Policy Paper

The Social Impact
of Jordan's Electoral System

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Introduction

Since the 1989 elections, which were conducted according to a multi-vote electoral law, the electoral system in Jordan has gone through multiple stages. On the eve of 1993 elections, the electoral law was amended and became known as the "one man, one vote" system. All subsequent elections have been conducted according to this single non-transferable vote (SNTV) system. This law was amended again in 2012 to a mixed electoral system while still maintaining the one-person-one-vote basis.

There have been a number of studies and discussions about the electoral system. By and large, these studies focus on the political impact of the electoral system and how it affects the process of political reform and democracy in Jordan. Yet, there is another dimension that has so far not captured the interest and focus of researchers and activists. It is the social impact of this system, which is just as important as the political impact.

This paper attempts to shed light on the consequences of the electoral system for Jordanian society. It addresses this issue by linking the system with a number of phenomena and themes such as societal violence, local democracy, women, bribery, and the relationship between various sectors of society. Additionally, this paper presents a number of recommendations on how to counter the negative social impact that has been generated by the current electoral system.

The Electoral System in Jordan

While this paper does not discuss the technical details of the current electoral system in Jordan, it is important to outline the basics of this system to link it to the main themes of this paper. Indeed, the key assumption of this paper is based on this connection.

Understanding the current electoral system depends on four key elements: the voting system, electoral districts, the quota system, and the representation of voters. Clearly, these four elements define the shape of any electoral system in the world and define its social and political impact.

The Jordanian Parliament is made up of 150 seats. Out of this number, 123 seats are elected according to the SNTV system. This means that a voter can only cast one vote for one candidate in his or her electoral district. Accordingly, the winners are those who obtain the simple majority. The picture is different in electoral districts with more than one seat where voters cast only one vote for one candidate. The candidate who receives the most votes gets elected and so does the one with the second most

votes and so forth. The remaining 27 seats (18% out of the total number of seats) are elected according to a closed proportional national list where the country is one electoral district. According to this system, the voter casts one vote for a list and not for an individual candidate. Each list receives seats in Parliament according to the largest remainder method. The elected members are selected according to the order of the candidates in the list, which is determined in advance.

The 2012 electoral law divides the twelve Jordanian governorates into 42 electoral districts. Each district is allocated a number of seats that varies from one seat to seven. Out of the 150 seats in Parliament, 108 seats are distributed this way. Additionally, there are closed electoral districts for the Bedouins of the North, South and the center of the country. Each of these Bedouin electoral districts is allocated three seats. The Bedouin electoral districts are not formed along certain geographical criteria but according to tribal criteria, which define the names of the Bedouin tribes that have the right to vote in these specific electoral districts.

The described system generates inequality in voting power among the various electoral districts. International criteria do not state a range of differences among electoral districts to secure equality in voting. However, a difference in voting power ranging from 10 to 15 percent is considered an acceptable practice.[1] When drawing a comparison of the difference in voting power of the electoral districts, it becomes clear that the layout of the districts is neither based on the number of inhabitants nor of registered voters. With regard to the number of inhabitants, the electoral district with the highest voting power is the governorate of Ma'an, which enjoys a voting power that exceeds 125% of the average. The governorate with the lowest voting power is Amman with 32% less than the average.[2]

One can describe the electoral system in Jordan as a system of quotas. All seats of Parliament are determined by quotas: The law states that 96 seats are for Muslims, 9 for Christians, 3 for Circassians and Chechens, and 15 for women. 123 seats out of 150 seats in the parliament are allotted this way. No candidate can compete for a "normal" seat: A Circassian candidate, for instance, cannot compete for a Muslim seat. A Bedouin candidate has to run in Bedouin districts even if he or she lives elsewhere.

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[1] Identity Center and Democracy Reporting International, "Assessment of the Electoral Framework," Final Report, March 2013
[2] Ibid.

The Electoral System and Societal Violence

In 2013, pundits and observers reported several cases of violence connected to the election process. The violence varies from verbal to physical, from among individuals to collective violence. In some cases, supporters of certain candidates shot at other candidates and attacked polling stations. Violence connected to the elections took place in Karak, particularly in Faquo' district, which impacted the outcome of the election. For this reason the court declared the elections of Faquo' as null and void.[3] Reports by the Integrity Coalition for Election Observation (Nazaha), the Civil Coalition for Monitoring the 2013 Parliamentary Elections (RASED), and by the Jordanian National Centre for Human Rights (JNCHR) include full details of these cases. Moreover,

Societal violence is by no means confined to election time. In fact, there are violent fights in universities that have spread widely over the last years. Adding to this there are increasing numbers of cases of domestic violence and family-related violence, and several violent group clashes. Furthermore, Jordan has witnessed a number of cases where violence was employed as a means to express protest. On more than one occasion, highways were closed with tire fires or by force, most prominently in Ma'an.

For years, the electoral system has contributed to the phenomenon of societal violence. There are a number of documented cases of violence that are linked to election campaigns and competition among candidates. In some cases they are connected to the announcement of election results. In the 2010 election, for instance, one person was killed in Karak when the results were announced.[4]

Election-based violence is connected to two critical issues: The first one is the lack of popular trust in the bodies that oversee the electoral process due to previous experiences where the organizing authority interfered in the elections. More than one former official admitted that interference in elections had taken place; this is also confirmed by observers' reports. In fact, the following statement made by Abdel-Elah Al-Khatib, then Head of the Independent Election Commission (IEC) should be understood within this context: Khatib stated that the IEC aimed to restore the trust of the voters in elections. His statements were published by many media outlets and were documented by electoral observer groups.[5]

In a poll of a representative sample conducted by the Identity Center for Human Development after the 2013 elections, 53% of respondents said that they believed elections to have not been fair. In a different question, 75% stated that elections were

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[3] For more details, see http://www.ammonnews.net/article.aspx?articleno=146782
[4] http://www.alriyadh.com/net/article/576115
[5] http://www.entekhabat.jo/public/DefaultDetailsAr.aspx?id=39&type=article

conducted without major complications.[6] This clearly reflects the lack of trust among people with regard to the electoral process as a whole regardless of the body that oversees it. The 2013 elections were organized and overseen by the IEC, while previous elections had been primarily organized by the Ministry of Interior.

The second issue is the practice of shaping electoral districts according to certain interests (gerrymandering) and of fair representation. The absence of clear criteria in dividing electoral districts and the limiting of voters to one candidate in multi-seat districts only reinforces the loyalty of voters to the candidate of a tribe, a family or a region. Over the years, this reality has reinforced tribal solidarity and turned the election from a political competition to one that is more tribal or regional. This unnatural competition can take a violent form during election campaigns, particularly at the moment when the results of elections are announced. Attacks on signs, billboards, and candidates' headquarters have been observed as well as the tearing up of photos of candidates; in some cases gunshots were fired at candidates. It has been reported in the media that some candidates use thugs, either to co-opt them or to protect the election headquarters. It is well known that this kind of people is prone to violent attitudes in dealing with any competitors.

Under the SNTV system and given the small size of electoral districts, competition among the leadership of these districts is limited to certain groups, which increases tension among these groups.

A Parliament or a Municipal Council

To a great extent, the ability of a candidate to provide voters with services is deemed a key element for getting the voters' support. A poll conducted by Identity Center found that 34% of voters cast their votes for candidates capable of providing services.[7] These services included offering jobs, paving roads, establishing hospitals and other things that are not supposed to be within the direct domain of the work of a member of the parliament. The role of a member of parliament is confined to three issues: legislation, oversight, and representation.

Noticeably, the ability of the candidate to offer services is closely connected to his or her relationship with the executive authority. The candidate who enjoys a solid relationship with the state apparatus is the most capable of making these services available to voters. This in turn impacts negatively on the fairness of the contest among the candidates and reinforces the practice of indirect interference in the

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[6] Identity Center, "Citizens' Expectations from the 17th Parliament," 2013

[7] Ibid.

electoral process. More often than not, the candidate pays a huge price for being entwined in such a relationship, which in turn makes him or her less effective in imposing oversight on the executive authority. Needless to say that were it not for his or her relationship with the government, he or she would not be able to get votes.

The fact that services are offered through deputies in the parliament shows that the service system is lopsided. These services are supposed to be offered by relevant bodies such as municipalities, the private sector, and branches of the government. This deformation impacts the societal attitude of the voters and reinforces the concepts of favoritism and nepotism. Moreover, justice and equal opportunity are obstructed this way. Understandably, the candidate or the deputy would be careful to offer the service to that social group, which he or she deems a source of potential votes, to the detriment of other groups in the electoral district. As long as electoral districts remain small in size, the social groups that would benefit from these services will remain limited and the majority of the district voters will not enjoy them. This would create more sensitivities and tension among the different groups and would buttress a rentier mode in the relationship between the citizen and the state as represented by the parliament in this case. To be sure, this relationship is not based on the values of citizenship, rights and duties.

Not surprisingly, this deformed relationship between the voter and the candidate (a potential future deputy) generates a negative impact, which can be observed in the decreased role of local councils and municipalities. This way, local councils and municipalities are in an unfair competition with the parliament in providing services, which only adds to other impediments, such as the dominance of government in their work. If Parliamentarians provide services, this leads to the conviction among people that a deputy is more capable of this than the local council. This causes people to underestimate the work of local councils and to not deal seriously with them. In some case they may even pass by the local councils and their procedures.

Undoubtedly, weakening the role of local councils negatively impacts the concept of local democracy, which is frail to begin with. In many cases, the emergence of direct service-related ties between the deputy and the voter can deform the local societal relationship. This can be observed when a favored group forms an advantageous relationship with the deputy while other groups are excluded. Given the absence of an active and effective role of the local councils, the disadvantaged groups will find no one to help them receive their services

Women: Winners or Losers?

The electoral system in Jordan secures the representation of women in the parliament by means of a quota system. This system allocates 15 parliamentary seats out of 150 to women. Proponents of this quota system argue that it is the only guarantee of women's representation in the parliament in an obviously male-dominated society. They also argue that if people lack knowledge about women's performance in Parliament, it is not possible to change the societal view towards women. In other words, it is the only way to convince voters to consider voting for women. This argument is in part true. Only three women were elected outside the quota system in the latest elections of 2013. Interestingly, one of them had been elected in a previous cycle through the quota system.[8]

On the other hand, the modest number of votes that women received in elections is a clear indicator that society has yet to be convinced to cast votes for women. Therefore, when it comes to discrimination against women, the social impact of the quota system was not noticeably positive. Women still suffer from social and political discrimination, a phenomenon that the electoral system has not been able to overcome. It can be argued that the quota system in combination with the small electoral districts and the SNTV has encouraged some social groups, particularly small tribes, to run women as candidates with the hope of gaining representation of the tribe in Parliament, given the lack of opportunity for the group or tribe to be represented otherwise. Evidently, this voting attitude does not reflect a conviction of the role of women nor of their ability to hold public office as much as it shows an exploitation of the electoral system for tribal competition and for preferential access to services. More than one female candidate, especially in remote governorates, made it perfectly clear that they ran for elections simply because their tribes saw in this system a chance to have more representation in Parliament.

That said, the issue of women and their benefit from the quota system remains controversial. While some observers underscore that women benefit from the system, some skeptics doubt the advantages of the quota. The latter point out that the benefit is rather quantitative than qualitative. Skeptics also argue that society is not yet in a position to offer women real support. For them, voting for women is, by and large, not driven by a real conviction of their role as much as it is a means to maximize the electoral benefit of social groups or tribes in Parliament.

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[8] Mariam al-Louzi (Fifth District, Amman), Wafa Bani Mustafa (Jerash) and Rula al-Hrub (national list).

Sub-National Identity and Lopsided Representation

It is assumed that elections are the means through which voters express their political identity in the first place; the situation in Jordan is different. In fact, the electoral system does not encourage voters to do so. On the contrary, the system reinforces tribal and local identities. In the opinion poll conducted by the Identity Center, less than a quarter of voters stated that they had voted according to their political convictions.[9]

Of course, the tribal structure of Jordanian society is a central factor in this. Given small electoral districts, the first choice of voters is for tribal candidates. As the electoral system gives voters only one vote to cast, this vote goes to the tribal candidate. If the vote is not given to the tribal candidate, it goes to someone who is capable of offering services. In many cases, voters cast their vote for a tribal candidate who is seen as capable of providing them with services and benefits.

The electoral system that is based on small size districts and the SNTV system enhances the allegiance to tribal and parochial identities at the expense of the political identity and citizenship. On top of that, it threatens the unity of the tribe, especially when more than one candidate from the same tribe runs in a single district. The system of gerrymandering has led to districts where all of the voters belong to one tribe.

To deal with this reality, some tribes resorted to what is known as tribal consensus. This strategy was designed to avoid intra-tribe divisions in order to mobilize the votes of the tribe for the candidate of the tribe competing with candidates form different tribes. Reaching this tribal consensus can be done in two ways: First, the leaders and dignitaries of the tribe agree among themselves on one candidate to run for elections. Second, some tribes introduced the system of primaries to ensure that the winner would enjoy the support of the tribe. Nonetheless, practical experience proved that the two options cannot always lead to the desired tribal consensus. In some cases, more than one candidate from the same tribe contests elections and is thus dividing the tribe. This division can have a negative impact on the social relationship among the members of the tribe or among the inhabitants of the area.

The Jordanian system of forming districts and distributing seats, a system which lacks clear criteria, has led to this obvious defect in representing citizens in Parliament. Some highly populated governorates are underrepresented compared to less populated governorates. Furthermore, the flaw in representation can be traced to the governorates themselves. Some districts are over-represented within the same governorate due to the lack of an official benchmark for defining the border of the

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[9] Identity Center, "Citizens' Expectations from the 17th Parliament," 2013

district or the way in which seats are distributed. For instance, the number of registered voters in the first district of al-Balqa' is 90,000 voters. This district is allocated seven seats with an average of 12,800 voters for each seat. On the other hand, the number of registered voters in the fourth district of al-Balqa' is 50,000 voters but that district is allocated only one seat.[10] If representation were defined by the criterion of the number of registered voters, either the first district would have to be represented by two seats instead of seven or the fourth district by four seats instead of one.

The absence of justice of representation in this electoral system enflames sensitivities among the various groups of society. Not only does this run counter to the principle of equality among citizens, it also creates the impression that it is intended to exclude the underrepresented groups form the political scene. It can lead to boycott and a lack of interest in participation as it would be seen as futile. The lack of a clear and scientific criterion for dividing the districts reinforces the notion of "privileged electoral rights". Any attempt to reduce the number of seats allocated to certain districts would, of course, face obstacles as the inhabitants of the district would see this as undermining their rights. Hence, balance can only be restored through an increase of the number of seats allocated to the underrepresented districts, a step that would senselessly enlarge the parliament.

Electoral Bribery: The Phenomenon of Vote Buying

Recently, the phenomenon of vote buying has spread in the country. Some also call it "political capital". The term "political capital" is misleading as it labels a legitimate practice. For instance, the donations offered to a candidate can come under the rubric of political capital. However, vote buying cannot be described as anything but bribery. In many cases, the candidate or his/her agent pays an amount of money for a voter as a quid pro quo for a vote in favor of the candidate. This process is illegitimate and contravenes the electoral law.

This phenomenon not only undermines the will of the voters and helps unqualified candidates to become decision-makers. Indeed, this phenomenon underpins bribery as an attitude in society. Even worse, it makes it an acceptable practice. Not only does this phenomenon infiltrate individuals but it also reaches institutions. Some candidates donate to an association or a club in exchange for receiving the votes of the members, which means that the whole institution is embroiled in bribery.

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[10] Voters and districts lists published by the IEC,
http://www.entekhabat.jo/public/DefaultDetailsAr.aspx?id=137&type=elecsearch

Reasons for voters' acceptance of bribery are abound. First, voters do not have confidence in the electoral system. For them, the parliament is futile in the first place. Hence, they believe that their votes carry no value and for this reason the money they receive for casting their votes to this or that candidate is more valuable. Additionally, an electoral system based on individualism and small size electoral districts encourages candidates to buy votes. Since districts are small, the amount of money needed to accumulate enough voters is limited. With bigger districts, the amount would increase. The ineffective mechanisms for countering this practice and the lack of a serious attention to it have further aggravated the situation. Needless to say, both candidates and voters are encouraged by the lack of effective mechanisms for fighting this practice.

Reinforcing the Concept of Individualism and Risking the Social Fabric

Jordan's electoral system relies mainly on individuality. On the whole, candidates run for election on an individual basis because the proportional lists are not adopted on a large scale. Also, voters cast their votes for an individual rather than a group. This only strengthens the phenomenon of individuality in society and clearly counters any attempt to run for election on an intellectual and collective basis.

The logical outcome of this situation is the emergence of political opportunism, which, with time, becomes collective opportunism. An individual becomes selfish and opportunist in his or her of dealing with society. This also reflects badly on the relationship between the various social groups. These groups enter into a non-political competition to gain representation in Parliament, which leads to frustration and tension that strain the fabric of society. All in all, the SNTV, the small size electoral districts, and the unfair representation lead to a fragmentation of society and endanger the social peace.

Recommendations

1. There is a need to boost the trust of voters in the electoral process by reinforcing the autonomy of the Independent Election Commission (IEC) at all levels, especially at the administrative and financial levels. This entails increasing the level of transparency in all procedures pertaining to elections. Undoubtedly, strengthening the voters' trust in the fairness of the electoral process can mitigate the reaction of the candidates and their supporters when they lose an election and avoid their resorting to violence.

2. The electoral districts should be redesigned. A geographical criterion should be the basis for expanding these districts so that they correspond to the governorates. Expanding the electoral districts can reduce tribal mobilization and can support the forging of alliances among different social groups. With time, this will strengthen the political identity of citizens at the expense of their social identity. It will also reduce the ability of corrupted candidates to buy votes because it will become more expensive to gather a decisive number of votes.

3. After expanding the electoral districts, there is a possibility of redistributing the number of seats according to the criterion of the number of inhabitants in each district. This should be done without aggravating groups who feel that they will lose some of their "advantageous rights." It is important to emphasize the necessity of not adopting the inhabitants' criterion alone. The criteria of diversity, culture, and development should be taken into account as well.

4. At least half of the seats of Parliament should be allocated to open proportional lists whether at the national or the governorate levels. This can reinforce the alliances among candidates and can mitigate tension among various social groups. In addition, this step can, at least for an interim period, maintain the will of Jordanians to directly elect their representatives.

5. The women quota system should be reconsidered and integrated into the proportional list system. This will increase the chance of women winning seats in Parliament without their depending on tribal representation alone.

6. The level of cooperation between the IEC, the security apparatus and the justice system should be increased to counter the phenomenon of vote buying.

7. The municipality law should be amended to encourage decentralization and grant local councils and municipalities a bigger role in providing services. This way, all members of society can benefit from services without depending on favors from members of Parliament.

8. The IEC and NGOs should launch an awareness campaign to reinforce the concept of citizenship and political identity rather than sub-national identities.

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