

Religious Factors In Ensuring Internal Political Stability And Peace In Jordan

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ABSTRACT

The article explores the Jordanian state's policy of religious tolerance and its unique approach to ensuring peace in the country and the region. It also analyzes the historical and contemporary situation of the multi-religious state, as well as its experience in reconciling religious and secular laws.

ARTICLE INFO

Received: 26th October 2025

Accepted: 24th November 2025

KEY WORDS: Jordan, domestic politics, religion, religious organizations, religious tolerance, religious and secular laws.

Introduction

Since its establishment, the Jordanian state has been characterized as a civil state, not a religious state in the theocratic sense. The state was not founded on a religious basis, nor was its legitimacy based on "religious ideology". However, it was not established solely on the basis of secularism, which would lead to conflict with conservative and religious currents in society.

From its establishment to the present day, and through successive generations of kings: Abdullah I, Talal, Hussein and Abdullah II, Jordan has maintained a "balance" between civil and religious demands. At no stage in the country's history has it deviated from this path, and this balance has remained the main feature of Jordanian politics.

Since the establishment of the Emirate of Transjordan in 1921 by its founder, Prince Abdullah bin Al Hussein, the state has achieved a stable and unchanging "balance" in its relations with religion (Islam).

The Emirate of Transjordan was founded in 1921 by the then Emir Abdullah bin al-Hussein and became a British protectorate. In 1946, Jordan officially became an independent state called "The Hashemite Kingdom of Transjordan", and in 1949 the name of the state was changed to "The Hashemite Kingdom of Jordan". Emir Abdullah became King Abdullah I (the founding king).

Discussion

Since its establishment, Jordan has not established its laws on the basis of a strict religious "ideology". Islamic law (Sharia) is not accepted as the sole source of legislation, and the state has not submitted to religious requirements in its domestic and foreign policies. However, Jordan was not founded on the basis of "radical secularism", which confuses the spirit of confrontation with conservative and religious currents in society.

Although the founding king, Abdullah I, was a member of the "Hashemite family" of the Prophet's dynasty, the Jordanian regime did not adhere to religious titles such as "Caliph" or "Amir al-Mu'minin" (Commander of the Faithful). Successive Hashemite rulers in Jordan have sought to adopt a modern, secular form of government based on a parliamentary monarchy (a modern monarchy similar to European monarchies).

However, the state has not renounced religious affiliation in its domestic policy and to a lesser extent in its foreign policy. It also promotes respect for religious sentiments prevailing in society, personal freedom, and religious tolerance between different religions and sects.

King Abdullah I (1921–1951) took an interest in religious matters, but most of them were related to public behavior, customs, and traditions. In a directive to one of his prime ministers, he emphasized that high-ranking officials should adhere to the requirements of prayer and fasting during Ramadan, and that high-ranking officials should heed these instructions and abstain from alcohol and gambling. He asked the government to consider reducing imports after alcohol consumption increased in society. In a directive to Prime Minister Tawfiq Abu El Khoda, King Abdullah I ordered that Muslim women wear the hijab (headscarf) as the proper attire for going out of their homes. In his decree, the king warned that men walking “barely” in the markets contradicted the virtues inherited by the nation.

On the other hand, state ministries and institutions issued instructions to respect religious feelings, not to harm them or discriminate against them. Nightclubs are closed during Ramadan, and the sale of alcohol is prohibited.

These instructions are advisory, and no official laws stipulate penalties for those who do not follow them. Perhaps they are advisory, and for Jordanians it has already become a habit to follow these conditions. This also shows that the king’s interest in religious matters was the result of personal attention, and citizens were not forced to do this.

This is a consistent policy that the state has pursued since its inception: in terms of religion, the state has maintained “neutrality” and has not sought to instill Islamic views in society, while at the same time not promoting any form of Westernization in society.

Jordan has been characterized from its inception as a “civil state” rather than a religious one in the theocratic sense. King Abdullah I, in his speech of May 15, 1923 (dedicated to the ceremony of adopting the Declaration of Independence), stated: “I hereby declare that the basic law (Constitution) of the state will be prepared and the electoral law will be amended in accordance with the spirit, nature and social environment prevailing in the country.” The establishment of a “civil state” was known as his political aspiration.

The definition of a religious state is a state in which, regardless of the religion, its power is vested in the clergy class rather than in politicians. The rule of the clergy is considered divine or sacred. Any state not ruled by the clergy, regardless of the nature of its regime, is a “non-religious” state. Therefore, the Jordanian state is a secular state, with no political authority for the clergy in any form.

Although the Jordanian state is not founded on a religious basis, the government has been conservative in nature, largely due to the royal family’s lineage to the Prophet Muhammad. This lineage has supported the royal family with a religious-historical heritage, representing a “symbolic” legitimate source of rule.

This “balance” between religion and state has placed Jordan in a category closer to “consensual secularism.” Through it, the state simultaneously maintains its institutions of governance, domestic and foreign policy, while maintaining their secularity. It does not conflict with religion, but rather respects the precepts of religion in a number of legal documents and policies.

The state has maintained this characteristic as a fundamental feature of Jordanian politics since its inception to the present day.

There is nothing ambiguous in the “articles” of the Jordanian Constitution that would lead to the supremacy of the Islamic character of the state at the expense of the civil political system, and they are not hostile to the position of religion and its legislation. Article 6 states: “Jordanians are equal before the law. There shall be no discrimination between them in their rights and duties on the grounds of race, language or religion.” This article has become a fundamental feature of the “civil” state’s relations with individuals and groups. Section 6 of the Jordanian Citizenship Law of 1954 defines “Jordanian citizen” as: “Jordanian” means any person who, under this Law, is a Jordanian citizen.” The law does not specify any aspect of origin, religion, color, language, etc.

The Constitution of Jordan was adopted in 1952 and has been amended several times. The most recent amendment was made in 2016. Article 97 of the Jordanian Constitution guarantees the independence of the judiciary, stating that judges “shall not be subject to any authority other than the law.” Article 99 divides

courts into three categories: civil, sharia, and special courts. Civil courts hear civil and criminal cases and have jurisdiction over all persons in all civil and criminal cases. Sharia courts, on the other hand, have jurisdiction over matters of personal status, such as divorce and inheritance. and is based on Islamic law (Sharia). The Special Court hears civil cases.

Article 14 states: "The State shall ensure the free exercise of all forms of worship and religious ceremonies in accordance with the customs and traditions prevailing in the Kingdom, unless they are contrary to public order or morality." This article guarantees citizens the freedom to profess a religion (any religion) and to perform religious ceremonies.

The Constitution, the source of Jordanian national law, limited religious law to matters of personal status. The right to adjudicate in matters relating to the personal status of Muslims and Islamic endowments is vested exclusively in the Sharia courts.

Article 105 states: "The Sharia courts shall have exclusive jurisdiction, in accordance with their laws, over the following matters:

- Matters of the personal status of Muslims;
- Cases involving blood money (Diya) where both parties are Muslims or one of the parties is not Muslim and both parties consent to the jurisdiction of the Sharia courts;
- Matters relating to Islamic endowments."

Article 106 states: "The Sharia courts shall apply the laws and regulations of Sharia in the exercise of their powers."

Regarding the personal status of non-Muslim Jordanians, the constitution entrusts the judiciary with the authority to rule on matters of personal status, which are assigned to the religious community councils, recognized by the government. Article 109 states: "Religious community tribunals shall be established in accordance with the laws and regulations governing them. Such laws shall determine the jurisdiction of the courts established for the benefit of personal status and endowments. In this regard, matters relating to the personal status of any community shall be subject to the same jurisdiction as matters falling within the jurisdiction of the Sharia courts with respect to Muslims. Such laws shall determine the procedure to be followed by the religious community tribunals." Islam is the main religion in Jordan. Muslims constitute approximately 92% of the population of the kingdom, while Christians currently constitute approximately 4% of the population. The Abuna website (published by the Jordanian Center for Catholic Studies and Media) indicates that the proportion of Christian citizens in Jordan is 4% of the total population. The number of Christians in Jordan is estimated at 220,000 according to statistics from 2014-2015.

The country also has small communities of Baha'i and Druze, which are not recognized as religions by the Shiite government.

Although Article 2 of the Constitution states: "Islam is the religion of the state, and Arabic is its official language," this article does not mean anything other than that the majority of the state's citizens are Muslims. This norm was added to the Constitution to appease religious and conservative forces.

The fact that the Constitution defines "Islam as the religion of the state," as well as the existence of Sharia courts that decide civil matters in family matters, in no way means that Jordan is a religious Islamic state. Article 24, paragraph 2, states: "The people exercise their powers in accordance with the procedure established in this Constitution." This is because secular states derive their powers from constitutions, while religious states derive their powers from religious texts.

In the definition of the political system existing in the State of Jordan, the text of the Constitution, Article 1, states: "The Hashemite Kingdom of Jordan is an independent sovereign Arab State. It is indivisible and inalienable and cannot be transferred to any part of it. The people of Jordan form part of the Arab people and its system of government is a parliamentary with a hereditary monarchy."

This is a description of the political system in the Hashemite Kingdom of Jordan. It should be noted here that the Constitution affirmed not the "Islamic identity" but the "Arab identity" of the Kingdom and its citizens.

Article 24, paragraph 1, states: “The people are the source of all authority.” And Article 25 states: “Legislative power belongs to the National Assembly and the King. The National Assembly consists of the Senate and the House of Representatives.”

In conclusion, the provisions of the Jordanian Constitution clearly state the civil nature of the political system and the principle of equal citizenship in rights and duties. The Constitution distinguishes between civil and religious matters. In the process of separating them, freedom of religious belief and respect for different religions served as the main principle.

Jordan has signed and ratified a number of international conventions and agreements on human rights and religious freedom adopted by the United Nations General Assembly. They also adopted the following norms set out therein:

- Article 18 of the 1948 Universal Declaration of Human Rights states: “Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to teach, worship and manifest his religion or belief.”

- The International Covenant on Civil and Political Rights (ICCPR), adopted by the United Nations General Assembly on 16 December 1966 and entering into force on 23 March 1976, obliges its parties to “respect civil and political rights, including the right to life, freedom of religion, freedom of expression, freedom of assembly and the right to fair elections.”

The ICCPR was signed by Jordan on 28 May 1975 and ratified on 15 June 2006. Article 18 of the International Covenant on Civil and Political Rights (ICCPR) states:

- Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to have or to adopt a religion or belief of his choice, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

- No one shall be subjected to coercion which would impair his freedom to have or adopt a religion or belief of his choice.

- Freedom to manifest one’s religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

- The States Parties to the present Covenant undertake to respect the freedom of parents and, where applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

According to constitutional expert and jurist Dr. Amjad Shamout, while the Jordanian constitution clearly states that religious freedoms and religious practices that do not violate public order in Jordan are applicable, it does not require the country's authorities to apply Islamic law (Sharia) or to formulate its policies (domestic and foreign) in accordance with Islamic teachings.

King Abdullah II of Jordan, in his sixth public address entitled “The Rule of Law and the Civil State,” published on October 16, 2016, defines the Jordanian state as a civil state.

Jordan is a constitutional monarchy, but the king has broad executive and legislative powers. He is the head of state and the Supreme Commander-in-Chief. He appoints the prime minister and the heads of the security services. The prime minister is free to choose his government. However, the king can dissolve parliament and dismiss the government. The current monarch, Abdullah II, ascended the throne on February 7, 1999, following the death of his father, King Hussein.

The king has defined the principles that constitute the essence of a civil state: “A civil state is a state governed by a constitution and laws. It applies to all citizens without exception. This is a state of institutions that guarantee the separation of powers through a system of checks and balances, preventing any power from encroaching on the other. “A state that respects and protects pluralism, protects all members of society, regardless of their religious or intellectual affiliation, and is equal in rights and obligations.”

Another delicate aspect of the civil state put forward in the King’s speech is the relationship between religion and the state. It emphasizes that the “civil state” is not “synonymous with the secular state” in the sense of separating religion from the public sphere. “In a civil state, religion is a fundamental contributor to

the system of values and social norms” and “religion is also enshrined in our [Jordanian] constitution.” At the same time, as the discussion document clearly states, “the state will not allow anyone to manipulate religion for political gain or the benefit of a particular faction.”

With this address, King Abdullah II fully described what the democratic civil state of the Hashemite Kingdom of Jordan would ultimately look like.

In general, secular states exclude religion. While they do not prohibit people from practicing their religious beliefs or restrict religious freedom, they do not allow religion to interfere in state affairs in order to prevent conflicts that may arise in societies that include different religious communities.

In this sense, the Jordanian model is unique. Although religion is enshrined in the Jordanian constitution, the constitution guarantees pluralism, freedom of religion, and equality before the law for all citizens.

The concept of a “civil state” is a new and emerging slogan in the Arab world. The concept has been successful and has been accepted as an alternative to the slogan of a “secular state” distorted by Muslim fundamentalists.

The sixth article, authored by the king, reaffirms the civic ideology pursued by the Jordanian state. The characteristics of the “civil state” defined by the king correspond to those of a “secular state.”

However, to appease conservative groups, he stated that a civil state is not synonymous with a secular state.

The king defined the role of religion only in establishing a system of morality and public values, keeping it outside the functions of the state, and rejecting the use of religion in political affairs.

The concept of a civil state is identical to the concept of a secular state, in which religion is separated from the political (internal and external), legislative and institutional affairs of the state. However, among the majority of Arab populations, secularism has acquired a negative connotation. The political elite has found its shadow in the concept of a civil state, and they are proposing it as an alternative to secularism in order to avoid confrontation with the currents of political Islam and even with the general public.

According to Muhammad Qatatsha, a professor of political science at Muta University in Jordan and a former member of the Jordanian House of Representatives, “the nature of the civil state is secular, and the relationship between them is mutual and it is impossible to imagine a civil state that is not secular.”

A civil state is a state of law, and its citizens are equal before it, regardless of their beliefs, attitudes, race, and gender, at the same distance from all its social components, without ideological opposition to any component.

Although the royal speech emphasized that the “civil state” is not “synonymous with a secular state,” this does not change the secular nature and reality of Jordan. The relations between its institutions and its citizens and the fact that secularism is the political field of the Jordanian state do not diminish. In other words, Jordanian secularism is a form of secularism that it qualifies with religion.

Extremist Muslims have succeeded in distorting the image of secularism in the collective consciousness of Arab societies, creating a psychological complex based on the subconscious and internal thinking that secularism is “atheism” and that its goal is to fight Islam and corrupt Muslims.

In their view, secularism is not a comprehensive historical phenomenon. It is seen as a set of Western ideas formulated by some Western thinkers, and these ideas emerged in Europe due to the separation of religion from the state and the breakdown of church rule, that is, the nature of Christianity. Therefore, some Islamic leaders have associated secularism only with Western Christianity. They do not distinguish between secularism as a way of tolerance and peaceful coexistence for many and between ideological and intellectual positions that reject or accept religion.

Secularism is necessary not only for the coexistence of faith and atheism, but also for the coexistence of religions and religious sects with each other.

Therefore, political and intellectual elites in the Arab world use the term “civil state” rather than “secular state” due to the demonization of the concept of secularism in the media by individuals and parties affiliated with political Islam in the Muslim world. Because this term was associated with the interpretation of Westernization, cultural hegemony, and the fight against religion in radical Islamic discourse.

Secularism has become a common product experienced by dozens of peoples and civilizations, rather than an idea, practice, or experience imported from the West or the East. However, there is more than one model

that is comprehensive and closed, but rather a secular model. Therefore, to avoid criticism and accusations, Jordan has created its own secular model. Both models preserve the modernity of the state and its institutions, while ensuring respect for the separate sphere of religion and its institutions.

Modern nation-states, in order to succeed over the centuries, have had to separate religious issues from state issues.

The Jordanian constitution stipulates that citizens shall not be discriminated against on the basis of their religious beliefs in their rights and duties. However, it also states that the state religion is Islam and that the king must be a Muslim.

Article 28 states: "No one may ascend to the throne unless he is a Muslim, has a sane and lawful wife, and has Muslim parents."

In fact, removing Article 2 from the Jordanian Constitution, which defines Islam as the state religion of Jordan, is essential to eliminating the concept of a state religion.

Having a state religion and requiring the king (head of state) to be Muslim constitutes discrimination against citizens based on their faith and is contrary to Article 6 of the Constitution, which clearly states that Jordanians are equal regardless of their religion.

However, the monarch of the Hashemite Kingdom of Jordan is a direct descendant of the Prophet Muhammad. This fact, and modern Jordan, has seen the need to rethink the role of religion in state governance in order to establish its connection.

Jordan is characterized by a liberal leadership (the Hashemites) that is open and moderate in its approach to religion. It has all the qualifications to lead the country towards a more secular approach, as well as a long history of governance.

Conclusion

Jordan is not a religious country in the theocratic sense. Basically, it is a secular state, that is, there is a division between the political and religious institutions in the country. Jordan conducts the internal policy, legislation and international relations of the state independently and separately from religion. However, it does not exclude religion from the public sphere, but rather sees the religious institution as a phenomenon that includes a positive, spiritual role that contributes to the development of moral values of society. It offers a model of a kind of equality - a "civil state" - embodied in the "balance" between religious and secular things in the relations between the state and religion.

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