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# Settling land, unsettling people: Living with and contesting land, social change and grand schemes in rural central Jordan

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## ABSTRACT

In this article I consider how changing legal and social conceptions of land usage and ownership in rural central Jordan offer ethnographic purchase on broad questions of historical change and political economy. Yet equally, I show how this topic shows the limitations of such broad questions, and how reducing local processes into them can obscure historically contingent but enduring practices and patterns of land relations. I consider how reforms stemming from different visions of history and of modernity, in the face of colonial, post-colonial and neoliberal processes of land registration and settlement, and of mass-migration and urban expansion, have combined and clashed, leaving partially fulfilled grand projects and palimpsest-like marks on local political economy, but also how they have been adapted, contested, resisted, and reproduced by rural Jordanians. I particularly consider how the imposition of neoliberal land reforms since the 1980s has coincided with the rise of the *hijjah*; the trade and sale of semi-legal deeds of protection and cessation over tracts of tribal land, left in an ambiguous state of registration by successive modernist state-building schemes. This has enabled a kind of commoditization to emerge, but one which runs against the grain of official thinking on land tenure, and which partakes instead in very different notions of authority, legitimacy and sovereignty.

## KEYWORDS

Modernity; economic anthropology; Jordan; land settlement; metanarrative; neoliberalism

## Introduction

This article considers how people in central Jordan think about land ownership, and through these topics, about the varied histories through which their social world has changed from that of their ancestors, becoming encompassed within the nation-state and wider globalized political economies. These changes might easily be read as conforming to a familiar narrative in social science literature; of a bumpy and patchy, but ultimately inexorable path towards increasing land commoditization; a necessary stage, according to wider modernist metanarratives, on the road to modernity. This article explores how changing ways of relating to and valuing land can be used to localize, but also to contest such a reading; admittedly familiar territory to many economic anthropologists. Yet this case also

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demonstrates how and why anthropologists and historians (especially in this part of the world) get into difficulties when dealing with historical metanarratives, shifting scales and confused causality. Focusing on the peri-urban and largely sedentized but still discursively Bedouin villages around Madaba, a town of around 90,000 lying 40km south of the capital Amman where I conducted fieldwork, I consider how people have experienced and responded to various (often self-consciously modernist) schemes to reform them and their social world through land. Those who propose and execute these schemes have tended to see themselves as discursively caught up in globalized metanarratives – as, contextually, do some of their subjects. These metanarratives situate economic developments and reforms within larger and grander schemes with social, moral, and even ethical assumptions, to do with transforming everyday life and relationships to allow ‘progress’ to happen. I find it useful, therefore, loosely following Schielke’s (2015) usage, to term these ‘grand schemes’, related to but distinct from globalized metanarratives.<sup>1</sup> By using this term, I wish to point to the ways metanarratives, even when scholars are primarily engaging with them critically, remain genealogically related to the ideological orthodoxies that animated their original proponents, and the ways changes in political economy always necessarily become entangled with ideas of how people ought to live (c.f. Mitchell 2002).

Few now look on Jordan’s land market as a success; this despite Jordan appearing to enjoy a buoyant housing market, which accounts for an ever-greater proportion of economic activity within the kingdom; a market World Bank officials would dream about in other parts of the global south. Earlier in the twentieth century, Jordan’s land registration system was regarded as first a colonial and then a postcolonial developmental success story, paving the way for the nation’s status as regional paragon of stability (See for instance Fischbach 2000). More recently, land ownership and distribution has become politically sensitive, and a cause taken up by protestors, even while development and official discourses seek (with little success) to depoliticize it. Land has become a commodity, in the sense that it is an important (and unrenewable) source of capital for many rural families, rapidly liquidated at times of need. However, as we shall see, much of this path towards the commoditization of land has come about through social and political forms quite different to and often opposed to those envisioned by the proponents of such a marketized land system.

To begin with, after briefly describing the setting, I will consider how these historical contradictions came about, and the way they are experienced. I will show how various historical land reform schemes and systems have interacted with various local patterns of protection and sovereignty over land and property. I will begin by showing how these patterns reasserted themselves in a particularly novel way in recent decades through the brisk trade and sale of contested, unclear claims to land held through a variety of tribal, traditional and informal means at the margins of state and law codes, via a novel alternative bureaucratic and documentary practice; that of the *hijjah*. I will then trace the ways such practices emerge out of a longer history of land, and suggest some ways of interpreting such histories. In doing so, I suggest some ways of thinking through what role ethnography and localized history can have in analysing this sort of topic.

## Scene setting

The Madaba region, historically part of the wider land known as the Balga, was historically a marginal zone between grain cultivation and pastoralism, an imagined land of ‘Bedouin’

and 'tribes',<sup>2</sup> but for the last three decades it has been a site of frenzied speculation, investment and conflict over land, even as its agricultural value has collapsed; as has been the case in much of Jordan. During fieldwork, residents here constantly talked about land and property, speculating on who was getting rich and who was losing everything, often in tones of moral unease.

I focused on a belt of villages to the south and east of the town of Madaba which are increasingly on the edge of the expanding capital Amman's peri-urban zone. These villages, often called 'the Bedouin villages' (with some intended irony) and their surrounding land are largely owned and inhabited by families who identify as part of two large powerful tribal groups with nomadic or semi-nomadic pastoralist pasts; the Bani Sakhr,<sup>3</sup> and the Bani Hamida.<sup>4</sup> These two groups and their respective villages are both products of a changing political economy in the late 19th and early twentieth century, explored below, although they relate to it in different ways. People live here in large extended family compounds, with sons extending houses upwards and outwards after marriage, with peripheral family members, poor relations and paid labourers keeping herds even as the economic importance of pastoralism has declined, while a few economically active younger (almost exclusively male) members of the household commute to often distant salaried military or public sector jobs. In order to keep these compounds and the social life they contain going, and even expanding, people must find ways to turn the countryside over which they can muster some form of claim or customary right, and which once allowed them to subsist, into capital. They talk frequently of land as both potential fortune and as a moral danger and source of discord, where land can be sold to outsiders but where geography remains intensely social. My informants spoke often, perhaps tinged with envy, of neighbours whose lavish new purchases, extensions or social events had been funded by selling off inheritance from their fathers. They were described as having 'eaten' their land, putting it beyond productive use.<sup>5</sup> Land taken by heroic forefathers through force and defended through their networks of kin and associates is, the narrative goes, being squandered to meet the costly demands of this consumerist age – where everything is liable to go wrong and be expensive to put right, and where hopes to reproduce one's social world into the next generation seem increasingly tenuous. Land's potential to generate subsistence, domestic hospitality, relationships with others and even sovereignty, is being traded for a one-off chance of cash. Village families thus feel both excitement and moral unease as they watch Amman's urban sprawl creep closer. Intensely social rural geographies risk being overwritten by urban sprawl full of strangers.

Despite this ambivalence on the part of sellers, there remains high demand for buyers of this land. Every year the capital, Amman, creeps closer, swallowing more of the countryside and the steppe lands, and roads and fields are littered with 'for sale' signs. Jordan has gone from one of the least urban areas of the Middle East in the early twentieth century, when nearly half the population engaged in mobile pastoralism (Abu Jaber 1989, 21), to become a nation of 11 million mostly city-dwelling subjects (DoS 2019), a majority of whom have been displaced from neighbouring states.<sup>6</sup> The growth fuelling this shift is primarily forced migration, originally creating vast informal unplanned settlements around the capital, including in the Bedouin villages to the south and east, where land was claimed in various different senses (explored below) by large tribal categories (*'asha'ir*), where various influential tribal families and shaykhly lineages attempted to

make money through renting land and allowing squatters to build on their land as clients or guests. While much of this tribal land has, in various different ways and at various historical junctures, been parcelled up and registered to individuals, vast tracks remain, as we shall see, legally ambiguous. These, in official documents called *wajahāt*, remain as spaces where modernist schemes failed to adequately settle the question of land. Yet even where registered title exist, similarly unsettling ambiguities bedevil the system. This, combined with lightly planned amorphous suburban and peri-urban expansion, sets the scene for the emergence of Jordan's neoliberal housing market.

### Enter the neoliberal; legal title, commoditization and the strange life of the *hijjah*

Land and property regimes have long been of central significance to reforming schemes. They took on special significance in modernization theory as a site of divergence; of law from custom, individuals from the collective, modernity from pre-modern, state from non/pre-state (see Parsons 1967). Most of the interventions over the last century and a half in Jordan might be seen in this modernist light to some degree, under first Ottoman and British imperial rule, and then through post-colonial nationalism, in their concern over legibility, taxability and maintaining top-down control of sale and transfer. However, a somewhat different and sometimes contradictory logic has taken precedence since the mid-1980s, without either fully erasing or replacing the previous modernist reforming schemes. This shift occurred in the context of a retreating state, strengthened markets, pro-market World Bank project loans and IMF-imposed structural adjustment; a clear case of neoliberalism, it might seem.

This new neoliberal logic (or metanarrative) shared with the old modernist one a concern with clarifying and individualizing title, but largely for different reasons; less to do with control and legibility, and more to do with flexibility, transferability, and liquidity<sup>7</sup>; to make land an alienable commodity. Land went from a facet of state power to an overtly depoliticized de-socialized market good, with the state acting as an arbiter and ensuring returns for capital.<sup>8</sup> As Timothy Mitchell explores (2005), free market economists of the Chicago school and the Mon Pelerin Society managed in the 1970s and 1980s to recast economic orthodoxy and hijack the development work of the World Bank. Key to proving their economic credibility was the work of the Peruvian-Swiss economist Hernando De Soto, which centred around the awarding of private title for urban slum-dwellers, in order to allow access to capital and security, allowing the flourishing of an entrepreneurial culture. In an influential passage, De Soto (2000, 7) frames what he sees as the problems with capitalism in the global south in a way that might, from the perspective of World Bank research, seem as applicable to Jordan as to De Soto's Peru;

They have houses but not titles, crops but not deeds, businesses but not statutes of incorporation. It is the unavailability of these essential representations that explains why [they have not] been able to produce sufficient capital to make their domestic capitalism work.

Confusions over title, neoliberal evangelists like De Soto argue, prevents full incorporation and participation within the global economy; an incorporation which rests upon turning land into individual and alienable productive capital, the subject of asocial wealth-maximising decision-making, rather than the complex social concerns that have in most times

and places surrounded the use of land. Putting aside theoretical objections to notions of 'domestic capitalism',<sup>9</sup> I will argue below that conceptions of land in rural Jordan problematize this fable of neoliberalism. This is not unique to the Jordanian context, of course. Mitchell (2005) convincingly questions the degree to which De Soto's project to formalize title in order to increase access to capital succeeded in Peru,<sup>10</sup> questioning the ways economics as a discipline (especially its micro and neoclassical guises) creates its experimental data while also creating the conditions under which the 'experiment' takes place. Nevertheless, De Soto's thinking has continued to influence policy around the world via the World Bank, including in Jordan.

Yet attempts to individualize and marketize property rights in Jordan have become messily compromised through contact with previous historical contingencies, and what's more, some people have found ways of using this mess to their financial and social advantage. This raises the possibility that it is precisely the sort of incorporation De Soto sees as essential for development that people are trying to avoid when they refuse to acknowledge a single, coherent logic of private ownership and land tenure. More importantly, it suggests that as far as a commoditized, liquid land market has emerged Jordan, it has done so through, not despite, the legal and social ambiguities emerging from different historical systems, and the continued intrusions of the social into the economic they involve. In short, the facets of the land system most subject to and most resistant to modernist reform, are often those that have allowed fluid land markets to 'work' in the neoliberal epoch.

Forced migrants, as described above, have for decades been creating settlements of varying degrees of formality to meet their housing needs around the edges of the capital. In the 1980s, as Jordan was pressured by its international backers to accept the new economic orthodoxy, these new settlements, like the slums of Lima that were subjected to De Soto's titling programme, became the subject of World Bank intervention. Anthropologist Geoffrey Hughes (2016, 1089) traces the efforts of a World Bank intervention to sort out title in these new suburbs, describing how the Shelter Unit tried to plan and standardize the housing market, and especially the problem of squatters without title, and to create an 'individual owner builder housing path' relying on a homogenized, socially atomized conception of the individual. Registering land through loans to residents in order to clarify title produced partial and patchy results, and relied in the end on the threat of government seizure to function as far as they did.<sup>11</sup> They failed, Hughes suggests, partly due to their shallow understanding of an environment where claims to land rested on varying degrees of reputation, strength and the ability to draw on kin and allies to back claims. Housebuilding, like most ventures in Jordan, is unaffordable to most without the help and labour of kin, making full individual ownership unattractive. In the years since, construction out east has gathered pace, and an overheated and increasingly unaffordable housing market has formed, but title and ownership remain little clearer in many cases than before the World Bank began.

More broadly, I argue, Jordan's land and housing markets have taken on the shape they have due to problems left unaddressed and questions deliberately left unanswered by modernist schemes to reform the nation through land. In theory, Jordan has a centralized system of land registration, whereby settlement and arbitration rests on a colonial relic – the registers of the Department for Land and Survey (DLS), bought in by the British Mandate in the 1920s, and still the basis for Jordan's land system.<sup>12</sup> For the DLS registers

to be comprehensive, authoritative and legible, certain types of facts had to be created, while others were ignored or left ambiguous (c.f. Mitchell 2002, 2005). When Jordan's neo-liberal reforms and changing economic patterns internationally increased the need for ready cash and capital, this modernist infrastructure and its inability to provide clarity on contentious issues, became a hindrance, and so unsurprisingly people found alternative ways of using property claims to meet their rising needs, drawing from a complicated historical repertoire. The DLS, still in its original Mandate-era building on Jabal al-luwebdah, is daily mobbed by frustrated Jordanians trying to buy, sell or check the registry on their land. Yet the registry is often extremely opaque and evasive; necessarily so for it to claim to be definitive. It is widely assumed to be hiding the full scale of abuse, misappropriation and sheer confusion that exists in Jordan's records, the inheritance of waves of partially successful efforts at turning land into individual property.<sup>13</sup> Politically-motivated decisions, which might charitably be seen as prioritizing the maintenance of public order, or might more negatively be cast as patronage, have consistently undercut the formal settlement process, which itself relied on the stability such compromises were intended to preserve. The vexed question of what to do with state land that successive kings have also said are *wajahāt* (tribal domains), which are now dotted with speculative enclosures, unregistered buildings and criss-crossed with various customary and contested grazing rights remains unresolvable. There have been many demands for clarity on tribal lands,<sup>14</sup> but beyond vague claims that the DLS is working on a full map of tribal claims which will allow arbitration and settlement out east, little has happened. The king has intervened on several occasions to distribute land to tribes following particular incidents of unrest; several thousand dunum were settled on the Bani Hasan during a dispute over land seized for a government housing project, distributed as shares to various families through a less-than-transparent processes, while fearing unrest in the south, the king transferred 70,000 *dunum* to the Huwaitat and others around Ma'an, officially to be distributed equally per household, but in practice favouring key elites (Al Naber and Molle 2016, 495). Acknowledging large, extra-registry 'tribal' claims to land has further muddied the water, leaving the DLS open to further claims.

The ambiguities and difficulties of the DLS notwithstanding, it remains that developers and families seek to build homes and want to buy land near the capital, and former pastoralists around it who have long claimed the land want to sell it to them. Nor do DLS cadastral maps reflect that land here is covered in a sprawl of houses, enclosures and plot markers, often erected speculatively. The key mechanism facilitating this febrile situation is the *hijjah* (lit. an argument, deed or proof), a type of unofficial document of cessation. Once referring to contracts or verbal agreements pertaining to land sales, made between parties generally without recourse to state-imposed law, the Ottomans and British attempted through their registration programmes to suppress and supersede this document with their own state – issued deed; the *Sanad*. Yet the difficulties and ambiguities of working through the DLS has incentivized more flexible ways of profiting from and trading in potential but bureaucratically and legally unclear claims to land, and so the idea of a paralegal agreement, colloquially accepted as proving ownership if not challenged, has endured, and in recent years become increasingly important once more.

The agreement, in the past often oral, witnessed by a tribal judge or local leader, now written, involves someone with some sort of claim to land agreeing to give up, transfer, or share their claim with another. In the past this could be an agreement for an outsider to

graze, harvest a specific plant, or draw water from the lands of a group capable potentially of protecting it. It now comprises a promise to renounce claim and make no trouble for the holder of the document, either through legal or illegal means. Indeed usually they go further, explicitly or implicitly promising the holder an ongoing relationship of protection, from the seller's own wider family, neighbours and tribal category, or even a promise of more generalized protection.<sup>15</sup> Ideas of reputation, of protected spaces, tribal name, and inalienable sovereignty are thus reproduced through and by this practice, in ways that draw on older ways of reckoning the social and of claiming land. The permanent severing of relationships entailed in traditional models of exchange transaction is postponed, perhaps indefinitely, by such documents. Only the very strong or foolhardy buy property in some tribal areas without also buying the *hijjah*, fearing otherwise they may find their property vandalized or worse. The value of a *hijjah* thus depends on not only the strength of the legal claim, but the reputation and potential to deliver bureaucratic difficulties or physical violence; in short the ability to make of a commoditized parcel of land a protected space, even while liquidating it for cash. This, I argue, is demonstrative of a wider and distinctive form of land relation in this region, whereby at the loose margins of states multiple overlapping forms of sovereignty and mastery over land and property coexisted, of which formal tenure is only one recent form.<sup>16</sup>

These documents of cessation are thus often anything but. A friend and academic colleague told me how his family had recently parted with 400 dunum of a larger estate his grandfather bought from a Bedouin shaykh in the 1970s, as despite having bought the *hijjah* at the time, the shaykh's grandchildren now disputed it. The family agreed to part with some land in the end to prevent a lengthy confrontation. This new settlement was described as perpetual, but as my friend admitted wryly, there is nothing to stop the claimants' children or those of their friends and hangers-on repeating the process in a few decades, save that gaining a reputation for this sort of thing might make a *hijjah* from them less valuable. Anecdotally such cases are common. It is not unknown for both parties in a land dispute to flourish a rival *hijjah*, sometimes from rival tribal claimants, sometimes from shaykhs at different tribal scales.

These documents officially carry no legal weight in Jordan. The DLS publishes public warnings that no land sale is valid without registration with them. However, I was told during my interviews at the DLS that boundary appeal tribunals were very unlikely to find for the plaintiff if a *hijjah* were later found, showing they had voluntarily (if extra-legally) alienated part of their property, and thus though not condoned by the law, these documents do come to take on a kind of legal force and a legal bureaucratic character. Anecdotally some lawyers will take on cases where a *hijjah* contract has been disregarded, suggesting the possibility of legal redress – although normally such threats are apparently used only for bargaining. *hijjah* documents also mimic state documents. Even when handwritten they normally are done on thick, unlined print paper with official-looking letter-heads and often feature the royal coat of arms. People often pay a small fee to have notaries or other public officials add official-looking stamps to the documents. Experts in their drafting often loiter around the DLS, ready to assist those literally unable to go through the legal-bureaucratic gates.

An elderly Bani Sakhr retired military officer, Ibrahim, told me that it was so complicated to sell off his family's land in the village of Dulailat Mutirät when he moved his family permanently to Madaba, what with uncertain claims,<sup>16</sup> missing papers, legal fees



and familial disputes, he eventually just sold a *hijjah*. They used the *hijjah* to bargain, and to access capital in advance of formal sale to build a house on an empty plot grazed by relations in Madaba. Increasingly though, Ibrahim told me, people just sold the *hijjah*, without ever passing on legal ownership, making this an independent attribute to ownership, causing extra-legal chains of ownership beyond the land registry. Across Amman's new suburbs, empty plots of land are grazed intermittently by a few Bedouin in tents (often hired by the middle-class distant relations who claim to own the land), in the hope that land values will rise, and they may one day be able to make their fortune by selling a *hijjah*. This often commented on sight, a popular anachronism in this large and busy city, belies a practice allowing trade, speculation and commoditization, while retaining ideas of a wider relational social, and the centrality of sovereignty through interpersonal relationships, based around notions of trust and mutual recognition of honour. This system is partially independent of the state, but references and relies upon its forms and practices. The use of a *hijjah* thus allows various types of contested communal usufructuary claim to be converted, for those with enough power to do so, into capital. Textual, legal authority is thus taken seriously, but the state's ability to monopolize it is contested, and indeed the state has come to accept and expect such contestations. Thus, whatever the rhetorical claims to settlement being permanent, absolute, and creating a singular mode of land-claim and ownership, reality remains pregnant with alternative schemes. This possibility for flexibility, speculation, and the re-assertion of social concerns in the realm of land as commodity, is none-the-less concentrated among those with money, influence, reputation or often all of these things. Those comparatively poor and obscure can usually no more sell a *Hijjah* claim than start a business or take out a loan.

The case of the *hijjah*'s reinvention could be given a neoliberal reading, if not quite in accordance with De Soto's enthusiasm for formal title; that entrepreneurial spirit and market forces will find a way, no matter what the dead hand of the state does to stifle them. Yet it is clear this documentary practice partakes in the state and its documentary forms, as well as in historical ideas of protection and sociality that suggest quite different notions of value around land and property to those of the market. While they may have been adapted to suite neoliberal conditions, they only make sense in relation to deeper histories of land to which I now turn.

## Deep histories of land

Land regimes in Jordan expose, as Hughes (2016, 1078) says, 'violently conflicting notions of value, ownership, and legitimate authority', as is often the case in 'peripheral frontier zones' (c.f. Ho 2009) emerging through different historical contingencies.

In the last century and a half the Bedouin villages have undergone a series of momentous transformations: the late Ottoman reintensification of cereal grain farming, the building of permanent villages, and more recently the economic collapse of the agricultural sector, and an increasingly tenuous reliance on waged public sector employment, while tax, infrastructure and monetized markets have expanded out to encompass them.<sup>17</sup> The land in and around these villages is now mostly officially registered to individuals, but title is often ambiguous in practice. Oral historical narratives here are often around the shock of transformation, the arrival of new regimes of value, and are full of

reversals and tricks by which land reached its current owners; sudden fortunes made, lost and given away through the varied fortunes, staggering generosity and hospitality of heroic ancestors (see Shryock 2019). Yet questions about who owns what, and how they came to do so rarely have simple answers. Why this should be becomes clear when the history which produced these ‘violently competing notions of value’ is traced.

Traditional Islamic and Ottoman legal thought on land, still claimed as foundational to current land law, is built on usage and usufruct (rights to the fruit of the land, in Arabic *Haqq al-tasarruf*) rather than absolute ownership, and allowed for various types of rights and responsibilities in relation to land to coexist.<sup>18</sup> If land was not used productively and beneficially, it could legitimately be seized, and unused land could not be possessed. Pre-nineteenth century Ottoman practice involved large areas granted to military or government officials as non-hereditary fiefs.<sup>19</sup> Under the Ottomans and their imperial predecessors, several legal categories officially governed land relations. While the idea of *mulk* – absolute allodial freehold property – certainly existed (normally the result of specific and ancient grants made by conquerors), it was very rare in Syria and almost unheard of in the area now Jordan (Fischbach 2000). By far the largest category of property for cultivated land was *mīrī* (literally ‘princely’) whereby absolute ownership (*ruqba* – the ‘neck’) remained with the sovereign, but rights to cultivate the land, and to pass this right on to heirs, was granted in return for payment of a tax based on a percentage of yield. Land uncultivated for several years would fall out of this active category of *mīrī*, remaining the legal property of the sovereign but regarded as *mawat* – ‘dead’ – and thus unclaimable until such time as it was cultivated.<sup>20</sup>

These usufructuary theoretical legal categories existed alongside local tenure practices in this lightly governed frontier zone of empire(s). Here cultivators and pastoralists saw little value in claiming absolute ownership of land, as defending such a claim was impractical, and the limiting factor was human beings (in the form of co-defenders and workers), their labour, livestock and water, not land itself.<sup>21</sup> Most cultivated land in the East-Bank highlands forms a narrow strip, where rainfed agriculture (*ba’al*) was possible. This was theoretically *mīrī*, but in the North was in fact divided into shares called *mushā’*, whereby instead of households owning specific plots of land, they owned a number of shares in a larger plot (Fischbach 2000; Mundy 1996). Usually, but not always, the large plot in which shares were owned was all the land around a village (*qaryah*), but it shares could be held in sub-plots or non-village land, and in more marginal areas, semi-nomadic pastoralists without permanent settlements held land communally not at the level of village plots but by nominal descent groups – *jama’ah*. The total property claimed by the shareholders collectively regularly shrank and expanded with population, climate and local politics. It might be tempting here to imagine a pre-colonial/capitalist past of commons, managed under an egalitarian ethos, but in fact shares remained ‘property’ and distribution was often highly unequal, with systems of shares existing at multiple potential scales in a complex structure of interwoven rights.<sup>22</sup>

Heads of leading families would divide up all the land around a village into roughly equal portions and allocate temporary plots to shareholders based on the number of shares they held, rotating them every few years. The number of shares could sometimes be adjusted, following negotiation, if a family grew or shrank, or gained or lost capital. The minimum requirement for holding a share was possessing a plough team – that is the capital investment of a plough, the livestock and human labour to operate it, and for

the user the main unit of land into which plots were divided was the *faddān* a non-spatial unit of land judged to be what local conditions would allow one plough team to plough in a season (Kark and Grossman 2003). This suggests how little purchase an abstract notion of property had here. As well as shareholders many people worked as *murab'ayn* – ‘quarterers’ – labourers paid with a quarter of what they harvested (Abu Jaber 1989, 74). While rain fed cultivatable village land was largely held by shares, village houses, small plots that served as vegetable gardens, and wells were mostly regarded as the property of individuals or agnatic lineages, even when these were physically on share-held land.

Those living further along the spectrum towards nomadic pastoralism, called *'arāb* or *Badu*, tended to hold to a slightly different idea of communal control over land, based around agnatic lineages and their allies and followers, rather than a locality; the concept of *dirah*, a zone of exploitation of resources specific to a named group in which others must ask permission before grazing or entering, or risk attack. This concept of territoriality is temporal as well as geographic (Lancaster and Lancaster 1986); *dirah* is also a zone of permitted movement, through which pastoralists and their flocks move with the seasons and with rainfall, responding to broader environmental, as well as political and economic circumstances (the strength of local governors and armies, the price and demand for camels and livestock in urban markets), and as such a given portion of land might be the acknowledged (or indeed contested) *dirah* of different groups of pastoralists at different seasons. It existed at different scales, representing different types of communality, from large scale agreements over protection to local decisions about letting land lie fallow between patrilineal cousins. Yet as well as communal elements, Bedouin land relations also involved predation and coercive extraction, from those passing through their territory, from nearby cultivators coerced into paying or providing grains in return for their safety, and from raiding. Notions of *dirah* partake in wider ideas of sovereignty, which in turn depend upon a moral system of protection, whereby the honour and reputation of names at different scales (individual, familial and tribal) are tied up with an ability to protect certain people in certain settings, including users of land, and in doing so control access and exclude others from it. Such notions of protection, and with it a claim to a form of mastery and sovereignty distinct to that of legal ownership, have, I argue, a bearing on the *hijjah* practices of the present day, a line of continuity that has outlasted not only the historical contingencies from which it emerged, but a series of attempts at modernist reform.

## Imperial and modernist transformation

This complex tapestry of legal categories, customary rights and negotiated relations came into contact with imperial schemes to register, survey and reform land from the mid-nineteenth century. Ottoman legal theories were given a more codified and bureaucratic existence as part of the *Tanzimat* (literally ‘re-ordering’) reforms, which sought to rationalize government and increase tax income to support a mode of government on a scale comparable with the great colonial empires of Europe. The 1858 Land Code sought to achieve these ends by ordering and formalizing property rights in the empire. From the 1870s onwards, reformist Governors of Ottoman Syria, influenced by European imperial forms, extended direct rule militarily into the area of my research in Jordan, and in the wake of garrisons came land commissions (*kumisiyun makhus aradiy*). These compiled lists of

property rights opened land registries in the towns where final record of title was kept in the *tapu defter* – books listing names and the amount of land held by village or district, but with no precise attempt to delimit boundaries (Mundy 1996).

The 1858 code continued to use the same categories as before, but these now took on standardized definitions, and the principle of allowing the claiming and registering of uncultivated land was strengthened, to encourage agricultural expansion and a resultant increase in tax income. Land uncultivated for 3 years could be lost and land had to be cultivated for 10 years prior to registration, theoretically preventing cultivators in this setting from registering land which was only suitable for growing grains occasionally after good rain. This in effect limited registration to the narrow strip of rainfed land. Land, at least in a few areas, thus now took on a registered and tradable property, where for the first time it makes sense to speak of it as possessing a value. Even so, this value was not high; a *dunnum*<sup>23</sup> of fertile land suitable for growing grain was only worth up to 20 qursh, while even a single-roomed house was worth 500 qursh (Mundy 1996).

The degree to which these reforms represented a fundamental rupture is disputed and effects varied hugely across the empire. It seems likely, contrary to prevailing narratives of an imperial attempt to break communal property, that the code ‘neither contradicted co-ownership nor required its dissolution’ (Firestone 1990:106).<sup>24</sup> As Mundy (1996, 77) makes clear, the registries involved a process of translation and negotiation between Sultanic decree, bureaucratic orders of knowledge and local social realities represented by local leaders, tax collectors, and notaries. In the areas of traditional cultivated agriculture peasant share-based ownership seems to have remained normal, with villages often paying to register land. In the Jabal Bani Hamida, village-managed shareholdings, as well as tribal control of arid land continued. However, in the more marginal zones on the pastoral interface of what has become the ‘Bedouin villages’, it is unclear to what extent any formal division of land other than seasonal claims on pasture existed, and so here wider, vaguer claims could be made more easily, often allowing the formation of ‘wasteland’ estates in vast areas of ‘dead’ land (Rogan 2002). After the Ottomans allowed exiled Circassian refugees and Christian tribes to claim and cultivate the lands around abandoned ruins as *miri*, (in Amman and Madaba respectively) local nomadic pastoralists from the Bani Sakhr who had loosely claimed *dirah* over these lands but who were unable or unwilling to register land up to then, began to take measures to do so.

The land codes compelled them to do so by enclosure and cultivation, requiring capital and expertise from elsewhere, and which ensured that while based on descent-based communal claims, land now passed to local leaders, especially shaykhly lineages, who had a claim to represent wider interests. This period, still remembered in local oral narratives as *fataha al-ard* the ‘opening of the land’, saw a general expansion of grain cultivation. One of the richest and most powerful lineages of Bani Sakhr shaykhs, the al-Fayiz, in conjunction with Christian investors from the town of Salt (Abu Jaber 1989), began forming large estates farmed by slaves and migrant labourers, around the ruins of *khirbāt* (tell sites and ruined late-antique cores).<sup>25</sup> Abu Jaber (1989, 82) summarizes the situation in this dynamic period of agricultural expansion:

Generally a claim was announced by a shaykh either for himself or his tribe, to a *khirbah* or large area of cultivatable land, and if uncontested by any stronger shaykh or tribe the acquisition became final [through registering with the Turks].

Sattam al-Fayiz famously rode up to nineteen *khirbāt* in the area east of Madaba and claimed them as his by firing a shot into the air; still sometimes called ‘the bullet villages’ – forming the core of the Bani Sakhr section of the ‘Bedouin villages’. This land had previously been rangeland used by his ‘fellow’ Bani Sakhr – a zone capable of supporting cereal crops after winter rains, and with some year-round grazing. The shaykh and his agnatic kin, could, in a sense, make a claim to represent and to protect this land, but now they were able to partially convert this into a new form of ownership, based on economic exploitation, seizure and exclusivity. Again, as with the later *hijjah*, the idea of protection and sovereignty based on (putative) agnatic descent seems able to survive radical changes in circumstances, adapting to new legal and documentary environments. As growing barley and wheat became more profitable, with ploughing and new techniques, and with greater demand from urban centres, the most powerful shaykhs were keen to invest in farming – previously denigrated as the work of peasants (*fellahin*). Land, or rather the ability to defend it, was their principal source of capital. Displays of force were generally combined with willingness to use official and customary forms of legal discourse, particularly in the al-Fayiz recourse to the Ottoman registry. Here we see older dynamics informed by a moral system centred on protection and sovereignty adapted to novel techniques of land registration and a rapidly changing political economy of agriculture, but also shaping them. This, as we shall see in the case of *hijjah* documents, is a pattern that repeats itself. Clearly the conceptual value of land, and crucially of registering it, had risen. Other families followed the Bani Sakhr into cultivation, but often in practice were still unable to get official recognition from the Ottomans.<sup>26</sup> In this region shareholding villages were rarer, and land was either registered to shaykhs or to descent groups.

Following the Ottoman defeat in the First World War and the establishment of the British Mandate over Palestine and Transjordan in 1921, the largest government intervention was the imposition of a full land survey beginning in 1927, replacing piecemeal Ottoman registration, refined and expanded during postcolonial decades, aimed at creating a governable, reformable state of citizen-subjects. Land reform was to be the largest colonial intervention, taking the Mandate ‘into literally every village’ (Fischbach 2000, 2). The British assumed, Fischbach states, that all land was owned by someone, and that land should be managed efficiently by individual owners with clear title to maximize its productive potential (2000, 79). A British programme of cadastral survey sought to institutionalize private property with an entirely new precision, as Ottoman land registries totalled the amount of land owned by individuals or villages, but not the boundaries between claims. British-organized survey was limited to areas of rain-fed agriculture, while ownership of uncultivated land remained ambiguous.

In general, British officials regarded tribal *dirah* and *mushāʿ* as ‘a severe obstacle to development’ (Fischbach 2000, 81), deploying a classic modernist move, with hints of the ‘tragedy of the commons’ (notwithstanding the doubts discussed above as to what degree these practices were particularly like ‘commons’). Areas with low individual ownership were targeted between 1927–1933 by the survey teams conducting Jordan’s first fiscal survey. Local teams headed by British trained surveyors armed with theodolite and plane table created a 1/10,000 scale cadastral map, followed by hearings to arbitrate between contesting claims. Through mapping village boundaries and the division of land into *hawd*, ‘basins’, units of roughly equal value, final absolute ownership was

theoretically established. The state then issued a *sanad*, a deed of ownership, with the ultimate proof residing in the central land registry.<sup>27</sup>

While this process was rolled out, the manorial estates and surrounding arid grazing lands of the Bani Sakhr region was surveyed individually in the early 1930s, before the general survey reached them, in order to avoid unrest and to appease powerful Bedouin families like the al-Fayiz Bani Sakhr by recognizing their land seizures; essential for maintaining their military support, and whose claimed paramount shaykh, Mithqal al-Fayiz, became ever more closely tied to the fortunes of the royal house and the government as a result (see Alon 2016).

Consequently, even as in other parts of the Emirate of Transjordan land ownership was individualized, in the 'wasteland' estates ambiguity of title persisted, as land was registered to individual shaykhs, but sometimes on 'behalf' of the wider interests of tribal categories. To the south of Madaba, in contrast, the Bani Hamida villages waited some time to be registered, and most extended families registered their current plots as property, while informally continuing customary rights to rotate and draw a variety of resources. Meanwhile beyond the agrarian lands registered, most of the Bani Sakhr and Bani Hamida *dirah* land became formally unregistered dead state land (as in theory it had been under the Ottomans – as *mawat*) but with a semi-official understanding that the state did so as guardians of tribal land rights; rights they termed *wajihah* ('faces'). Thus, while summer camps and land holdings were within the bounds of settlement, and often involved sufficient planting and watering to be registered by individuals on behalf of extended families, in general the vast areas of winter grazing and the paths taken to them each year were not. As such, the area previously merely constituting a summer residence for herding families became the centre of their established land ownership, and therefore of ideas of *dirah*. Yet, as we have seen, wider claims to land based on these older ideals persist into the present in ideas of protection and the semi-official recognition of vague areas of tribal influence and rights.

Jordan's first full housing census in 1952 revealed that many of the Bedouin villages had population but still no permanent structures beyond animal shelters in the ruins of the *khirbāt*, despite being 'settled' as villages in 1934.<sup>28</sup> Um Ahmed, an elderly Bedouin woman, told me that the first houses built in the ruins were for storage or for seasonal labourers, as Bedouin found tents more spacious and comfortable. Permanent larger houses were built in the 1960s, and by 1980 Um al-Walid was connected to electricity and telephone lines with a village school and health clinic. By this time, most families stopped seasonal migration, to access these services and their pension payments. In contrast, interviewees of similar age in the Hamaydah villages of Mukawir and ad-Dyr reported both villages were several decades old by the 1952 census, though most inhabitants either went into the Ghor (the hot low-lying Jordan Valley) or the *Bādiyah* seasonally with their flocks. Electricity and other basic services with a piped water system arrived only later in the 1990s. Many two-room houses were abandoned slowly in this period in favour of multi-room, multi-floor homes for several related nuclear families. More common has been the slow addition of rooms, stairways, and outbuildings every few years when money is available. One family in Jabal Bani Hamida showed me with pride a staircase her family had built following a recent windfall, going nowhere, but signalling their intention to add another floor for a married son. In similar fashion, villages have expanded piecemeal, growing onto land for which title is unclear but for which a web

of customary rights exist. As this process continued, the Bedouin villages in the Madaba region came to be settled, permanent habitations; increasingly connected to national systems of infrastructure and services, legally owned and lived in by citizen-subjects under national law and market forces. But beneath the surface of this modernist triumph, much remained unsettled.

### Migration, speculation, and seizure

To begin with, in the 1960s and 1970s, this expansion was funded by military pensions, on which whole families and their herds were often supported (Baylouny 2008, Tell 2013). Since the 1980s, structural adjustments have shrunk the state sector (Harrigan, El-Said, and Wang 2006), and subsidies on fuel, bread, water, and animal fields have decreased (Rowe 2006). Alongside economic downturns and agricultural decline, the 1980s saw developmental orthodoxy shift, as described above, which while only partially efficacious in its aims of creating a functioning market for land, further decoupled land from its agricultural productive potential. Instead, the value of land became based on urban sprawl driven by sudden and extreme population growth. At this time, in a move that many older Jordanians use as an example of profligate folly, some of the most fertile agricultural land in the country, such as Wadi as-Sir to the West of Amman, was built over. Under this regime of value, in the Bedouin villages, selling off land (or using it as collateral – often amounting to the same thing eventually) has become one of the most important ways to meet major capital outlays, such as weddings, building or major purchases – circumstances under which land is ‘eaten’.<sup>29</sup> When urban expansion approaches, ambiguities in title resurface with vigour, as land that a generation ago had little cash value becomes worth a fortune. Yet even when land values decline, as they have been recently around Madaba as the market has been flooded by sellers, developers with money are always interested in building. On a post-pandemic return trip I commented on the incredible rate of new buildings between Madaba and Amman, at a time of such economic ruination in the country. He told me the building was a symptom of the latter; more people had been forced to sell off land to developers than ever before. When poorer families sell these days, he told me, they don’t even need a *hijjah* always. They merely surrender the land for money, and the developer registers it as his, regardless of previous title. What farmland remains seems to almost always have a sign up advertising it for sale.

In 2000 75% of Jordan still remained unsurveyed and unregistered (Al Naber and Molle 2016), considered to be dead state land, but also claimed as the domains of tribes. In 2019, seeking greater clarity but also less direct bureaucratic involvement in the growing problems of land, the state formally ended the category of *mīrī*, making all such land *mulk* (absolute) in theory, but the other Ottoman-British land categories and their definitions have continued, and so too has the confusion over putative wasteland. In Amman everyone is still talking about the city growing, the rising price of housing, and the problem of transport as the city grew eastwards, and work on planning, zoning and public transport remain painfully slow.<sup>30</sup> Out east, rumours swirl of plans for the next great expansion, following those of Zarqa in the 1980s and the airport zone, built on land claimed and then sold for a still legendary fortune by the al-Fayiz Bani Sakhr in the 1990s; a new ‘city’, out in the eastern desert. Talk of this sort is met with derision from many, but also with speculation. Some Bani Sakhr families with vague traditional claims to pasturage willing to pay

the exorbitant expense of irrigation by water tanker and keen to repeat the success of the al-Fayiz, have enclosed plots of land behind fences and walls, and planted a few saplings to claim ownership, or else have sold the right to others to do so, in the hope that developers will buy it off them in a few years. A friend of mine was invited by an older relative to put up 3000 Dinar to meet the costs of such an enclosure, an investment opportunity which, he was told, could lead to him becoming a registered part-owner on the event of successful registration. What is more, he was told that not only was this good business sense, but a moral duty. The land was, and always really had been, Jubr (their '*ashirah*'), whatever nonsense the registries might say, and if they didn't make good their claim now, who knows who else might move in? My friend, perhaps wisely, refused. The scheme, like most, shows no sign of bearing fruits any time soon. It is partly through such speculative enclosures that the former marker of individual property, the olive tree, has sprung up widely in areas environmentally unsuited to it (Palmer 1999).

Such opportunities are not evenly distributed. Fortunes can perhaps be made in some Bani Sakhr villages near to the expanding edge of the city, but land in the Jabal Bani Hamida has declined in value, as it has become harder to irrigate. As we have seen, to register dead land, land must formally be cultivated. The best rainfed and naturally irrigated land was of course that claimed early by the most powerful shaykhs, so as families made claims to land, it was in increasingly arid and easterly areas. Waves of mass migration – new arrivals without a tribal or village base – have driven this Eastern creep into the desert, spawning contestation, speculation and accusations of unjust practices – all practices with, as we have seen, long histories in the Bedouin villages. This unsettling situation stems from the contested historical processes of settlement and documentation set out above, as well as the repurposing of customary practice, drawn from tense recombination of concepts and practices emerging at different times under different land regimes.

### Protesting, contesting and adapting land

In 2011 matters came to a head with mass protests calling for a return of land to its supposed rightful original (tribal) owners, and landless unemployed young men blocked major highways to demand redistribution. More recently, protest movements emerging from unemployed rural youths in and around Dhiban, called the *Hirak*, have refocused their attentions on issues of land redistribution but also of resources, environmental justice and the idea of reclaiming a sovereign and self-sufficient agricultural future on the land (the subject of my current research, also discussed in Philips 2019). Relatedly but separately, a further wave of protests in 2018, nationalist nativist politicians (who refer to their tribal supporters as *awlad al-balad* – 'sons of the land') have begun to draw attention to tribal lands to critique the aforementioned idea of a social contract with the royal house (Al Oudat and Alshboul 2010). One leading opposition figure, himself an anthropologist and historian, Dr Ahmed Oweidi, now attends protest gatherings supportive of his 'Jordan for the Jordanians' with a blown-up figure from the book from a former British military commander (Peake 1958); a map of the territory overlain with the names of tribes, showing their apparent rough position. He contrasts this with a current cadastral map. The blocks of 'tribal territory' imagined by Peake and others as something between communal land and a sub-national polity (but as we have seen, in some cases really more like aristocratic fiefdoms), are now fragmented; much is state-



owned, and much is also owned by urban investors and figures close to the court. Oweidi uses these maps to explain how the agreement between the tribes and the royal house upon which Jordan as a nation-state is built, has been exploited. 'Eighty percent of Jordan is stolen from the tribes' he concludes his speech. As we have seen, and as Dr Ahmed Oweidi knows better than most (Oweidi 1982), the way that people 'owned' the land over which their categorical names appear on the map was very different from the ownership suggested in the Cadastral map. Such a move to reimagine local contested projects of seizure, protection and sovereignty as 'commons' (at least for a certain tribally-constituted public) runs against the grain of land in Jordan but seems surprisingly resonant. The tensions between the vision of land as transformative and accessible wealth and as social arena of kin-based protection is key to this resonance for his audience, emerging from the impossibility of shutting down ambiguity over what land ownership should mean, or to detach it entirely from the social relations which historically made it meaningful.

These might sound like just the sort of 'third world problems' De Soto describes. Yet what then of the febrile market, the speculation, and the trading in opportunities to invest in speculative enclosures? What of the high property values in many parts of Jordan, and the brisk turnover in housing? These, it turns out, rely on the very ambiguity that seems an obstacle. Faced with gridlock at the DLS, people have found other ways to trade land, compelled by economic contingency to do so as they are. Land has become the subject of protest and calls for redistribution resting on a broken social contract and an unravelled moral economy, and the way these calls are made draws on long and deeply resonant histories. Far from modernist imperial ambitions to settle a fractious and marginal population through settling land, land has become for many people in Jordan deeply unsettling.

## Potential interpretations

Let us consider this history in the round and begin to consider how we might interpret it. Jordan's land might look neatly partitioned and titled on Cadastral maps, but in fact it reflects a hodgepodge of competing but seemingly anachronously coexisting systems of value. Yet running through this, we can see that ideas of protection and sovereignty (essentially the ability of powerful lineages and groups of real or imagined kin at different scales to defend or to claim resources) have had a long history, and have been adaptable to sweeping changes in broader political economy. As we have seen, the market liquidity that has emerged under pressure of mass migration and neoliberal reforms has in fact relied on, rather than been hindered by, historical ambiguities.

The historical and political complexities of land in Jordan – who is able to claim it and by what means – has made it an unwieldy 'commodity candidate' (Kopytoff 1988) whose process of commoditization, and separation from the social, has remained partial (surely it remains so, to varying degrees, in all actually existing social settings). Yet this incomplete erasure of other systems of relating to land is in fact key to land market liquidity, to the limited extent that it exists. The *hijjah* document relies on a notion of property quite distinct to that intended by World Bank pro-market reformers, one based on ideas of social control and protection, yet it offers a way for people to cut through legal and bureaucratic deadlock. That it does not entirely sever relations between the parties to the transactions has important consequences, allowing an ambiguous space in which claims and counter

claims can be made, allowing complex strategies of accumulation, appropriation, extortion and speculation to emerge, in ways that might well seem far more 'neoliberal' than the rather stayed world of transactional sales of *Sanad* title deeds, yet are also distinctive to this particular setting and its history. Here at least, the neoliberal has been experienced through repurposing and reimagining of longstanding historical patterns and practices, as well as through profound rupture.

### Multiple modernities?

The obvious way to approach this history might seem to be through the model of local case studies of social change situated in (if not quite accounted for) through large-scale globalized epiphenomena, or as Englund and Leach (2000) put it (critically), meta-narratives. Colonialism, modernity, and neoliberalism provide handles on complicated realities; a heuristic and an implicit comparison between different localized sites which allow them to be placed within global histories. They can also be suggestive of the logics and intentions of some of the actors who tried to intervene in the land system here. Metanarratives, after all, will continue to have a place in policy, even when ethnographically suspect, so some method of localizing and grounding them, it might be argued, must be sought.

My historical sketch suggests less a before/after narrative and more one of waves of often contradictory and partially fulfilled (post)modernist projects or grand schemes, leaving their mark, palimpsest-like,<sup>31</sup> on the local political economy of land. Yet even this way of viewing both these waves and their equivocal local reception still prioritizes globalized metanarratives and concepts. Through using such a viewpoint, analyses of social change often slip into the same kinds of logic as the projects they critique; already overdetermined without much need to shift to the ethnographic scale, seeing local case-studies, rather than focusing on the ethnographic particularities of how global trends are experienced, referenced, co-opted and resisted – as I have attempted here. Blaming all change on neoliberal reforms cannot account for the specifics of the land system and its paralegal hinterland. Many Jordanian scholars working on the recent protest movements, especially the *Hirak*, talk straightforwardly in terms of resistance to neoliberal subjectivation (for instance Ababneh 2016, Sukarieh 2016). This serves certain purposes quite well (the well-developed critique of development paradigms for instance), but it has little to say about the specific and distinctive world of *hijjah*-selling, nor about how this relates to longer histories of protection and sovereignty, quite different to those of the colonial and post-colonial modernist state.

This might seem a familiar rehearsal of debates that raged in the early 2000s around 'multiple modernities' in anthropological literature; about how ethnographic accounts were to deal with widespread social transformations without reproducing implicit meta-narratives; a point most fully argued in Englund and Leach's (2000) influential article, and in the critique of their argument by Gupta (Op Cit).<sup>32</sup> They describe ethnographic cases that could easily be reduced to 'multiple modernities'; commodification and the introduction of money among the Rai coast people of Papua New Guinea, and disenchantment and individualization among Pentecostal Christian converts in Malawi, but which detailed ethnography, they claim, can more convincingly and richly explore through 'local' concepts that, while incompatible with fashionable sociological concepts, fit (conveniently)

well with ideas with longstanding anthropological concepts around wealth, blood and predation in the former case, and ideas of personhood and the body in the latter.

Applying a version of their argument, it might be argued that the real analytical interest in the material I have presented here about land in Jordan lies with locally specific ideas of patronage, control of resources through agnatic kin groups, and most importantly protection, and their continuity over time despite seemingly momentous change. These in turn, it might be argued, can be better analysed with widely used anthropological analytical terms – hospitality and sovereignty, to take two I have mentioned – rather than through, say, commoditization, modernity or neoliberalism. Certainly, property relations in rural Jordan have often been described metaphorically as host–guest relations (see Shryock 2012, 2019). Host and guest relations, while relational, often reversible (in theory) and temporary, involve an imbalance of power, an acceptance by the guest of not just refreshment and shelter, but of protection. While hospitality can be reciprocated and thus thought of as a debt, often it is not intended to be transactional but enactional (Shryock 2012; Sneath 2019), and to create permanent differences in status that can lead to relationships nearer to those of patron and client to emerge. Hosts must protect and serve guests, but guests must defer to and, to some extent, be amenable to hosts, and through accepting protection, accept also (if temporarily) the mastery of the host. Hospitality can therefore serve as a metaphor for other, more enduring relationships involving protection, including of those who traditionally worked for shaykhs or lived on their land. In the late 19th and early twentieth century, when outsiders started buying, registering or using land, they normally found it expedient to keep up good relations with local Bedouin, and often began this process through accepting formal hospitality.<sup>33</sup> Importantly, protection, including that offered by a *hijjah* document, involves a relationship that endures, and is not severed once an exchange or transaction is complete. ‘Hosts’ do not merely transact away land, they enact their role as protectors and thus in a sense, retain sovereignty over it. Focusing on ideas of hospitality, sovereignty and protection gives some insight to how land remains stubbornly tied to the social.

There is certainly intellectual value (and perhaps, for the anthropologist, the comfort of the familiar) in turning to such concepts embedded at the ethnographic-scale, although there is also a tendency to allow English-language concepts translating and hovering between a number of ethnographic meanings to take on a strangely globalized theoretical life of their own. But more significantly there is also the risk of falling into what Robbins (2007) calls ‘continuity thinking’; of turning contested and contingent adaptations into timeless but spatially bounded truths or changeless essences of places and peoples, which have little to say about profound experiences of social change. Nor can it contribute much to our understanding of the complicated, fraught and at times mutually mimetic quality of the relationship between the *hijjah* documents and of Dr Oweidi’s land maps on the one hand, and bureaucracy and state power on the other. Or to put it another way, borrowing Scheele’s (2021) terminology to describe surprising continuities of relational non-state political forms in another part of the Islamic Arabic-speaking world (Algeria and the Sahara), it fails to explore the mutually reproductive relationship between ‘the state-like and the state dislike’. These are conceptual spaces which Scheele suggests in this part of the world have vast historical depth and have developed in relation to each other, but which remain historically dynamic. In Jordan at least, this dynamism stems from the tension between the state-like and state dislike. The ambiguities between their

associated values and practices have long afforded some (often elite) actors an ability to creatively move between and represent both sides to each other, for various kinds of reputational and material advantage. Thus, a focus either on anthropological cultural continuity at the level of villages and tribes, or on colourful local illustrations of global meta-narratives, seem both to miss the point, and to leave unexplored the interesting vistas Scheele and others open up.

## Conclusion

In this article I have traced how various, sometimes contradictory attempts have been made to reform society through reforming land in Jordan, and how these attempts have been co-opted, confounded, and redeployed in a seemingly anachronistic way by the people who live on, claim, and seek to draw sustenance from the land in question. In broad outline this story can look suspiciously like a modernist metanarrative; as a hierarchy of claims on the land, of rights and responsibilities defined as part of a complex wider socio-economic environment, is transformed into one of absolute ownership, and as collective forms of possessing the land give way to individual ones. Yet the discussion of the trade and sale of *hijjah* show its limitations, and the wider ways in which land is socially embedded, and how other dissimilar notions of value and ownership, emerging from other historical circumstances, remain contemporaneous.

Reconsidering these longstanding anthropological engagements and critiques of modernity in light of Jordan's messy and unsettling history of land settlement I suggest we need a reorientating perspective on land in economic anthropology. Land can, in certain settings and contexts, be 'sticky', and take on properties that resist commoditization and a-social market forces (a form of what Tsing (2011) calls 'friction'), and this is often understandably a property anthropologists focus on. But sometimes long histories of changing relationships to land can be used to co-opt and partially adapt to new neoliberalized economic orders, in which case both the older social form and the attempt at pro-market reform must, to some extent, warp each other. This warping quality of land may present serious obstacles for reforming schemes, but in fact creates the ambiguous spaces in which schemes are experienced and enacted, determining their local shape.

This has several consequences. Firstly, and most straightforwardly, it shows the limitations and unintended consequences inherent in global schemes to reform people and social relations through land. Land has become wealth in Jordan, but through development and speculation in the wake of a demographic explosion caused by regional conflicts, not through cultivation, investment and improvement. To return to De Soto's aphorism (2000, 7), many Jordanian Bedouin have 'titles' but not possession, in the form of *hijjah* to tribal lands, while many Palestinian Jordanians in East Amman live on land whose title is ambiguous. Modernization theory and neoliberal economics in theory both share a concern with absolute individual property rights and legal title, and yet in practice it is the strategic deployment of ambiguous title and multiple regimes of value that has allowed land to become easily tradable; doing far more to create this rupture with the landed past than colonial and post-colonial land registration did. It also inevitably creates the discursive space through which this history can be challenged and reinterpreted by tribal nationalists and young unemployed Hirak activists.

Secondly and relatedly, at the level of theory, it suggests a way of thinking through some of the problems thrown up by anthropological interests in modernity and neoliberalism as epiphenomena relevant at but operating beyond the ethnographic scale. The minutiae of land and property relations and transformations, as Mundy (2013) has argued, are in the Arabic-speaking Middle East particularly important for understanding social change, from the *Tanzimat* Ottoman reforms up to the present, and thus for exploring the foundations of contemporary patterns of political economy, and orientations towards coloniality, postcoloniality, and even, however it is defined 'modernity'. As such, proponents of a new(er) metanarrative of neoliberalism might well expect to find in these topics of land and property transformations the grist of their task of substantiation and localization. This, I suggest, has not happened in any sustained way. The historical political economy of land and property in the Middle East has been studied extensively by dedicated ethnographers and historians such as Michael Fischbach (2000), Nora Barakat (2015) and Martha Mundy (1996, 2000), although in much of this work the localized importance of historicizing and understanding such systems and dispositions around land is generally assumed and implicit, and thus they generally leave no ripple in broader social theory. Furthermore, these studies all rely on the documents produced by and for states. Yet beyond the archive and its limited reality, the talk surrounding land claims and the semi-documentary practice of the *hijjah* suggest long histories to alternative practices that left little archival trace.

The ethnographical and historical material I have presented here, while much of it is well-trodden ground, is intended to show how ethnography can be in dialogue with, and even perhaps contribute to understanding the breadth and limitations of, broader concepts of political economy, as more than localizing case studies showing how things work out 'on the ground'. Rather the functioning of *hijjah* and customary rights, and the ideas and concerns of those making use of them, teaches us something about how neoliberal land markets actually work, and, I suggest, opens dialogues between places, ways of knowing and dispositions, indeed perhaps between different types of metanarrative. It suggests the continuing importance of comparison and analytical heuristics, and of *longue durée* historical threads that don't go as far as 'multiple modernities', but also don't quite collapse back into continuity-thinking (Robbins 2007).

This is not exactly a theoretical intervention, but a call for further attention to the spaces where such a comparison might emerge; spaces imbricated in global political economies but with distinctive historical and conceptual forms through which to interpret, shape and resist change. On close enough inspection, I suspect this will be found to apply to most places, to varying degrees. The degree to which this shaping, interpreting and resisting is based on reflective evaluation, as Laidlaw (2013) and his ethicist proponents would perhaps have it, is a vexed question, and beyond the scope of this argument, although an important one. There are clearly no predetermined responses to global forces; they cannot account for the persistence of ethical ideas that turn around protection offered by certain types of men on the basis of their agnatic lineages, nor the flexible adaptation to state and market values that such ideas afford in the contemporary land market. This points, I suggest, to some ways to go about the unfinished task of working through how the turn in anthropology towards ethics and values in the last two decades (and around dispositions, anticipations, and anxieties) connect to concepts used to get a handle on global political economy, which, whatever anthropologists

think of them, will continue to be widely used and therefore have an ethnographic reality. This article makes only a little headway in this work, but it also suggests why it is necessary, and what sort of role ethnography and history might play in it.

## Notes

1. By grand schemes, I mean something akin to Schielke's (2015) use of the term, as vague and high-level external categories used by people to make sense of various often contradictory impulses, ideas and trends, in order to relate, buy in to, or resist them. While Schielke, drawing on Existentialist thought, focuses on ideas of following schemes to live life in a committed, meaningful way, I focus on the way grand schemers and those who support them impose political economic, social and moral reform on others through entangled processes, which in turn create the conditions for their own interpretation and analysis, as metanarratives. While no doubt some of the architects of mass land survey and registration schemes and structural adjustment programmes will often have seen their work as grand schemes for reforming people through land, such projects are also tied up in the way ordinary Jordanian residents engaged with property, wealth, inheritance, and social reproduction, as well as the moral implications of such changing engagements.
2. The complicated meanings of these labels, their orientalist and anthropological critique, and their specific discursive construction in Jordan (on which see Massad 2001) are topics of great interest but which I cannot unpack here. They are discussed at length in Layne (1994) and Shryock (1997), and more recently in my doctoral thesis (Wojnrowski 2021). For now, their meaning can be left open.
3. The villages to the east, out along the edge of the rolling semi-arid steppe-land called the *Bādiyah* (to this day treated as a legally different frontier zone), are mostly owned and occupied by families associated the Bani Sakhr; a famous and influential name, associated with a heroic past and the foundations of the nation, but also a reputation for violently pursuing their collective interests and subverting the state to these ends. Although poor agriculturally and in terms of water access, they are close to Amman's expanding fringe and to the international airport, built on land their leading family, the al-Fayiz shaykhs, sold (their history has been extensively treated in Alon (2007, 2016)). The main Bani Sakhr villages I carried out research in were Um al-Walid, Um ar-Rassas, Dulailat Mutirāt, and ar-Rāma.
4. The Bani Hamida to the south are associated with the villages of Mkawir, ad-Dyr and Jadayda, as well as the main local towns Mleih and Dhiban; settlements nestled in the more mountainous and better-irrigated land of the Jabal Bani Hamida. These villages are further from and with worse transport links to the capital and from other sources of employment.
5. This is a metaphor with connections to older ideas of the unwise pastoralist who eats too greedily of his flock, and consequently irreversibly diminishes his wealth.
6. These include Palestinians in 1948, 1967 and the 1970s, Iraqis in 1991 and 2006, and most recently, Syrian refugees, who at the height of the refugee crisis numbered around 1.8 million, of whom 78% live in private rented accommodation in cities rather than camps (UNHCR 2016, 4).
7. I am aware that in mainstream finance property is regarded as the paradigmatic *illiquid* asset, however liquidity is always relative and a matter of time scales, and certainly the modern property market in most countries is vastly more liquid than has been the norm in previous political economic systems, such as feudalism, military fiefs etc., and as we shall see, this is especially true in Jordan.
8. The housing market review by the World Bank (2016) makes clear the goal of infrastructure loans since the late 1980s has been the creation of a functioning property market.
9. Afterall, the titular 'mystery' in De Soto's (2000) title – *The mystery of Capital: Why capitalism triumphs in the west and fails elsewhere* – does not perhaps seem much of a mystery for many anthropologists who work in places where local conditions of exploitation seem to be an essential component of the 'triumph' in the 'West'.

10. De Soto's research has become a benchmark experimental case study for neoliberalism, as although it turned out to have little effect in giving home owners access to capital (its original aim), his scheme to award title in areas of Lima did seem to result in workers increasing their hours worked outside the home. Mitchell (2005) questions the degree to which this was a result of security of tenure, showing there is no evidence that formerly people felt the need to guard untitled property, nor for where these extra hours of work were supposedly coming from during a period of economic decline, suggesting instead that the impact might be more plausibly linked to the areas included in the formalisation programme and by wider neoliberalization
11. This process of ribbon development along the Yajouz highway, creating the modern dormitory-city of Zarqa (where many more recent refugees from Palestine have settled), by which some Bani Hasan become wealthy and others landless protesters, is described in the academic work of the former Jordanian Prime Minister and World Bank Executive, Omar Razzaz (1994).
12. Notwithstanding some major reforms, including ending the status of *miri* (presumed state-ownership) land in 2015
13. My own experiences show some of this. The building is entered by appointment only, and access to the registers restricted. I managed to gain access to the building through politely asking guards who I might talk to arrange an appointment to discuss my research. On the first occasion, I was led to the communications official, who over coffee in a vast tiled 1930s room showed me various photographs and items from the original Mandate survey, as well as on a computer the current anonymized cadastral map – items he hoped would satisfy my curiosity. I asked if I might see the settlement files, as I knew others, including historian Michael Fischbach had in the 1990s. I was told it might be possible, but I would need to see the director, and would need various permissions and credentials. I got these together and visited again on several occasions. I exchanged pleasantries and swapped business-cards with good – natured officials to no avail. I was always told to come back later. In the end, Michael Fischbach kindly sent me his own notes on the Sukhur villages from his visit.
14. In 2014 the then-Prime Minister Abdullah Ensour publicly demanded the DLS sort out and standardize tribal land claims (Jordan Times 2014), and *wajahāt* were brought up by Bani Sakhr Shaykh Jamal Khraisha in 2015 during a meeting with the king (Jordan Times 2015).
15. Only in the 1980s, Razzaz (1994) says, did such documents generally have a clause excluding the seller from the promise of defending the buyer against the state.
16. I don't intend to fully unpack the theoretical baggage of Sovereignty here, but briefly, I find the tension between its use in indigenous and environmental justice contexts with its Schmittian and Foucauldian implications productive. Following Hansen and Stepputat (2006), I have in mind here not Agamben's absolute ontological sovereignty of European tradition, but the real-world practices of tentative, emergent, overlapping, nested, and even encompassed sovereignties, interpenetrating at different scales, based on violence and fear but also affect and legitimacy.
17. This employment has largely been in the valorized military and security services, although often at low levels, contributing to the ambivalent position of Bedouin in Jordan as loyalist pillars of the monarchy but also as restive and occasionally resentful subjects – see Baylouny (2008).
18. Namely, land comes from God, cannot be fully destroyed (and thus owned), and is under the guardianship or sovereignty of lawfully appointed Islamic rulers, who may therefore extract tax (or rent) from the surplus generated by it (Abd Al-Kader 1959). These principles have clear parallels in Western thought around commons, and especially the later nineteenth century American tradition of Georgism (see for instance Wilkinson 1990).
19. These were known as *timar*, in which the holder would collect taxes and carry out various state functions, but could be fined or recalled if the area under cultivation decreased, later replaced by the *iltizam* system of tendering tax collection contracts. See Lewis (1987).
20. Other categories which do not concern us here included land held in *waqf*; pious foundations or *matruk*; forest, roads and other general resources without clear owner (Kark and Grossman 2003).

21. There are many accounts of cultivators seasonally abandoning villages and rain-irrigated fields to avoid the depredations of both Bedouin and tax collectors, as well as natural climatic variations in eighteenth Century Greater Syria (see Volney 1987 [1805]). During the Ottoman period, the few urban centres and settled communities of cultivators this far south and east were often obliged to pay *khuwa* (tribute or protection money) to locally dominant Bedouin polities (often in kind as grains) to ensure their safety. Settled registered villages were subject to occasional Ottoman tax collection expeditions. This double exploitation of the peasantry discouraged registration, permanent settlement and cultivation, so that even many cultivators lived in tents rather than permanent villages to be more flexible, and many at least in part relied on the greater mobility and protectability of flocks (Rogan 2002). It seems that this time saw a general increase in the importance of tribal categories and collective forms, as the need for protection and mediation in the face of raiders (whether Bedouin or tax-farmers bearing Ottoman licenses) became greater.
22. Shareholders could be individuals, families or groups of unrelated people. In one case Mundy (1996, 88) describes how a plot of land in the 'Ajloun district of northern Jordan was divided into four equal shares, one owned by an individual with land holdings elsewhere, one by 6 brothers in common, another by two brothers, and another by a single resident man. In some cases, *mushā'* land was held by outsiders with land in multiple villages. Mundy concludes that *mushā'* was a descriptive term of quite varied meaning, and as such should not be reified as a system, but thought of as describing practices that existed on a scale between commons and freehold.
23. The *dunum* is an ancient Turko-Byzantine measure of surface area retained from the Ottoman period, corresponding to roughly one quarter of an acre.
24. In Ottoman Syria the common narrative of dispossession of peasantry in favour of estates and absentee landowners who registered land in their own names has disputed this (see Firestone 1990),
25. These forays into cultivation were profitable and useful to Bedouin shaykhs, allowing them to accumulate an income through which to carry out their increasingly expensive political and social roles (especially war and hospitality), without flouting Bedouin social norms which made exploiting or even coercing other Bedouin problematic.
26. For example, Marwan, a Bani Sakhr informant from the university of Jordan, told me of the case of his ancestor Muhamad Abu Faris of the Mutirāt, who in compensation for the loss of land he claimed around Madaba to the Christians, was given permission by Sattam al-Fayiz to claim a *khirbah* on which to build a new agricultural 'village' at Dulailat, which became known as Dulailat Mutirāt, still the centre of that tribe. This time saw the expansion also of the *musha'* system into areas where it had not been used previously, sometimes formally, but more often informally, as new cultivators looked for local social precedents to share resources. Soon many other Bani Sakhr families were involved in pastoralism, but many without registering land.
27. The British official brought in to assess Transjordan's land system in 1926 was Ernst MacCloud Dowson, who recommended imposing the Torrens System, developed in Australia, and applied in Egypt and other colonial contexts. This forced claimants to register the land centrally, with a state body as the final arbiter, rather than the system used in Britain itself of keeping personal title deeds that could be disputed in court (Fischbach 2000).
28. For instance, Um al-Walid, a village where I spent much of my fieldwork, contained 25 families living in tents, and only a seasonal store house. The entire Sukhur area had 352 permanent houses, and 2000 tents. Only in Huwara, Manja and Um al-'Amad were permanent buildings used by around half the population (DoS 1952).
29. Other sources of capital are remittances or work abroad, and periodic opportunities for military service as UN peacekeepers for soldiers.
30. Work on a new rapid bus transit route (finally completed in 2022) heralded as relieving congestion, was completed over budget and behind schedule, the subject of wry jokes; the only thing it could move 'rapidly', one taxi driver said, was money into the bank-accounts of developers.



31. Mundy (2016) introduces the modifying metaphor of the palimpsest and with it the proviso that what Mundy (1996) terms 'microhistories' can allow agency to flow both ways.
32. Englund and Leach (2000, 238) describe the sweep of multiple modernity studies and their problem with it concisely; 'Studies of multiple modernities celebrate diversity against their authors' understandings of the similarity underlying or even generating that diversity ... [so that] ethnographic analyses become illustrations consumed by metropolitan theorists'.
33. Merchants, cultivators and early land investors, and sometimes even representatives of the Ottoman state normally contracted some sort of deal with local Bedouin shaykhs in order to use land or hold property. These ranged from the outright vassalage or protection money payments made by peasants known as *khuwah* through various degrees of patronage, to more ambivalent relationships involving respectful visits, consultations before making decisions about land use, and promises by outsiders to employ a local Bedouin as a caretaker to handle relationships with locals (Abu Jaber 1989).

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