

Displacement, humanitarian interventions and gender rights in the Middle East

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Displacement, humanitarian interventions and gender rights in the Middle East: Syrian refugees in Jordan as a case study

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ABSTRACT

The article focuses on a particular type of Islamic marriage, so-called imam marriages, which are not recognised by the Jordanian state but widely practised among and with Syrian refugees since their influx to Jordan in 2011. State institutions and feminist humanitarian organisations advocate a registration of these marriages on the basis of fulfilling UN conventions on gender and human rights protection. I, however, argue in this article that the enforcement of marriage registration and the implementation of a hegemonic moral order in Jordan give rise to the contradictory deployment of gender and human security protection these state and non-state actors claim to ensure. Imposed policies undermine the safety and social standing of Syrian refugee women in Jordan, in particular, by exposing them to increased public hypervisibility. This article analyses imam marriages within their multi-layered local and transnational socio-political contexts, highlighting thereby the wider complexity of power relations in which intersecting and, very often conflicting, structures place women in more vulnerable positions. The article provides new insights into the impact of humanitarian interventions on gender rights and the safety of displaced people in the Middle East by taking Syrian refugees in Jordan as a case study.

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Introduction

I was approached by someone who works with the Norwegians [Norwegian Refugee Council] who offered free legal aid to Syrians – mainly Syrian women. We were asked to come to classes to learn more about our rights as women. The teachers, who were partly Arabs and partly Europeans, talked a lot about the rights of women. They were surprised to hear that a lot of us were married without our marriages being registered within the Jordanian legal system – some of us do not even have a paper [written marriage contract]. They told us what benefits it would have if we registered our marriages. They were clear in saying that it is illegal not to register our marriages.¹

Imam marriages² are religious marriages performed solely by celebrants and imams and are not officially registered at a court. Before the influx of Syrian refugees into Jordan since 2011, imam marriages were not commonly practiced in Jordan.³ They have now become a widespread phenomenon particularly among and with Syrian refugees coming from rural areas of their country. Many Syrian refugees in Jordan have conducted

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imam marriages in Syria without registering them with either the Syrian or Jordanian authorities and continue to conduct such marriages outside of the Jordanian court system after their displacement. In addition, an increasing number of Jordanian men prefer having imam marriages with Syrian refugee women to eschew their official registration in Jordan. According to Jordanian law, marriages need to be registered at shari'a courts, usually by a marriage registrar, within 30 days of signing a marriage contract.⁴ Failing to comply with this registration requirement can lead to a fine and potential imprisonment of the parties involved.⁵

Although the registration of marriages is meant to serve women's rights in general, the experiences of Syrian refugees in this study illustrate that such imposed actions undermine the safety and social standing of Syrian women in Jordan. I thereby argue that the enforcement of marriage registration and the implementation of a hegemonic moral order in Jordan give rise to the contradictory deployment of gender and human security protection these state and non-state actors claim to represent. The human security framework was developed by the United Nations Development Programme (UNDP) in their Human Development Report (HDR) in 1994 in which the focus was shifted from the protection of the state and its borders to the protection of individuals insuring their safety and general well-being.⁶ Human security is in this article understood as the notion of people-centred security expressed in the protection of Syrian refugees from a wide variety of threats in their daily lives within their homes and the communities they live in. Due to their marriage practices, Syrian refugees in Jordan are exposed to intensified public attention and hypervisibility that places particularly Syrian women in a more vulnerable position. State and non-state actors' efforts in imposing a marriage registration fails to acknowledge women's own agency in living in alternative marriage forms. Their empowerment and resilience to adhere to imposed social norms prevalent in Jordanian society are replaced by notions of victimisation and humanitarian protection. The article thereby analyses imam marriages within their multi-layered local and transnational socio-political contexts, highlighting the wider complexity of power relation in which intersecting and, very often, conflicting structures, place women in more vulnerable positions. It, therefore, sheds new insight into the impact of humanitarian interventions on gender rights and the safety of displaced people in the Middle East.

I have adopted a top-down and bottom-up approach, ethnographically contextualising imam marriages within their wider local socio-political and transnational realms. I have conducted fieldwork in Jordan with people of a wide range of diverse socio-political and legal backgrounds, including individuals in leading political and religious positions in the government, academics, NGOs but also with people on the ground such as women's activists and social workers as well as local and refugee families. The article is based on interviews conducted since 2018 with 82 Syrian families living outside refugee camps in numerous locations in Jordan.⁷ In addition, I conducted interviews with 38 state employees and non-state experts and professionals working in national and international NGOs as well as 11 lawyers, 8 judges, 6 social workers and 4 women's rights activists. I also conducted interviews with 12 imams and 6 female preachers and 8 academics at different universities in Jordan, in addition to 59 interviews with Jordanian families across Jordan.

The article proceeds in four sections. The first illustrates how the practice of imam marriages has become a widespread phenomenon in Jordan and how it attracted the

attention of international humanitarian aid agencies. The second section discusses how Syrian refugees and women, in particular, have been subjected to heightened public visibility through increased attention in politics, humanitarian interventions and the media. The third illustrates how Syrian refugees' hypervisibility leads to a general panic within the Jordanian society imposing Syrian women to a form of socio-moral disciplining. The fourth section identifies the transnational dimension of marriage registration and its potential life-threatening consequences. Finally, the article argues that state's imposed sanctions on Syrian refugees who fail to register their marriages in Jordan and their increased hypervisibility create in practice a protection gap for Syrian refugees. This brings into question the human security protection such top-down approaches claim to represent which position refugee women to contentious political and socio-moral surveillance; undermine women's agency; generate mistrust towards the Jordanian society, state and humanitarian organisations and discredit their work.

Imam marriages in Jordan

There are various reasons why the practice of imam marriages have been widespread in pre-war Syria: One of the most common reasons mentioned are the requirement to seek permission from the military to marry before the end of the one and a half years' compulsory service; or the minimum age requirements of both parties; or the marriage of a Syrian national with a non-Syrian.⁸ Since the outbreak of the Syrian war in 2011, courts are temporarily closed, roads are blocked and cities are cut-off, leaving many Syrians no other choice than conducting an imam marriage as a Syrian lawyer and activist I met in Jordan explained:

For many Syrians this is a pragmatic solution not only for those living in rural areas in Syria but also for those in urban areas with no access to courts. You need to understand their view too: In Syria, they were living in war where it was unsafe for them to travel from one city to the other to register a marriage. Here in Jordan, they had to deal with more important existential issues first, before thinking of registering their marriages.

Since 2011, imam marriages have been perceived as a wider social problem attracting the attention of the UN High Commissioner for Refugees (UNHCR) and other international humanitarian aid agencies⁹ urging the Jordanian government to put a supporting structure in place to promote and protect women's rights in such marriages. The Norwegian Refugee Council¹⁰ argued in one of their reports that the lack of Syrians registering their marriages is due to financial problems, mobility restrictions and lack of official identity papers. As a response to such international pressures and as part of Jordan's own ongoing legal reforms, the Jordanian government has criminalised the performance of imam marriages. Further, the government made legal formalities and procedures¹¹ more accessible to refugee families; issued a decree to simplify the legal registration of marriages;¹² abolished any fines or fees for all court proceedings; and made Jordanian family judges available once or twice a week in various refugee camps, such as al-Zaatari and al-Azraq, for regulating family affairs. One family judge in al-Zaatari camp highlighted: 'most of our cases are marriage and divorce cases. Through our presence here twice a week we offer these Syrians a service to register their marriages in court to protect their rights in case of a divorce'. The aim of all these efforts is to reduce the number of imam

marriages, encourage more couples to register their marriages officially and assure legal rights, particularly for disadvantaged women. The government claims to prevent thereby the abuse of women and young girls and by doing so succumbs to international pressure in securing women's rights.¹³ Such efforts, however, tackle a small group of refugees as only 8% of the 1.4 million Syrian refugees¹⁴ in Jordan live in refugee camps.¹⁵ The majority of refugees live in places that are not under the administration and protection of humanitarian entities and governmental surveillance. Campaigns by non-state actors to raise awareness and the government's efforts in enforcing particular marriage procedures through the execution of fines and potential imprisonment had, in practice, only limited effect.¹⁶

Imam marriages and non-judicial divorces continue to be practiced widely among Syrians in Jordan. This causes a number of socio-political and legal concerns within the Jordanian state as well as within Jordanian society. There is a general fear that Syrian refugees' practices unsettle established social norms prevalent in Jordanian society and sanctioned by the Jordanian state by redefining or introducing new norms and practices. Failure to ensure marriage registration reveals the inability of the Jordanian state to keep track of and control marriages/divorces amongst its 1.4 million Syrian refugees, thus undermining the state's legal sovereignty over its population. To maximise its territorial control¹⁷ and homogenise its rules and codes of behaviour regarding marriage practices, the Jordanian state has established alliances and built networks with various organisations, groups and individuals such as national and international NGOs, religious and community leaders. By doing so, the Jordanian state tries to neutralise the state-society-divide in order to project its all-encompassing legal sovereignty.

As this article will demonstrate, Syrian refugees have become the object of heightened political, humanitarian and media attention leading to their hypervisibility on four levels:¹⁸ Firstly, they are under continuous governmental and international humanitarian and human rights surveillance. Secondly, they have been targeted by increased national and international media attention. Such representations had the effect of undermining Syrian refugees', particularly women's, social standing as it impugned their respectability and moral position in society. This generally resulted in the perception of refugees as opposing human and women's rights principles. Thirdly, the increased hypervisibility of Syrians and their general codes of behaviour have contributed to a social moral panic within Jordanian society. Local community members fear the loss of their own norms and values regarding marriage forms influenced by what is perceived as immoral marriage practices introduced by Syrian refugees. By imposing a politics of piety defined by their own standards and norms, local communities exercise, besides the government, an additional form of social policing on refugee communities. Syrian refugees of this study have therefore developed antipathy towards the Jordanian society, as they feel targeted as objects of socio-moral disciplining.

In cases where husbands have returned to Syria, the registration of their marriages in Jordan have caused safety concerns of their family members in Syria: Jordanian authorities very often need to initiate contact with Syrian authorities to fulfil the requirements for a divorce in Jordan. Syrian refugees left Syria, in most cases, because they are politically persecuted since they were active against the ruling regime or their male family members refused to serve in its armed forces. Initiating contact with the Syrian authorities poses a threat to the lives of refugees' family members in Syria, including the

husbands from whom they seek divorce. Consequently, several of the Syrian women examined in this study pulled back from filing a divorce. They remain in a state of limbo – neither married nor divorced.

Syrians' hypervisibility and the promotion of women's rights in Jordan

In this article, I draw upon notions of the 'logic of hypervisibility' (Reddy 1998; Yancy 2008) to demonstrate how Syrian refugees in Jordan have become visible as objects of attention – and intervention – within politics, among humanitarian organisations and in the media. Since 2011, imam marriages have been portrayed as a wider societal problem as the 2013 report by Amnesty International demonstrates:

An additional *problem* is that many marriages among Syrian refugees, particularly in Zaatri camp, are not registered officially. This erodes the already limited rights afforded to women in general under the Personal Status Laws in Jordan and Syria. It also seriously impacts their ability to register children and to access some services provided by UNHCR, the UN refugee agency. Why is it that Syrian refugees either cannot or choose not to register their marriages? (Abu Shama 2013; own emphasis)

Essentialised and undifferentiated perceptions are made linking imam marriages with child marriages. The focus has been on the negative effects of not registering marriages in court embedded within discussions around women's and children's rights discourses as the following BBC comment illustrates: 'There is an *alarming* rise in the number of Syrian refugee girls in Jordan being forced into early marriages, according to the new figures from the United Nations.' (BBC 2014; own emphasis). Generalised perceptions of rural Syrian men willing to marry off their under-aged daughters/sisters have been widespread as expressed recently in the *Jordanian Times*:

In 2018, one in three of the newly registered marriages of Syrians in Jordan involved a child under the age of 18, which suggests that Syrian families are increasingly relying on child marriage as a coping mechanism, according to a statement from the Supreme Judge Department (Abu Zaid 2021).¹⁹

The language used in such representations reflects Jordan's overall political will and discourse to adhere to a commitment to gender equality and, more generally, to universal values of human rights as defined by various international conventions and, more specifically, by the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Besides the state, international and local NGOs have also played a central role in promoting a feminist humanitarian agenda in Jordan. Lawyers, activists and government representatives I talked to have emphasised the need for Syrian refugees to follow socially prescribed forms of behaviour and have highlighted that it is the only way for tackling issues of the wider social stigmatisation of Syrian women in the public sphere in Jordan. The state's legal system is presented as the *only* way to guarantee women's rights as one lawyer explained: 'Having more Syrian women conducting marriages according to our guidelines and rules will not only guarantee women's rights but will also position Jordan internationally as adhering to international women's and human rights standards.' Another lawyer and female activist celebrated the developments already achieved through Jordan's family law reform in 2010 by saying:

We achieved already so much in regards to women's rights in this country. These practices bring us back to the Stone Age – a time where society not the law regulated women's lives. We cannot accept such primitive practices to smear our reputation of a modern and progressive state. They need to change and adhere to *our* rules and regulations [own emphases].

Such representations of imam marriages mobilise public opinion of Syrian refugees and contribute to stigmatising this minority group as highlighted by one Syrian woman coming from the suburb of Damascus:

Marrying a Syrian woman was never easy. We usually do not give our daughters [marrying them off] to strangers. These Jordanian men were dreaming to marry one of ours. Now they present our women as easy to get, but it is not true. It is the media and the politics of this government. They want the media to focus on us, so people are distracted from the government's incapability of solving their problems. From all the problems that Jordan is facing, they have focused on us? Why? Is there not anything else to take care of in this country? It is a game. It is the dirty game of politics.

Syrian refugees of this study do not understand the reason for the wide attention their marriage practices have received since their arrival in Jordan. A former teacher who conducted her marriage in Syria with an imam orally without signing a marriage contract explained:

In Syria, it was never seen as a problem neither by the state nor by society. It is very common among people from rural areas to conduct their marriages orally in front of the community. So, it is of course binding in front of Allah and in front of the community. When I married, our village was cut off from the rest of Syria. There was no way we could make it to the next city. The roads were closed but it was also unsafe for us to travel. I would have been mad to travel just to register my marriage. Besides, appearing in court (if the courts were open) could have also endangered my own life and the life of my husband as both of us were active against the Assad regime. I do not understand what all this fuss is about. People here do not understand what we have gone through. What it means to come from war zones. When we go to humanitarian organizations, they blame us why we have not registered our marriages before coming to Jordan. Then they blame us why we are not registering them here in Jordan since now we know the 'negative' effects of not registering our marriages. Well, I would tell them: first, in Syria during the war it would have been suicide. Second, in Jordan it would be madness as divorcing would take too long since my husband is already back in Syria and besides I would endanger his life. Third, mind your own business!

From the Syrian women's point of view, such hegemonic marriage procedures are seen as an intrusion into their familial affairs limiting thereby their agency to choose a marriage form. The pressure by the state and non-state actors exercised on Syrian refugees in Jordan to register their marriages and perform them in court is perceived as a hegemonic top-down approach targeted to control minorities. Those who reject registering their marriages in Jordan believe that they express thereby autonomy over their selves and validate their agency as explained by one Syrian woman in Amman:

I want to decide how I lead my life now. When we were dragged out of our homes in Syria no one asked us whether we want to stay or not. I was still young and had to leave with everyone else. But now I am in charge of my life. I want to marry the way I want to marry. No one tells me what I can do or cannot do. The Jordanian government has nothing to say. I am not staying in this country anyway. If I want to register my marriage, I will do so in my country not in this one. We do not belong here. We will eventually go back. Once I am back, I will sort myself out there. But here in this country, I will not register anything.

Imposed gendered politics are implemented without considering their disruptive nature on social relations within refugee communities. Couples are forced to follow marital procedures that are alien to their own cultural practices and identities. Many Syrians I talked to have a specific state-community relationship. They approach the state with scepticism which my interlocutors related back to the ruling regime in Syria which is ruled by the secular Ba'ath party that came to power in 1963. The Assad family has ruled the country since the early 1970s and belongs to the Alawite branch of Islam. My conversations with Syrian refugees have illustrated their mistrust towards the Assad regime and its secular agenda since its establishment: 'Traditionally, our family affairs from marriage to theft were dealt with internally. No interference of the state. We solved our problems between ourselves', as one Syrian now living in Amman explained. Syrian families coming particularly from rural areas in Syria recall how they used to limit their engagement with the state bureaucracy and authorities to an essential minimum. They rely more on customary practices to regulate internal community affairs including matrimonial and post-matrimonial questions. They used to operate a semi-autonomous relationship with the state and its laws with very limited interactions between the legal context and societal norms: imams and community elders regulated and conducted marriages and performed non-judicial divorces. One Syrian man in relation to the Assad regime emotionally expressed it as follows: 'These sons of a bitch [*'awlad el klab*] have no business in our family affairs'.

Imam marriages, therefore, represent for certain Syrians a political identity that mirrors, generally speaking, the relationship the Sunni Syrian population has had towards the Syrian Alawi ruling regime. The enforcement of the registration of their marriages and the resistance to adhere to such pressures also represents a societal dimension: registering a marriage is for Syrians not only a bureaucratic procedure. It is perceived as an enforced adjustment to a new state-community relationship in which social and kinship networks are pushed to the margins. Notions of community relations, arbitration and dispute resolutions are replaced by legal frameworks as the woman coming from a town close to the Jordanian border explained:

I would have never thought that I would use a lawyer one day. In the past, we used to go to our elders and they would sort out our problems. They would know us and we would know them. Now we need to go to strangers who do what *they* think is right for us and they are paid for it as well.

A new understanding and approach to problem solving are imposed upon Syrians who need to adapt to a new interaction between the legal context and societal norms. Women, I have interviewed expressed being forced into a new identity in which different codes of behaviour as well as norms and values are imposed on them, which very often contradict their own worldview. Replacing the value of community elders and the roles they have played in their home country with a system of state-enforced law is perceived by some Syrians of this study as a form of structural violence, which they compare to the physical violence they have had experienced under the Assad regime:

Pressure, horror and violence. Pressure, horror and violence. Pressure, horror and violence. It goes on and on and on. It does not matter where you are or under which ruler you live. They are all the same. Even these foreigners in these organizations they work all the same. You need to do what they say otherwise they shame you in public. Read the news. We are all

over. Arabic, English, French in any language you want you will read about us and how our daughters are married. What is our image in the world? Tell me? It does not matter what I believe in or what I feel or what I want. We have been a toy under Assad, he played with us as he wished, now we are a toy for these people who give us lessons about human rights. Where is my right to speak? Where is my right to live the way I want? I am not harming anyone by marrying without registering it. It is my choice. Is not choice part of human rights? Tell me? You see that is the problem. They design and we have to dress according to their own taste. They tell you what human rights is and we need to accept it. Full stop.

Syrian refugees also expressed scepticism towards humanitarian aid interventions in particular on the unequal distribution of care provided to women and men. Humanitarian protection plans (UNDP 2015; UNHCR 2013; UNICEF 2015) rarely mention men as in need for care but rather focus on women and young girls as they are, generally speaking, regarded as the more vulnerable among displaced people (Carpenter 2003; Hyndman and Giles 2011; Turner 2019). In other words, gender work is seen as work that helps and empowers women primarily and protects them from violence (Cornwall 2007; Johnson 2011; Turner 2019; UN Women 2016). Syrian women in this study criticised and questioned such simplistic understandings of gender roles and of power relations. They are sceptical of the general attitude of humanitarian organisations in Jordan, which tend to exhibit pro-women agenda for the most part. Although at first women welcomed humanitarian interventions and the care and support they received, they soon realised that many of these organisations had attitudes that were informed by negative images of Arab men as prone to violence, misogynist, bigoted and predatory as the following Syrian woman living in Mafraq close to the Syrian border clarified:

They think all of our men are violent towards us; that they earn the money and control our lives. This is not correct. My husband never hit me. I was earning more than him in Syria as I had my own hair salon. Here in Jordan, he did not find a job but I did. The reason I wanted to divorce him had nothing to do with him exercising his 'maleness' on me through being violent or anything. Quite the opposite I would say: He is sterile. He cannot make me pregnant. He believed he can and that the problem lies with me so he went and married another woman. I could not accept living like that so I have asked for a divorce.

Now in Jordan, Syrian refugees' well-established practice of imam marriage has become the centre of political and media attention and is socially scrutinised. Syrian women understand the women's rights aspect state and non-state actors try to protect. They, however, criticise the approach taken in Jordan that has led to their hypervisibility in the public sphere: Syrian refugee men are portrayed as misogynist and violent and Syrian women as 'cheap Syrian brides' (Abu Shama 2013). This simplified presentation has contributed to Syrian refugees' stigmatisation within the wider Jordanian society and to an increase in women's sexual harassment. Syrian refugee women in Jordan embody, on the one hand, the fear of the decline of moral values within the Jordanian society. On the other hand, they have become an object of Jordanian men's sexual desire. In one of our conversations, a Jordanian man in Irbid explained: 'It is much easier to marry a Syrian girl than a Jordanian. They do not ask for much'. His friend added: 'Marrying a Syrian girl is fuss-free. Just bring an imam and two witnesses. That's it. Done!' As will be illustrated below, what is presented as women's safety deployments by UN interventions and Jordanian state discourses in relation to the marriage registration, is in the cases of the women of this study, a violation of their wider social gender safety. Syrian

women have become fetishised subjects of political and media representations. This has led to their wider social stigmatisation and has positioned women in more vulnerable positions.

The hyper-moralisation of Syrian refugees

In Jordan, public attention has increasingly shifted from humanitarian responses to the Syrian crisis to the perceived immorality of Syrian women refugees focusing thereby on the allegedly deviant nature of their marriage practices. Jordanian families I interviewed regard young Syrian women as a threat to the stability of Jordanian families as a Jordanian woman in the northern city of Irbid said: ‘These Syrian girls are for free. We fear for our men’. One lawyer highlighted the number of divorce cases filed by Jordanian women because their husbands married young Syrian refugees:

Can you believe it? Educated, socially active, hard-working and successful Jordanian women are being replaced by young, uneducated and poor Syrians. There is no comparison between them. You ask yourself why? Why would you do that to your wife? But it happens and it happens really often. Our families are falling apart by these refugees who marry their daughters off to already married men. If they want to stay living here they need to respect themselves and leave our men alone. The problem is, though, that it is harder for Jordanian women to file a divorce case on the basis of polygamy as the marriages are usually not registered and therefore hard to proof.

In Jordan, Syrian women are generally perceived as willing to enter into polygamous marriages with Jordanian men. They are, therefore, blamed for destabilising the unity of Jordanian nuclear families and for promoting polygamous marriages. Gendered ethics is projected onto Syrian women who constantly need to strive for the rehabilitation and restoration of their respectability and piety. Social disciplining of Syrian women in form of public shaming and smearing of their reputation is used to define hierarchies and authorities between Jordanian and Syrian women anew. One Jordanian woman illustrated: ‘Our homes need to be secure again’. Her friend added: ‘Sexual temptation and deviant behaviour threaten our society. We need to combat that before it gets too late.’ A wider moral panic has emerged, as another Jordanian woman in Amman explained: ‘They [Jordanian men] are not marrying our girls any more. Why should they if they can marry much younger and less demanding ones? No big party, no gold, nothing. In half an hour everything is done and he can take her with him home.’

Narratives of threat to society and its social fabric have led to a discourse that hyper-moralizes refugee communities and exposed particularly Syrian women to increased male assault²⁰:

I work at one of the shops in the mall. There is no single day I am not harassed by a Jordanian man. One day a man came to me offering me to marry him. I never saw him before yet he believed I would agree to the marriage proposal. It hurt me a lot but that was not the only incident. The shop owner knows that I need the job and that I do not have the work permit papers. He uses this against me and threatens to dismiss me any time. I however told him that I do not care and that he can kick me out anytime but he will not because I am a hard worker and paid so little. He needs me as much as I need him. Yet, this is not the only incident either. I live in a room with a Jordanian family. One day the son and on another day the father tried to approach me. They see us [Syrian women] as easy prey. The woman in the house came to me and gave me a lecture on morals. She accused me of wanting to steal

her husband and kicked me out of the house. So, I left and carried with me all these accusations. I am not angry at them – none of them – but rather at the media, all these humanitarian organizations and the government who present us as victims and easy prey. It is not like that at all. Yes, you will find few odd examples but they do not represent us. We are not for sale. We have honour and piety as any other girl in this country.

The link between sexual harassment and imam marriages was also the subject of discussion among female activists and lawyers I convened. For them, one way for Syrian women to respond to the attack on their reputation is to enter into marriage forms that are accepted in Jordan and register these officially. In other words, Syrian women are supposed to assimilate into Jordanian society through following conventional marriage practices even if they are different to their own marriage procedures. By submitting themselves to the hegemonic system, they will be able to counter their hypervisibility through gaining back their wider social respectability, as one lawyer explained:

Let me be open and clear with you: as long as they are performing these imam marriages, they will be regarded as sluts. I have seen girls as young as 16 married and divorced three times already. Men see them as easy prey to satisfy their sexual desires. Once they had enough, they throw them away. Marrying in court however makes things harder. There are rights for women and obligations for husbands. It will not be chaos as it is now.

Public shaming by smearing Syrian women's reputation and blaming them for sexual harassment through their lack of piety has given rise to the contradictory deployment of gender safety which the Jordanian state and international feminist humanitarian organisations claim to ensure. Instead of desexualising the female body within refugee communities, the hypervisibility of Syrian women in the public sphere contributes to increasing misogynist attitudes towards Syrian women refugees. Through this hypervisibility, Syrian refugee women have become sexualised objects of desire that strive constantly for restoring their social respectability. As a response to local community members' policing of their moral behaviour, Syrian refugees have developed antipathy towards the Jordanian society and an increased scepticism towards the Jordanian government and humanitarian organisations. In addition, Syrian women and their family members who have returned to Syria are imposed to increased structural and physical violence executed by the Assad regime. Obliging a marriage registration in Jordan leads to returnees' political hypervisibility in Syria, which can position them in life-threatening situations. Those Syrians who registered their marriages in Jordanian courts and whose husbands have returned to Syria have also experienced longer and more complicated divorce procedures.

Transnational dimension of marriage registration

The impact of Syrian refugees on Jordan's economy and infrastructure and the pressure felt among its citizens in competing for limited resources becomes increasingly visible (Içduygu and Nimer 2020). In the context of such socio-political and legal struggles, the repatriation of particularly male Syrian refugees has gained momentum.²¹ One Syrian woman explained:

Our men were never able to cope with the conditions of living here in Jordan. Yes, we are neighbours but we are still strangers and very different. Our men do not have work here. They do not feel needed or respected. This is why they throw themselves back to the hands of the devil [Assad regime]. Some say it is safe to return but the majority are taken

by Syrian soldiers at the borders. We are back to where we started. We left Syria to protect our men but now our men are going back to torture and death.

With the Jordanian/Syrian borders becoming more porous and the political and security situation in Syria appearing to be under control and safe, more male Syrians decide to return to their country.²² Very often, their female family members refuse to join them, as they believe their country is still too dangerous and unsafe. Leaving their wives and children behind in Jordan, male returnees often start a new life in Syria by marrying again and building new families. Rejecting to be in a polygamous marriage, many Syrians I met who stayed in Jordan prefer a divorce. Following Jordanian and humanitarian guidelines in registering their marriages have not solved their marital problems as they now have to deal with transnational challenges, inter-legislative systems and safety concerns as one woman explained:

Asking an imam to end my marriage religiously would be much faster than going through years of court proceedings. At the end of the day, what a woman here wants is to become free and reach a divorce. If this can be achieved through a sentence uttered by an imam, so let it be. Better than years of waiting when it is unclear whether you are married or divorced.

The pressure to register their marriages in Jordan poses safety issues and further legal complications. If a wife files a divorce case in Jordan, as I was told by Jordanian lawyers, both the Jordanian and the Syrian authorities need to communicate with one another as the Syrian side needs to facilitate the fulfilment of the divorce requirements which includes the husband contacting Jordanian authorities. For Syrians, however, who have been politically active this could have life-threatening consequences if Syrian authorities are involved and made aware of the presence of that Syrian husband within its territory:

They cannot open my file in Syria. They will look for us. They will search for my brother and for my husband for sure. Yes, I want to divorce him but I do not want him to be killed or imprisoned. Opening my file is opening the doors of hell to my remaining family members back in Syria.

In such cases, where Syrian women have followed Jordanian legal provisions and registered their marriages, they now face more existential threats. Syrian wives abstain from filing for a divorce in order not to endanger their husbands or any other family members in Syria. The wife remains in an in-between state where she is neither properly married (as their husbands have vanished to Syria) nor able to submit a case for divorce. In such cases, the registration of their marriages does not support their marital rights but rather hinders their divorce and potentially endangers the safety of other family members in Syria. The registration of their marriages has caused problems and challenges that are more serious than if they had not been registered. These experiences are shared with other Syrian refugees which causes further anxiety within Syrian refugee communities and additional mistrust towards the Jordanian legal system.

Accounts from other cases have shown that strategies of relative autonomy and close mutual engagement in form of community arbitration and communal dispute resolutions would have brought about better solutions for women in which not only their rights for divorce but also other post-matrimonial rights would have been secured:

I regret the minute I agreed to register my marriage. One of the NGO workers convinced me to do such step as it will, she argued, protect me financially and legally. My husband went

back to Syria and left me with the children in Jordan. I have not heard anything from him for months. Then I heard that he married another woman in Syria and is expecting a new child. I wanted a divorce. I went to the same NGO that convinced me to register my marriage. They offered me free legal aid, however, it has been now five years and I am still not divorced because they cannot get hold of him. It is a long legal process if the husband does not show up. It would have been much easier if my marriage was not registered. The imam who married us is living in my neighbourhood here [in Jordan]. He said to me that if it was only the piece of paper he issued me years ago he would have divorced me but now that my marriage is registered with the Jordanian officials it needs to go through their court. It is now out of his hands.

Syrian women of this study believe that humanitarian interventions around women's protection should not be a practice of 'ticking boxes', as a Syrian teacher explained, but rather

a well-thought through plan that takes into consideration the well-being and safety of the people who are directly affected by the situation: women as well as men. Yes, we want our rights but not at the expense of our men. The reason we left Syria in the first place was in order to protect our men from the Assad regime. Do you think we want to harm them now? Of course not. At the end of the day, these men are the fathers of our children. We do not want to cause any harm to them. This is something these organizations do not understand. They see us as victims of male violence – but you know what? If at all we are the victims of their own violence!

In my interviews with them, women compared the physical violence they experienced under the Assad regime with the felt and perceived structural violence imposed upon them by state and non-state actors as well as local community members in Jordan. Their rejection of registering their marriages is a form of resistance to such perceived structural violence. For some, it is a way to reinforce their lost cultural identity and social respectability by insisting on holding onto practices that they believe work best for them.

Conclusion

Syrian refugees, and women, in particular, have become the object of hypervisibility within the public sphere in Jordan. The practice of imam marriages has become a site of shame and dishonour and has placed women as subjects of public and governmental scrutiny. This hypervisibility of Syrian women's marriage practices is manifest on two levels: First, by presenting imam marriages as a repressive gendered problem. Countering their prevalence has become a feminist project that is embedded within global women's rights discourses. Although the aim of a marriage registration in Jordan is to secure women's rights, the examples in this article have shown that such top-down approaches neglect to recognise women's (and men's) own agency. The right to intervene and to protect is brought to the fore over the endorsement of alternative emancipatory models Syrian refugee women try to preserve. It thereby fails to recognise alternative emancipatory approaches beyond those defined by global discourses within UN doctrines and other human rights organisations.

Second, imam marriages are framed as a matter of serious social concern within the Jordanian society threatening the unity and stability of the Jordanian family unit and marriage practices that protect it. This provided a justification for the government to enforce a tight regime on the social and moral order of Syrian refugees' marriage practices in Jordan. With

such heightened attention, a moral panic has subjected Syrian refugee women to a morality politics that is enforced by local communities and cultivated by a gendered ethics of respectability. These unintended trajectories around the need to register imam marriages have (a) positioned Syrian refugee woman as objects of hypervisibility and subjected them to continuous political and socio-moral surveillance and scrutiny and thereby undermined their agency and autonomy; (b) generated mistrust towards the Jordanian society and government as well as humanitarian organisations and (c) discredited the work of humanitarian organisations.

Syrian refugees live in translocal social and legal spaces. These spaces are governed by local socio-legal contexts and are influenced by geopolitical developments in the Middle East. International humanitarian response plans, such as the UN's Development Programmes or Jordanian Regional Response Plans, need to take these changes and influences into consideration. Although their interventions to register marriages among Syrian refugees in Jordan are well-intended, they do not consider their wider implications. As this article has demonstrated, these efforts have undermined the safety and social standing of Syrian refugee women and their family members in Jordan and Syria. Safety concerns and long complicated court procedures have influenced women's decision not to register their imam marriages or conducting them in court. It has also led Syrian refugees to mistrust state and non-state interventions, which will undermine the efficiency of their future aid and support. The government's implementation of its moral order through legislative ordering in the field of marriage and gender does not allow room for any alternative sets of practices. They rather impose a normative ideology on gender norms and emancipatory models informed by global human and women's rights standards. These frameworks, however, lack understanding of and sensitivity to the realities lived and the challenges faced by Syrian refugees whose own concerns and needs they do not see reflected in such political and humanitarian agendas.

Notes

1. Interview conducted with one of the Syrian women refugees in Amman, Jordan in 2018.
2. Some refer to these marriages as *kitab sheikh* but also *zawaj sheikh* or *zawaj barrani*, see Zbeidy 2018. Other scholars refer to them as 'out of court marriages', see Carlisle 2008. A similar practice has been observed in Morocco and referred to as *Fatiha*-marriages (see Mir Hosseini 2000). On Muslim marriages more generally (see Akhtar 2018, 2020; Akhtar, Nash and Probert 2020; Moors 2013; Moors, Akhtar, and Probyn 2018; Sonneveld 2011; VanEijk 2013).
3. Another type of unregistered marriage is referred to as 'urfi marriage. Similar to imam marriages, they are not registered however usually conducted in secrecy without the knowledge of family members.
4. Referred to as *ma'dhun*. For more, see Engelcke 2019.
5. See article 36 of the Jordanian Personal Status Law.
6. For more on human security protection see Jolly and Ray 2006 and Jacob 2014.
7. My research focused on what is referred to as non-camp refugees since the majority of refugees in Jordan live outside of refugee camps.
8. Here, according to my informants, an enormous amount of paperwork and secret service security checks were required which discouraged spouses from registering their marriages

in court. Conversations with lawyers in Syria however revealed that such requirements are unnecessary.

9. See, for example, the report issued by the [Norwegian Refugee Council](#) in 2015.
10. See, for example, the report issued by the [Norwegian Refugee Council](#) in 2015.
11. This includes not having to submit a certificate from the imam who concluded the marriage in Syria or any medical certificates or military permit for men.
12. Referred to as marriage ratification or *tathbit zawaj*.
13. Reservations were made on few article such as 9(2); 15(4) and 16(1); paragraphs c, d and g, respectively. This is an on-going process, for the latest update on Jordan's implementation of the CEDAW, see Shadow Report and CEDAW 2017. Jordan's international commitments on securing gender equality and the empowerment of women and girls as stated in the UN Sustainable Development Goal 5 has been demonstrated by the 2010 family law reform. More on family law reform in Jordan (see Engelcke 2019).
14. See, for example, the report published by UNICEF in 2014.
15. These are figures presented by the Refugees, Displaced Persons and Forced Migration Studies Center at Yarmouk University. According to UNICEF 19% live in refugee camps, mainly in al-Zaatari and al-Azraq, UNICEF 2019, 47.
16. See, for example, the report published by UNICEF in 2014.
17. See also within the Lebanese context Marei et al. (2018).
18. More on the logic of hypervisibility (see Reddy 1998; Yancy 2008; Amar 2011).
19. More on media representation (see Alrai 2016 and Petra 2014).
20. As Amar explains within the context of sexual harassment in Egypt, 'when subjects are hypervisibilized, they remain invisible as social beings: they are not recognizable as complex, legitimate, participatory subjects or citizens' (see Amar 2011, 305).
21. Syrian men find it increasingly challenging to integrate into Jordanian society and have lacked the opportunity for third-country resettlements. For similar experiences and developments in other countries (see Chatty 2017; Culcasi 2017; Khallaf 2019; Zieck 2004).
22. On repatriation of Syrian refugees in Lebanon (see Fakhoury 2021).

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