it brings them shame and intensifies their stigma as women with no support of a family or kin. Rula held her family book in front of

me in disdain and said: “It doesn’t make it easier to deal with formalities. On the contrary, it makes it only more obvious that I’m different because normal girls don’t have family books”. These young females feel over-powered by the structures that are patriarchal to the extent that they yearn to fit in them in order to be accepted and not stigmatized. What is seen from outside as an empowering regulation in law, is seen by these young women as something that takes away their power and capital. This is based on the construction of sources of capital and power available to females; in this case, being part of a family and her citizenship rights mediated by a man.

### ***More patrilineal laws affecting female orphans***

Two aspects in Jordanian laws are related to this discussion. First, the fact that Family Law, based on Islamic Law, treats children as the property of the father’s family. Mothers are considered custodians while fathers are seen as guardians. Mothers are given the duty of physical care and upbringing, while fathers (or closest male relatives to the father if he is absent) are given the authority in financial affairs, education, travel, and marriage for females. This shows how supremacy is given to lawful lineage on the father's side as a basis for nearly all rights (Welchman 2007, Kamran 2007). This law takes away the ability of mothers to take life-altering decisions on their children’s behalf.

Second, as discussed above, the Nationality Law does not allow Jordanian females to pass on their nationality to their children. As female orphans are usually married off to foreign men in search for easy and cheap marriage, they are in a situation where their children can be taken away from them at any moment or in the case of divorce. An example of this was Farida who has three children that are now outside Jordan because her Sudanese husband divorced her, and left the country with his Sudanese children. This is a situation that every woman in Jordan who is married to a foreigner risks. However, in the case of a woman coming from a big and powerful family, the husband will be more reluctant to flee with the children as he will be accountable to the family of his wife. In the case of orphan females, this pressure coming from the female’s family is not there. Farida’s husband of ten years used to tell her: “If I kill you and bury you here in the ground, no one will ask about you or even know about you. You don't have any support, so shut up and do as I wish!” She continued:

“I don't have a father to stand by me; I don't have a brother to scare my husband and hold him responsible. We are seen as less of humans because we don't have this male back-up. They don't respect us”.

Female orphans who are not married also expressed their awareness and fear of laws that rob them of their agency and power. They expressed

their intent not to get married as they won't be treated well. Rania offered:

"If you get married into a family and they know you don't have one, they would abuse you and not treat you well and you can't say a word. Because they know whatever they do, you don't have a family to defend you and the law is not on your side"

The collection of laws that govern the lives of orphans and youth with no lawful lineage intertwine to create a legal field with a patrilineal and patriarchal structure in which capital is in the hand of agents who are part of a family. The legal field pre-assumes the existence of a patriarchal family embedded within religious and cultural conceptions. Laws are "very important public statement about how power-holders in each state order relations between men and women, and how they believe the ideal family should be constituted" (Rabo 1996: 159). While for male orphans, the lack of legal rights stops at the stage of no family names and distinguished national numbers, female orphans' deprivation of rights is added to the already unequal rights of all women in Jordan. With all its faults, the patriarchal family has managed to secure some agency and power to females who are part of it. However, female orphans don't enjoy the few needs secured to females by patriarchal families like security, and accountability towards their husbands' families. At the same time, the law does not cater for their rights and needs so they end up the most discriminated against. Youth with no lawful lineage are stigmatized for not being part of families, while being part of a family is the very notion Jordanian Citizenship assumes (Amawi 2000 and Rabo 1996). Females of no lawful lineage bear the extra burden of gendered citizenship rights and a patriarchal society.

## Chapter 4 : The Social Field

Full citizenship for youth is dependent not only on rights, but on opportunities and access to political and social institutions, being part of civil society, and feeling that one belongs to the national and local community. This in turn is dependent on key elements that have to play together in a certain context, namely, independence and equality. If independence and equality characterize the fields in which youth enact their citizenship, their citizenship status will be elevated and secured (Beauvias et al. 2001). As mentioned above, orphans aging out of care in Jordan don't have a meaningful independence. Their independence is actually a state of increased burdens and disorientation in a hostile society. If we regard equality when it comes to the citizenship of orphans, those with no lawful lineage are the most affected and their rights violated.

Intertwined with laws are social factors that shape how orphaned youth in Jordan enact their citizenship. The day orphans turn 18 years old they are handed out into a society with social structures and moral habitus that further lessens their access, power and sense of belonging. This chapter will start by showing how perceptions of orphanhood in society, that also constitute part of the orphans' habitus, shape and constrain their access to the market and a meaningful social life. The discussion will move to show how this habitus they internalise shapes their perceptions of their newly-given agency and freedom, and how that interacts with gender-related notions. The third part of this chapter will show how the constructions of orphans' citizenship conditions them into practices aimed at increasing their social capital, but end up reproducing their disadvantage. The last part of this chapter will deal with how orphans feel in terms of belonging to their society and community, and what ramifications that has on their enactment of social citizenship.

### Perceptions of orphanhood

From the data gathered a set of constructions of orphanhood surfaced that forces orphans into certain mind-sets and actions. The fact that the orphans interviewed were aware of these perceptions indicates that it affects how they negotiate what social capital is available to them and use it to secure entitlements and increase their power to survive. These perceptions fall into the following four streams.

#### *Deserving of pity and charity*

During my interview with Omar, he was not pleased with the way society viewed orphans, he explained:

"Religious discourses have constructed orphans as people that should be looked after and helped and pitied. If an orphan child did something wrong, we excuse him and forgive him because, 'oh

pity, he is an orphan'. This perception that they are helpless and powerless needs to change."

Farah, who comes from a broken family and had lived with her aunt, reports the same attitude even from her extended family and community. She complained: "My aunt would tell people to be charitable towards me, give me their old stuff". In line with what Welchman (2007) and Bargach (2002) discuss, this perception does not strike me as surprising because the instituted system of care for orphans (Kafalah) is theorised and practiced as a gift, a way to be charitable towards the community and the nation.

### ***Helpless with no support of family***

Everyone I interviewed enforced the idea that families are a source of social capital and power in the Jordanian society. The youth talked about families and tribes as a structure that allows personal support, as well as more power on the wider political and social arenas through contacts, and the system of mediation (Amawi 2007). Omar offered his thoughts about the construction of tribes and their power in Jordan:

"Tribes were meant to be a social construct in society to organise the social life and organise relationships between people. Our problem in Jordan is that we have allowed this social organisation system to penetrate the political sphere and from there control the economic sphere. That is why we have tribes' representatives running for elections, and that is why being from a tribe gives you power politically and economically."

The manifestation of such power and access was seen as invested in the tribe name that is held as a family name. When asked why it is important to her to hold a family name, Rula said: "I like to be treated with respect, not with pity or people to think they can take advantage of me just because I don't have a lineage".

### ***Vessels of shame***

While orphans with lawful lineage and those from broken families received more pity, orphans with no lawful lineage face more stigma as vessels of shame and the fruit of their parents' misconduct. This view starts from how the state regards people with no lawful lineage. One of the documents I was provided with is an essay by the Civil Status and Passports Department. It explains the dimensions of the issue and talks about the laws that deal with lawful lineage. The document clearly identifies the existence of such a group as a 'problem' that is 'tearing the tissues of social cohesion and defying morality'. One of the solutions to this problem, according to the document, was 'to further-solidify the concept of lawful family and enforce more control on families and individuals'.

Throughout my fieldwork, everyone who was not sympathetic to the struggles of orphaned youth hid behind religious values and morality. Orphans with no lawful lineage are seen as the embodiment of a change in the structure of the ideal family that does not conform to religious values coded in laws. Rula touched on the subject: "People make you feel as if you're a walking disease. Maybe I remind them of what they don't want to know exists in our society. I want to be seen in a better way, not as if I did something wrong".

Ibrahim and Howe (2011) and Amawi (2007) show how 'connectivity' characterizes the Jordanian society in a way that the good deeds as well as the bad deeds of a kin-group member represent the whole group. This does not help the case of youth with no lawful lineage as their perceived stigma is taken to threaten the honour of their biological families and bigger tribes. Ammar discovered that he doesn't have lawful lineage after being raised in a family. His adoption was illegally fabricated so he received the family name of his foster father. After his foster parents died his extended family disclosed his fabricated adoption and denied him inheritance on basis of no lineage. He shared what they think of him now:

"They say that I pollute the name of their family. These are the people who knew my story all my life, now they say I am a disgrace. I know it's all for [inheritance] money and they don't care about the name of the family".

Riham tried to look for her biological parents after aging out. She explains:

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

### ***Females: repeaters of sin***

Female orphans age out into a society that does not uphold social responsibility towards them because they are not part of families. Some engage in prostitution as a result. However, this perception is extended to all female orphans especially those who don't have extended family or lineage. They are perceived as if they don't have anything to lose or bring shame to if they worked as prostitutes. This, again, fits in the discourse about the right place for a female and the physical controlling of women in the Jordanian society. This perception runs in state discourses as well as in the assumptions of Al-Aman Fund for the Future of Orphans. When interviewing the official from Al-Aman Fund, he seemed aware of such perceptions. I asked him if they employ special measures when it came to girls' accommodation. He replied:

"We worry more about girls. We don't let girls live in shared apartments because it's frowned upon socially for a girl to live with no family. We rent them rooms in private hostels so they would be



in an all-female community. In these hostels they have more control mechanisms and we can impose more discipline on them. For example, at a certain point at night, the hostels close up and the girls can't go out. We feel that this is more appropriate for a girl. We depend on the rules of the dorms to keep these girls protected and controlled”.

No one seems to have taken the mission of changing these perceptions about orphans. What is being extended towards the orphans is help that is based on charity that reinforces the perceptions discussed above. These perceptions form part of the habitus of orphaned youth and interact with their capital to determine a certain position for them and allow them to enact their citizenship status in a certain way. Access to various venues, relations, and sources of capital is one dimension of the citizenship of orphans affected by the above discussed perceptions, and the construction of their citizenship status.

## **Access**

### ***Market and job opportunities***

Entering the work force is one manifestation of youth agency and their transition to independence acquiring the status of full citizen. Legal discrimination against orphans with no lawful lineage, and social perceptions about orphans in general, work together to decrease the access of orphans to the market. They also shape the experience of orphans and the entitlements they receive. Wagih offers:

“When it's about work, you get treated in different ways. First, you might be rejected to start with. Second, they might hire you, but they would deprive you of your rights and will take advantage of your situation. Third, you can be hired and treated well, but they would always make you feel that you're working here because they feel sorry for you as if you don't deserve it and they are letting you work because they pity you.”

While not agreeing to hire orphans comes from their association with stigma, taking advantage of orphans relates to the perception that they don't have power. Riham explained: “They make you work for months and don't give you your money. They know you're an orphan and with no support so they allow themselves to deprive you of your rights”. Farida was angry when she told me:

“I know a girl with no lineage. When she would apply for jobs, they would think she had faked her ID. Or if they knew what these numbers are about, they would take advantage. They would make her work more and not give her rights, no vacations, delayed payments [...] and who does she have to take her side? If she opens her mouth she loses her job”.

### **Female orphans: even less opportunities**

In the previous chapter I had discussed how women in Jordan are discriminated against in the legal field. This argument is also valid in the social field where patriarchy manifests itself in the fullest by the control of spaces available for women in the labour market (Rabo 1996). This has a grave effect on the lives of female orphans because they need any kind of income available to support themselves in their situation of near homelessness. Rula shares her experience in having to disguise her identity as a female to be able to work in a gas station when she did not find another job. She shows me a work ID card with her picture looking like a man and explains:

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

### ***Accommodation and services***

The structure of the Jordanian Society is anchored in notions of the ideal family which makes it hard to whoever does not fit within a family or a collective to manage their lives and acquire services. Accommodation and health insurance are two examples cited by the youth interviewed. Wagih explained his experience in trying to find accommodation:

"It was six of us who aged out. When we tried to rent a house, no one would rent us their house as a group of single guys. They always thought we are up to trouble. Our mother at SOS had to write the contract in her name and be in the picture in front of the land-lord, so at the end we could rent the house"

Females in Jordan receive a lot of their privileges because they are part of families. Therefore, females with no families feel they lose out on a various entitlements. When I asked Riham how she thinks she is different from all other Jordanian females, she reflected:

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

### ***Social networks and relations***

Because of the perceptions attached to orphans, and the situation of their upbringing, youth reported great hardships in acquiring healthy honest relations to others and being in friend groups and circles. They talked about social life with the outer society as something their status had robbed them off. Riham did not feel comfortable being close to friends

so to avoid stigma and exclusion in University. She reflected: "I used to avoid having a lot of close friends. They would ask you to go to your house, they would ask you about your family and siblings, and I didn't know what to say". Being raised in a family, Ammar also reflected on his friends who lived in care:

"I can feel the difference in emotions and the way they relate to others. They don't cherish or love anything or anyone. I think they don't want to get attached. They live as if they are floating on top of reality. Not feeling much, not internalizing things, maybe like zombies [chuckles]".

## **Marriage**

Marriage is governed by traditions and connected to families. Perceptions of honour and status play a big role in marriage choices and manifest negatively in the lives of orphans. This restricts their inclusion and access to a respectable social citizenship. Notions of shame are the most prominent factor that youth talked about. Al'aa directed his question to my father who attended the interview:

"If I'm a good person, educated and with good manners, but frankly, and let's face it, I'm labelled a 'bastard', would you accept me to marry your daughter? [pointing at me] there is no way, these things matter in our society, one is nothing without family name and origin".

Orphans with family names also reported lack of access based on perceptions of helplessness and deserving pity. Rania exclaimed:

"I was introduced to a person who is on a wheelchair. I was not rude to him but we didn't have much in common. But do you think if I was from a big family I will be introduced to a disabled person? We are usually pushed to get married to guys who have problems, who were in jail, not to respectful guys from good families living a good life".

## **Agency and freedom firing back**

As it is the case in the legal field where youth's, especially females', perceptions are moulded by the structural patrilineality of laws, the patrilineal, patriarchal, and connective nature of society also serves to construct the orphans' habitus in issues relating to their social freedom and agency as manifestations of social power. This section will discuss how orphans' freedom is constructed and perceived, and how that affects their perceptions, actions and position within social structures. Moreover, this section will discuss some strategies orphaned youth adopt to be able to survive and fit social structures that frame the spaces in which they can enact their citizenship. These strategies, although serve as a short term solution to fit in, reproduce and reinforce the structures that resulted in the orphans' disadvantage in the first place.

### *Agency and freedom as manifestation of power?*

Orphans are expected to act as free agents in society while, in reality, they are shackled by how their citizenship status is constructed in the social field. Within a patriarchal society males felt more at ease with their freedom from care and expressed more readiness to embrace their agency. Wagih reflected: "Yes, I feel freer than other guys in doing what I want and going in and out and living my life as I wish". However, being aware of the structure of society that is constructed around the family, he goes on:

"[...] at the same time, one needs some discipline and boundaries. I frequently still visit my mom in the SOS Village. I talk to her and ask for her guidance. You can't replace the feeling that a family gives you. I think it's what's right".

Most youth interviewed were aware of their disadvantage in not having the power that comes with a family, and they longed to be part of this structure of patriarchy. This was more evident in the case of females who felt that their inclusion within a family is the place they are envisioned to be. When I asked Farida if she feels more free being on her own without the control of her male kin, she answered:

"Yes, but that's not good. I look for someone to be in charge of me (control me). A woman in our society should have limits. Sometimes you can't set your own limits, you go too far and you end up doing something that's not good in the eyes of others. I have male friends whom I accept that they put limits to my actions and direct me. They ask me if I return late, keep track of what I do. I gave them the right to question me. At the end it's for my benefit. If there is no control over me, people would rip my reputation up, they would say she has gone wild".

Riham felt the same way about wanting to be controlled and protected:

"I don't like this freedom because it's looked at in negative terms. People think that you have wrong reputation and that you're doing bad things if no one is watching you or caring for you. I consider myself aware and capable, but again, I'm not capable of everything alone. Suppose someone harassed me; hit me; talked wrong to me, who would stand by me? Who would defend me? I can't do it, you need a man to put the guy back in check".

Especially to females, what resulted in stigma was precisely the freedom they enjoyed; the fact that they deviated from the ideal construction of the female citizen as part of a family. Farah is the young lady I interviewed who belongs to a big tribal family. She fled her aunt's house in the North of Jordan and settled in Amman on her own. Her source of stigma was not lack of family name but the fact that she did not fit her expected position within the family. She was pushed to get married because respectable females in the imagination of society are either under the patronage of their fathers or their husbands. The mere act of relocat-

ing to live alone brought her disdain from her extended family. She explained: "My aunt told me every day that I should quit school and work in anything until I get married and be under the protection of a man". She went on: "[girls with no lineage] think I'm ok because I have a family name. But I'm not ok. My family don't look at me in a good way. They think I brought them shame".

The freedom and agency orphaned youth are supposedly given by aging out of care are perceived by the official discourse in Jordan as giving them power to pursue their lives as they want. However, within the constructions of who is full citizen and the spaces this creates for everyone, this freedom and agency end up depriving orphans of power further, and pushing them to conform and be less of agents feeling helpless and vulnerable.

### ***Strategies to manage social capital: reproduction of status qou***

This section will briefly discuss some strategies orphans use to negotiate what power they have within their citizenship status. These strategies seemed to have become a second nature for orphans and a way to create a better position for themselves in society. Here, it is evident how these strategies are the result of the habitus created by patriarchal and patrilineal structures.

#### **Creating Fictive Kinship**

Orphans create fictive kinships to be able to fit within a social structure that is built on and mediated through kin relations. Wagih reflected on this:

"The youth who age out continue to function as a sort of family. It serves them in real life because they don't feel so different. A sister would have a brother who can go with her to certain places and offer support and help. A guy can have his sister do girly stuff for him like shopping. In front of society, that's what's expected; what's normal".

While creating fictive kinship for the easy management of everyday life might serve orphans and lessen their stigma and discomfort, the structure they construct is not socially acceptable itself as it does not conform to the ideal family upon which citizenship is built. Moreover, it does not grant them improvement of citizenship in the legal sense as it is a social arrangement with no legal frame or definition. Rania is aware of this:

"Even having brothers and sisters that are not your blood is not understood in our society. When I was about to marry a guy, they invited my family to their house, I took two sisters and two brothers from the orphanage. I told his mom: 'I was raised in an open

house; I call all these guys and girls my family'. She could not understand and was after her son to break up with me”.

### **Hiding Facts and Constructing Different Life Stories**

Very understandably, orphans hide their life stories or construct different stories to be able to avoid stigma. All orphans interviewed reported this strategy as something they can't help but do. Riham reflected: “We lie all the time, to university friends, to colleagues at work. Otherwise they don't look at you or treat you with respect. What can we do, it's our only option to be viewed as everybody else”. The same reaction came from Rami when asked about how he dodges people's questions regarding his family and origin:

‘I turn on a Bollywood Channel in my head, and start inventing stuff [from perception that Bollywood films have a lot of unrealistic and imaginary events]. You invent stories so not to receive the stigma from others. Otherwise they look at you in a demeaning way”

### **“I play on different strings to get by”**

Within their disadvantaged position, orphans find themselves forced to use anything that comes their way to secure entitlements. As discussed above, hiding their status is one way they negotiate power, but sometimes, they own up to perceptions about them and use their perceived vulnerability to better their situation or chances. Similar to what's explored by Cheney (2010) in the context of Uganda, the situation becomes one in which the consideration of what it means to be powerless and vulnerable may generate more vulnerability and reinforce the above discussed perceptions. Rania shared how she acts in job interviews:

"The Ministry gives us letters saying that we are orphans and urging everyone to employ us. I sometimes use this instead of my degree and experience to convince employers to employ me. I make them feel that they will be helping me and doing a favour to god's face. After that I argue that I fit the position and am capable. I don't mind taking advantage of everything that I can secure from the state or anyone else. I play on different strings to get by”

Salim was aware of how perceptions of orphanhood get used to secure benefits even by carers. He took the initiative to produce a gallery of pictures that depicted the lives of orphans in SOS villages out of which he aged out. He was trying to capture the children as happy and leading a fulfilled life. However, he was constantly pushed by the administration of the organization to document pictures of distress and sadness to invoke compassion in viewers and make it easier to ask for charity.

The strategies discussed above play some role in easing the lives of orphans and act as short term solutions to everyday problems. However, they don't offer a way out of the main problem, namely, that orphans' citizenship rights and practices are thinned by a patriarchal and patrilineal state and society. These acts that orphans are conditioned to adopt reinforce negative perceptions about their status, and serve to reproduce the *status quo*.

## **Sense of belonging: "I do feel less of a Jordanian"**

Sense of belonging is another aspect of citizenship orphaned youth is deprived of. Because of stigma and the hardships they face, they feel that they don't belong in society. Wagih was the most open about the issue of belonging. He made the distinction between loyalty and belonging:

"I think youth who tell you that they belong in this country are raised to believe that in their particular orphanages. But in reality it's not the feeling you get. How society and the state treats you does not make you feel that you're equal or that you belong. I think also that they feel attached to the symbols of the country like the King and the Flag, but not for how this country works."

Rami touched on this feeling of lack of belonging when he offered: "I want to live in the west where no one cares where you are from even if I would feel I'm a foreigner; I feel I don't belong here anyway."

The issue of belonging in general is very particular in Jordan due to the special relationship Jordan had with Palestine. The question of who is 'truly Jordanian' has always been unanswered in the Jordanian context (Kaplan 1980). After the establishment of the State of Israel, Palestinians who took refuge in Jordan acquired the Jordanian nationality. Although families and tribes in both countries had strong ties, Jordanians of Palestinian origin are still perceived as less of a full Jordanian because they are not part of the Bedouin East Bank tribes who resided within the current borders of Jordan. This shows that origin is an important consideration in the imagination of who belongs and who does not belong in the Jordanian society. Orphans, especially those with no lawful lineage and unknown origin, feel greatly out of place. Wagih confessed: "Yes, I do feel less of a Jordanian. Even people from a Palestinian origin would tell you that they feel they feel less of a Jordanian. Imagine what I would feel when I don't know my origin at all".

This chapter has discussed how social perceptions and what forms the habitus around orphanhood affects the experience of orphans in the social field and ways their citizenship practices are viewed and enacted. I argued that constructions of citizenship based on patriarchy and patrilineality produce certain perceptions about orphanhood that in turn allow less access, power and sense of belonging to orphans, especially those with no lawful lineage. In negotiating their position in the social field, orphans adopt strategies of life and enacting their citizenship that fits the

system and do not rise above it, which results in reproducing their disadvantage.



## **Chapter 5 : Civil Society Field**

Civil Society can be perceived as the realm of associational life, and the relationship between the state and society. It intertwines with laws and structures of the state to construct the citizenship status of people in a certain country (Moghadam 2008). This relationship between society and the state could be constructed in various ways. It could be perceived from a Marxist perspective where the state and civil society mirror each other and guard each other's interests. In this view "the state needs and uses civil society to ensure that consensual hegemony is maintained" (ibid: 66). Another view of civil society pictures it as the field in which the power of the state gets balanced as the field encompasses struggles of power and movements against the state. This chapter aims at shedding light on the nature of Civil Society and its organizations in Jordan and discusses how the structures and politics embedded in this field interact to shape the citizenship of orphans. In order to do so, three main points of conjunction between orphans and civil society will be discussed. First, their direct activism in demonstrations, second, their experience as beneficiaries of Al-Aman Fund for the Future of Orphans, and third, being part of and intending to found NGO's and associations.

### **Jordanian civil society: patriarchal and infiltrated**

Civil society in Jordan includes state agencies as well as primordial associations like families and tribes that are both authoritarian and coercive. Jordan is the perfect example of what Moghadam (2008) terms the 'neo-patriarchal' state in which the state constructs a system through which it can uphold the traditional order in a modernizing context. This results in a civil society whose modernity is hollow and not real for unprivileged groups. Boerwinkel (2011) argues that, historically, the civil society in Jordan was based on charity. This started to change with ratification of Human Rights declarations and conventions. Following an economic crisis in the late eighties, Jordan started receiving support from the International Monetary Fund (IMF) and World Bank (WB) under provisions of increased democratic processes and structures. The regime, under such pressures, introduced just enough changes and reform to ensure political longevity but without changing the core structures of power in the country. Robinson (1998) calls this process 'defensive democratization'. He argues that the state introduced a series of pre-emptive measures to keep elite privileges and limit the appeal of fundamental political change. The process looked like a process of political democratization, including the claimed strengthening of civil society, but the end result was to secure the pillars of the state in Jordan; the monarchy, the army, wealthy business elites, and East Bank tribal leaders.

This process ended up producing a divorce between the image of rights and modernity Jordan reflects, and the real discrimination and vio-

lation of rights embedded in patrilineal laws and patriarchal structures discussed above. The end result was a civil society that is still authoritarian, patriarchal and based on tribalism but it has been upgraded to a modern image. This 'Authoritarian upgrading', argues Boerwinkel (2011), is a process in which the democratization of civil society is used as a facet for different mechanisms used by authoritarian and semi-authoritarian regimes to adapt to new changes and demands by the public.

Another characteristic of civil society in Jordan is that it mirrors the state and the regime. However, in Jordan, the Royal family is indeed the regime; it is stronger than the government and has a significant control over it. As Rabo (1996) puts it: "Democratization, like everything else in Jordan, has been instigated by the Royal house" (ibid: 165). The leadership in Jordan could not afford a total change in power relations by giving the civil society and its organizations complete freedom. The Royal Family followed a mechanism to infiltrate civil society by creating Royal Non-Governmental Organizations (RONGO's) that serve to control the civil society field while appearing as a facade of democracy. Boerwinkel (2011) agrees with Robinson (1998) that the regime in Jordan made enough changes to silence demands but kept the same power relations intact.

RONGO's act as the face of Jordanian civil society and receive most donations and funds from the international community<sup>4</sup>. This deprives smaller NGO's from receiving sufficient funds and resources which keeps their impact limited away from activism and radical social change. The regime in Jordan succeeded in keeping civil society in the hand of the state, or at least mirroring it, and not as a field that equalizes the power of the state and puts it in check.

## **Three major points of connection to civil society**

### ***Direct Action***

In their attempt to draw attention to their issues, a group of orphans organised themselves in 2010 and occupied square in Amman demanding that the state grants them their rights and better their Kafalah provisions. After a series of demonstrations and increasing media appearances, the orphans managed to create a debate in the country around their issues and rights. However, nothing on the part of the state was changed in

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<sup>4</sup> As stipulated by the Jordanian NGO and Civil Society Law number 51 for the year 2008, RONGO's are founded by a Royal Decree and are not registered in any Government Ministry. Therefore, their balances are not supervised by the government unlike registered NGO's whose budgets are reported to Ministries, and funds received from abroad need to be approved by the Prime Minister.

terms of consolidating the citizenship status of orphans and their life situations. All youth interviewed expressed how futile direct action was in bringing change in the country. Rula offered:

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

Ammar did not participate in the demonstrations. When I asked him why, he replied:

“I am aware enough to know that nothing changes for you in this country if you're not in position of power; you have a big family to back you up, you know the right people. But these youth are not powerful. No one cares about rights, it's all politics to guard power”.

The futility of direct action forced orphans into actions and strategies that enforce the negative perceptions about them especially regarding charity. Al'aa explained:

“We used to have a political struggle. Now we ask for charity from people because we lost hope in the government and the state. What we were faced with is more sympathy but no recognition of our rights”.

Adding to the charitable milieu the orphans found themselves in, is the direct interference of Royalties in their issue. This is not unusual behaviour for Royalties regarding issues that the government can't deal with. Some orphans interviewed attended meetings with the King and the Queen of Jordan on various occasions so the Royalties would hear their complaints. However, the way the Royalties approached the orphans' problems was by offering more charity, but not putting efforts into changing the structures that produce discrimination in the first place. Al'aa reflected on his meeting with the King in the month of Ramadan (the fasting month in the Islamic calendar and the one in which Muslims are asked to be the most charitable):

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

Most orphans accept charity as a short term solution, while they do recognize that their rights are violated and citizenship status and practices are thinned. Charity is seen as making the best of an unwanted situation. Most of them reported feeling as if they do with it because they don't have another option.

The Royal house has always appeared as the ultimate Jordanian family, embracing religious and cultural values and practices. In Jordan,

political power is symbolically portrayed as a family. The family is portrayed as the main unit in society and state, with the King as the family father; the father of all Jordanian families (Rabo 1996). These patriarchal constructions of state power cannot encompass the idea of orphans away from deserving of charity and sympathy, and for sure not active participants in direct action or creators of radical change.

### ***Benefiting from Al-Aman Fund***

NGO's can be considered as the expression of associational rights and measure of the quality of the relation between civil society and the state. Al-Aman Fund for the Future of Orphans is the only organization that targets orphans after aging out. By granting scholarships, workshops, and living allowances and accommodation, it has become some orphans' only hope for survival and education. All youth interviewed made it clear that if it wasn't for their education and grants from Al-Aman Fund, they would be homeless and broke.

However, Al-Aman Fund, being a RONGO, mirrors the interests and follows the ways of the regime and the state. They do offer help and support but it is also in the name of charity not rights. They work within the habitus of the civil society field and don't allow orphans to break free from charitable structures. This, again, forces youth to make use of whatever comes their way and not aspire to what they really want and deserve. Rula explained that she only enrolled in Al-Aman Fund because they offer living expenses and accommodation. "I enrolled just to have someone lift the financial burden off me" she confessed.

The agency of youth in choosing what they want to study is also diminished by the dynamics of work in Al-Aman Fund. Because the fund tries to secure grants from universities, the youth are not given much of choice in the program they are enrolled in. Ammar's case is an example of that. He started off his studies with grant to get a degree in Arabic Literature, however, after one year, he was forced to change his program to Journalism in order to keep his grant. After that, there was the change to a program in accountancy. He seemed frustrated when he offered: "I couldn't say no because that's everything I got at the time, but after changing three times, I quit studying and now I'm looking for a job".

Grants criteria is the another issue regarding the way the Fund affects the agency and opportunities of orphans. Although the Fund boasts clear criteria of beneficiaries, the way things work in reality is different according to the youth interviewed. The mode of work in the Fund seems to have adopted the over-all habitus and norms of connectivity and mediation processes. Nagi complained:

"I know girls who live in their own houses, they are well-off but they benefit from the Fund because they are orphans and they ap-

ply. At the same time some girls in the streets do not get any help maybe because they do not have a high school degree. I think the money is not directed towards the people who need it most”.

As well as not challenging perceptions about orphans and working within the structures that produce their disadvantage, Al-Aman Fund is blatantly critical of the youth direct action and their series of demonstrations. Mr. Al- Qudah who was interviewed from the Fund, expressed that the direct action only served to heighten the stigma on orphans and spread awareness that national numbers starting with ‘2000’ belong to orphans with no lawful lineage. Nagi, reflected on how benefiting from the Fund affected the activism of youth: “The students who benefit from the Fund were afraid to demonstrate. You don't demonstrate against the government when you're receiving funds from an organization that is run by the Queen”.

The role of Al-Aman Fund for the Future of Orphans cannot be denied in helping and supporting orphans after aging out of care. However, it is a manifestation of the infiltration of the Jordanian Civil Society by the Regime. Al-Aman Fund does encourage orphans to lead a fulfilled life and increases their chances of enacting their citizenship especially regarding education and access to market. However, it does that only to the point that would not produce radical change or topple power relations. It keeps them tied in charity which compromises their agency and participation.

### ***Being part of and founding NGOs and associations***

At the time of data collection, I have come to know about two associations for orphans that were either founded or about to be founded. The first was an association initiated by Al-Aman Fund in their effort to give their beneficiaries a political voice. This association was also under the patronage of the Queen but youth report that it died out and became inactive. The second initiative I came across is an educational and capacity building NGO envisioned by a group of orphans. This NGO they planned is to be separate from Al-Aman Fund and the Ministry of Social Development (the two official fronts offering help to aged out orphans at the moment). The fact that orphans feel the need for such a separate organization questions the efficiency of both the care system, and the services provided for them by the state and civil society. Al'aa made it clear saying:

“The NGO will be run by orphans and it will cater for their needs and struggles away from the State and the Ministry. We are sick of the state and their stories and excuses. You cannot be the perpetrator of violence and violator of rights and the saviour at the same time”.

Al-Aman Fund's domination of the NGO sector targeting orphans also featured as a reason to found this organization. Omar offered:

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

While talking about associations and NGO's the youth conveyed a sense of frustration due to lack of real space and freedom of action. Nagi narrated what happened in the meetings with the Queen upon planning the work of Al-Aman association:

"I asked from the Queen that this association gets registered separately from Al-Aman Fund so the orphans would have real independence to run it and direct its focus. The Queen said she can't see why not but of course, nothing happened. They give you the illusion that they are listening but nothing gets done".

When I enquired why the youth feel their initiatives were futile or that they were not given enough space or agency, the whole issue boiled down to who gets the credit. Orphans believed that existing NGO's fear that youth would start getting the credit for the development work that is supposed to be in the hands of powerful organizations with well-known leadership and reputation. Wagih exclaimed: "NGO's don't even like youth to come up with ideas and projects to support themselves. It's like we will steal their work from them".

Upon knowing that I gained part of my access to orphans from Al-Aman Fund, youth requested that I don't tell Al-Aman about their to-be-founded NGO. When I asked why, Omar responded:

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

Nagi was the most disapproving of the politics and practices within the civil society field in Jordan. He believed powerful NGO's only worked for the image of democracy and the exclusive credit and public appreciation: "It's all about the image and the propaganda. [Big NGO's] do work on the ground, but it's for the sake of the credit and image".

It will not be true to claim that orphans are not given any space in civil society to create change and better their situation. However the initiatives they are allowed still revolve around charity and working one's way within a social and political habitus that does not accept one's status and demeans one's capital. This is why, I believe, the orphans have given up on their direct activism and now are adopting initiatives that are

aimed at capacity building and education. Education and training seem as the way out of their thin citizenship status and their lack of capital. Talking about the nature of their intended NGO, Omar shared:

"We want an educational plan; we want to reach a point where this group is comprised of people who are aware of what's going on and educated enough. We want to start training orphans on various skills and how they can manage their situation and better their lives. We want to raise every capacity possible for orphans".

I showed above how orphans, moulded by the habitus of the social field, adopt strategies to negotiate their position and capital depending on the spaces allowed for them to enact their citizenship. I believe that the push for education that orphans now adopt is the manifestation of the same process of socialization into existing structures, while not having the capital to change them. Civil society in Jordan mirrors the state in being patriarchal and built on notions of the perfect family. I also argue that the NGO sector in Jordan is weakened by the state and infiltrated by Royal NGO's. These two facts affect the three previously mentioned points of contact between the orphans and the spaces of Civil Society, and results in trapping orphans in charity, away from real change to the structures and power relations that shape their disadvantage. Orphans seem to be playing their best cards and mastering the use of their capital towards their utmost benefit, regardless of whether the real sources of problems are addressed or not.

## Chapter 6 : Conclusion

*“Hundreds have lived, hundreds have fled.  
Names were registered, and others did not  
All this while their consciousness devoid of mercy didn’t allow them  
to see better.”<sup>5</sup>*

This thesis examined how orphans’ citizenship in Jordan is constructed and enacted legally, socially, and in relation to civil society. Constructions of citizenship in the Arab World are well-theorized in relation to the patriarchal and patrilineal nature of Arab societies. However, women are usually the group argued to be disadvantaged by such constructions. Through the previous chapters I have argued that orphans and youth with no lawful lineage also face discrimination and a thinning of their citizenship rights and practices by patriarchal and patrilineal structures of state and society.

The implications of such disadvantage for orphans are added to the already difficult and unsupported transition they are expected to go through especially when aging out of care. The issue that is to be pondered upon further is what kind of change, policies or advocacy that would be realistic and effective in endowing the citizenship of orphans. I have argued, using Bourdieu’s ideas, that the Jordanian regime and state managed to create a system that is self-guarding and keeps power relations in check regarding the citizenship and the position of orphans. Moreover, I have showed how orphans master their position and capital in various fields to secure benefits. Restricted by patriarchal structures, orphans cannot reverse power relations so they attempt to create change within the same habitus through various strategies. Realistically, any changes that could happen should be encouraged to happen maybe arriving at what Boerwinkel (2011) terms ‘embedded activism’, in which social change results from the intertwining of civil society and the state while advancing in small steps on consensual issues. Although this type of activism allows for change only within the existent structures, it might be the best option at hand.

The efforts could be split on two fronts; the legal front, and the social and civic front while being aware that all feed into each other. As the disadvantage of orphans now is framed by various principles in Islamic Law, it is difficult to imagine a radical change in aspects of their citizenship rights that directly relate to their rights to family names and inheritance. If this would change at all, it has to be through a process of Islam-

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<sup>5</sup> Excerpt from a poem by Ammar, a youth interviewee, July 2013 (Translated from Arabic).



ic scholarship and theorization that is slow and difficult. However, other aspects of orphans' citizenship rights and practices can be changed by changing regulations and affirmative action. The comparison between the constructions of women citizenship and orphans' citizenship ran parallel through this thesis, and I believe that the case of orphans' citizenship can benefit from the efforts that were put to thicken the citizenship of women in Jordan. One example of that is affirmative action in relation to the participation of women in parliamentary elections discussed by Amawi (2007). Orphans as a disadvantaged group could be offered certain quotas in the labour market and given special opportunities that could increase their social capital and better their position in civil society.

Another line of intervention is, of course, social, focusing on awareness and capacity building within a good Kafalah system by the state. However, no matter how social perceptions and spaces for orphans change, some changes in the law have to take place so that even when discrimination occurs, orphans would have the law and regulations to back their cases and secure their rights.

The group of orphans and youth with no lawful lineage targeted in this project is in itself a new phenomenon that surfaced and entered national debates only recently. As one of the first research projects examining the issue, this project provided a focused narrative on citizenship while acknowledging a vast space for future research and social inquiry. Few ideas for future research could be the following; first, an analysis and evaluation of the wider impact of Al-Aman Fund for the Future of Orphans on all their beneficiaries, in order to be able to highlight future policies and action. Second, this project, although had examined how citizenship constructions relate to gender issues for female orphans, did not have the scope to include narratives from female orphans who ended up being involved in the sex industry. I believe an examination of their reality and perspectives will prove interesting and enriching. Finally, I believe following up on intended initiatives by orphans and examining their projects within the context of the Jordanian civil society is a way to further expand in researching this issue.



## Appendix I

### List of interviews with youth

| No. | Name                   | Gender/Age                       | Date      | Category  | Setting                   |
|-----|------------------------|----------------------------------|-----------|---|---------------------------|
| 1.  | Al'aa                  | Male/ 24                         | 10/7/2013 | Broken family                                     | Al-Hikma Law Offices      |
| 2.  | Rula                   | Female/ 25                       | 14/7/2013 | No lineage  | Al-Aman Fund Headquarters |
| 3.  | Farida                 | Female/ 31                       | 16/7/2013 | No lineage  | Al-Aman Fund Headquarters |
| 4.  | Ammar                  | Male/ 24                         | 16/7/2013 | No lineage  | Al-Hikma Law Offices      |
| 5.  | Wagih                  | Male/ 23                         | 21/7/2013 | No lineage  | Al-Hikma Law Offices      |
| 6.  | Salim                  | Male/ 24                         | 22/7/2013 | No lineage  | Al-Hikma Law Offices      |
| 7.  | Farah                  | Female/ 23                       | 24/7/2013 | Broken Family                                     | Al-Hikma Law Offices      |
| 8.  | Rania<br>Riham         | Female/ 26<br>Female/ 20         | 27/7/2013 | No lineage<br>No lineage                          | Their Student Hostel      |
| 9.  | Nagi                   | Male/ 25                         | 28/7/2013 | Broken family                                     | Al-Hikma Law Offices      |
| 10. | Omar                   | Male/ 24                         | 2/8/2013  | Parents passed away                               | Al-Hikma Law Offices      |
| 11. | Rami<br>Rakan<br>Adham | Male/ 20<br>Male/ 19<br>Male/ 30 | 6/8/2013  | Father passed away<br>Broken family<br>No lineage | Al-Hikma Law Offices      |

## Appendix II

### List of interviews with officials and experts

| No. | Name   | Position  | Date      | Setting   |
|-----|--|---|-----------|---|
| 1.  | Mr. Malek Khassawneh                                       | Public Relations Officer/ Civil Status and Passports Department                             | 1/7/2013  | Civil Status and Passports Department Headquarters/ Amman |
| 2.  | Mr. Ma'moun Al-Qudah                                       | Director of Services and Programs/ Al-Aman Fund for the Future of Orphans                   | 9/7/2013  | Al-Aman Fund Headquarters/Amman                           |
| 3.  | Adv. Haifa Sadiq<br>Adv. Jihad Milhem<br>Adv. Saudeh Salem | Specialist in Women and Child Rights<br>Specialists in Islamic Law and Jordanian Family Law | 13/7/2013 | Their law firm/ Amman                                     |

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