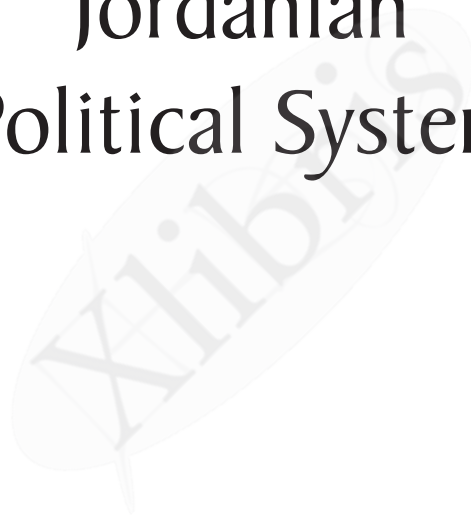


Jordanian Political System



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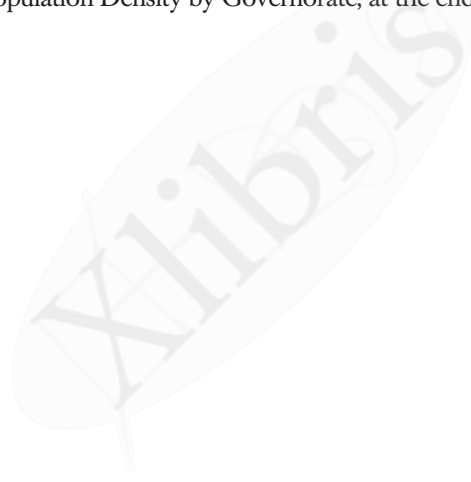
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Dedication

This book is dedicated to the new generation of Jordanians, the sons and daughters of this country.

Represented by my children:

Zaid, Miran, Lian, Dareen, Joud, and Mira

The author

Prof. Amin Al-Mashaqbeh

INTRODUCTION

First Edition:

THE AIM OF this work is to contribute to the common public awareness concerning the Jordanian political system, motivated by the belief in the value of spreading awareness regarding the political history of the Jordanian state and the defined concepts that constitute its political system, starting with the constitutional and legal concepts which the Jordanian public authorities are built upon, and the mechanisms on which they function, in addition to the nature of their roles and functions, This book also aims to inform the citizen of the basic rights and public freedoms granted and guaranteed by the Jordanian constitution.

The main objective of this brief is to build a sound national education, and political culture for various generations, to support and deepen the concept of citizenship and boost the feelings of positive patriotism and belonging in every relevant aspect, let alone promote political loyalty to the Jordanian Hashemite regime who's roots run deep in Arab history.

This book is an attempt to shed some light on the political development of the kingdom since the early days of establishment, focused on the four Hashemite eras and what has been accomplished during those eras in terms of political stability, economic progress, social progress, and political progress, as well as to highlighting how the Hashemite dynasty has employed their religious, historical and political legitimacies alongside the public support and popular cohesion they enjoy, added to their array of achievements in sustaining

Jordan's political system despite its location in the eye of the storm and the center of events, The Jordanian system has been able to drive the country to safety through its leadership's wisdom and the support the Jordanian leadership enjoys from its people.

This book focuses on democratic development and political pluralism by looking at the evolution of parliamentary life and elections, which highlights the level of political participation, in addition to the development of political parties and the accompanying legislative development since the restoration of democratic life in 1989, and sheds light on the foundations and pillars of Jordanian foreign policy and Jordan's position on key issues in the region.

The first edition of this booklet comes to cover constitutional and legal reforms that have taken place in the Kingdom since the constitution was amended in 2011, and to also cover the issuance of a new election law No. 25 of 2012, the amendment of law No. 28 for the year 2012 and election law of 2016, the Political Parties Act of 2012, the Constitutional Court, the Independent Commission for the election Law No. 11 for the year 2012, summaries for the Royal Discussion Papers by his Majesty King Abdullah the Second, in addition to the main factors of political stability of Jordan

This attempt is an honest and effective contribution to developing national culture and to arm the new generation with knowledge and political awareness of the political history and the basic components of the Jordanian state.

We do not claim that this book complete or perfect as perfection is a trait of Allah (God) only, and therefore there must be shortcomings to this attempt, and this leaves us open to welcome any constructive criticism that aims to achieve the truth.

Author

Amin Awwad Muhanna Al-Mashaqbeh

CHAPTER I

Political History of the Hashemite Kingdom of Jordan

The establishment of the emirate:

KING FAISAL BIN Al Hussein of Syria was removed from Syria by the French in 1920, creating an opportunity for Prince Abdullah, His father's foreign minister in Hijaz, to boost army morale and mobilize the army to attack the French, Prince Abdullah arrived in Ma'an on November 5th 1920. Aiming to restore King Faisal as the king of Syria and to drive the French aggressors out of Syria.

As the British did not take any action against Abdullah's declared intentions, Prince Abdullah moved north from Ma'an. By January 1921, the word out in Karak was that Prince Abdullah was leading an army of two thousand men towards the city. ⁽¹⁾

Major Sir Alec Kirkbride the British counsellor in Karak welcomed Prince Abdullah to Transjordan, and soon after, Abdullah moved north up to Al Salt followed by Amman, Meanwhile in March 1921, British officials held a

⁽¹⁾ Benjamin, Shwadran, (1959), **Jordan, A State of Tension**, NY: Council for Middle Eastern Affairs Press, P. 130.

conference in Cairo, to discuss Arab state affairs, From within that conference a decision came out allowing Prince Abdullah to stay in Transjordan as the new leader in order to organize and establish the state.

One very important turning point in the history of Transjordan was the meeting that took place between Prince Abdullah and Sir Winston Churchill in March 27th 1921, the outcome of the meeting was as follows:

- 1) Abdullah to prevent action against the French.
- 2) To renounce his rights and claims to Iraq.
- 3) To undertake and maintain order in Transjordan.
- 4) To recognize the British mandate over Transjordan as part of the Palestine mandate, and to set up an Arab government and administer the territory in the name of the mandatory.
- 5) To receive for six months a monthly subsidy of 5,000 British pound sterling.
- 6) A British representative of the High Commissioner to be stationed in Amman as adviser to the Amir's government and to help set up the administration.
- 7) The British to recognize the independence of Transjordan at some future date.

This agreement was beneficial to the British in two ways:

First, a central government will replace the regional local governments that failed to maintain law and order, this point has been clarified by Churchill in a speech in front of the British Parliament quoted here. "It was clear that we ought to keep order ourselves, otherwise it was difficult to deny them the right to enter and to carry out operations in our territory. On the other hand we were very reluctant to face the expense of maintaining two or three battalions in Trans-Jordanian and, worse than expense, the risk of getting them isolated and cut off by risings of the tribes. In these circumstances, we had recourse to the good offices of the Emir Abdulla, the elder brother of Emir Feisal, as part of our general policy of acting in accordance with Sherifian influence. ⁽¹⁾

The second benefit of the agreement is: The inauguration of a Hashemite governor in Trans Jordan, Iraq was seen by the British as a fulfilment of Britain's commitment to Sharif Hussein in return for his participation in the war against the Turks. ⁽²⁾

⁽¹⁾ Nasser, Aruri, ed, (1983), **Occupation: Israel Over Palestine**, Belmont. Mass: Association of Arab- American University Graduates, INC, P.21.

⁽²⁾ Benjamin, Shwadran. PP. 138-139

Prince Abdullah started working on a new emirate under his personal direct supervision, a task far from simple or easy given the time frame, the goals³ of prince Abdullah can be summed up as follows.

- 1) Abolition of local governments that existed before the arrival of Prince Abdullah.
- 2) Organizing a central authority in Amman as the new capital of the emirate.
- 3) The establishment of security and order in the territory of Transjordan.
- 4) Stop raids from the desert.
- 5) Stop groups with vengeance from attacking the French in Syria.
- 6) Convince different groups of people to pay taxes.

As a result, Prince Abdullah removed administrative barriers among local governments and set up a central government under his control, The central government consisted of a board of counsellors, led by the administrative Secretary Rasheed Tuli'a, the first Jordanian Prime Minister, and on this occasion, Prince Abdullah found encouragement from the British government, and found the British government very welcoming.

On the eighteenth of April 1921, the British government appointed Julius Abramson as chief British representative in the country, and appointed seven political officers as a council for Prince Abdullah to supervise his administration.

In terms of financial support, the emirate was awarded the sum of \$180 thousand pounds sterling to follow the aforementioned tasks⁽¹⁾, and the first Jordanian government was formed, headed by Rashid Tali'a.

The Convention signed in London in April 1923 between Britain and Transjordan made Britain recognize the autonomy of the emirate as an independent administration, and that it is separate from the administration of Palestine⁽²⁾.

During that year and on the fifth of September 1923, Hassan Khalid Pasha (Abu Al Huda) formed a council called "Council of delegates" as named by Prince Abdullah and assigned the new council a new program to develop and reform in all fields.

Generally, three main forces practiced control of the country's political life in this early stage, a bureaucratic class, the British, and the tribes or clans,

(1) Benjamin, Shwadran. PP. 138-139

(2) P.J. Vatikiotis, (957), **Politics and Military in Jordan: (1921-1975)**, N.Y: rederic.A. Prager, PP. 44-45.

Prince Abdullah tried to maintain a balance between these powers and rule the country effectively at the same time⁽¹⁾.

Political Development 1921 - 1953: Political development in this period can be further divided into three sub periods, from 1921 until the Jordanian British Convention in 1928, and from 1928 until 1946, and from independence in 1946 until 1952.

The first period 1921 - 1928 was devoted to strengthen and establish the new government. The actions and measures taken by Prince Abdullah strengthened the foundations of the emirate, such as:

- 1) Centralizing the government under his personal control.
- 2) Building an army to strengthen his regime.
- 3) Convincing the people in general, especially the tribes to accept the presence of the new emirate.

According to Huntington, one of the most important requirements of any political system in the handling of the change is to eliminate all other local, religious and ethnic influences and to concentrate power in the national political institutions⁽²⁾. For instance, Hassan Khaled, head of government from 1923 until 1926, demanded that the government organize work on establishing the greatest possible confidence and trust between the government and the people, describing the central authority as the guarantor of the rights of the taxpayer. He also pleaded for the people's support of the government and its plans.

Prince Abdullah was able to separate the administration of the Mandate in Palestine from that in Transjordan in order to prevent Jewish migrations and to have Transjordan excluded from the Balfour Declaration. However, this period of the reign of the new government was faced with great difficulties, the most difficult of which was the rebellion of some tribes, as the tribal leaders were disappointed by the presence of a central government because it would limit their control and leadership, there had been five rebellions in the country in Karak, Al Koura, Al Tafila, and Ajloun in 1921 and in Balqa (rebellion of the Al Odwan tribe) in 1923⁽³⁾.

The second opponent to the emirate of the emir Abdullah was "Independence Party", a group Syrian Arab nationalist who fled Syria to escape

⁽¹⁾ King Abdullah Ibn, Al Hussien, (1950), **The Memoirs of King Abdullah of Jordan**, London: Philosophical Library, PP. 212-213.

⁽²⁾ Samuel, Huntington, (1968), **Political Order in Changing Societies**, New Haven: Yale University Press, P. 142.

⁽³⁾ Haydar, Abidi, (1965), **Jordan: A Political study**, New Delhi: Asia Publishing ouse, PP. 13-14. Nasser, Aruri, **IBID**, P.28.

the French to Transjordan, seeking support of Prince Abdullah to help them in driving the French out of Syria. The group was then faced with the unexpected philosophy and ideas of Prince Abdullah and his way of handling such matters. The third obstacle was the Wahhabi raids of the Arabian Peninsula.

Generally Prince Abdullah succeeded in the elimination of All these movements with the help of the new army led by a British commander Frederick Beck, and according to Naseer Aruri “Not only have the British handled the issue of the opposing Independence party for Prince Abdullah, but they have also protected him from Wahhabi raids and subjected tribes who challenged him and refused to pay taxes and refused to declare loyalty to the new government⁽¹⁾”.

Political development after 1928:

The next period of development of the country’s political system starts post 1928, before which the country was administrated and ruled with no form of constitution, up to February 20, 1928 when a British-Jordanian agreement came into effect, where Moneeb Mady and Suleiman Moosa, the authors of the book “History of Jordan” argue that the British imposed the treaty without holding any negotiations or even consulting anyone from the Jordanian side, and in any case, the British government remained in control of all relevant affairs concerning the country. Arnold Toynbee wrote the following concerning the British- Jordanian agreement: “It did not clearly recognize the independence of Transjordan to any degree beyond the technical and terminological sense of the word, similar to British treaties with leaders in the Arab gulf⁽²⁾”.

The agreement contained provisions stating that Prince Abdullah must seek advice in matters relating to British budget and customs tariff, as well as foreign and military affairs. The agreement also granted the British the right to exploit natural resources in the country.

Relating to this treaty the representative of the High Commissioner of Britain was the representative of Britain in Jordan, The High Commissioner of Britain would practice the authorities given to him by this treaty through his legal adviser, his financial adviser, and the chief of department of Land.

The agreement has also given Britain the right of placing and deploying British troops, and authorized the British officer, chief of the British army (Arab Legion) judicial and administrative powers to govern the relations between clans.

(1) Nasser, Aruri, **IBID**, PP:27-28. P.J. Vatikioties, **IBID**, P.47.

(2) Nasser, Aruri, **IBID**, P.76

In the sixteenth of April 1928, and two months after the signing of the treaty, a seventy-two chapter governing law was established, based upon the British-Jordanian Agreement. In general, the law mostly served to better establish British control over the country as it is evident and apparent from most articles of the law, Following the treaty, reactions reflecting the people's disappointment were apparent, Opposition groups arranged for the first "National convention" in Amman on July 25th 1928.

The opposition came out of the convention with their demands in a document called the National Charter; the main point of the charter was to demand the establishment of an independent state in Transjordan that is a constitutional monarchy governed by Prince Abdullah and a government accountable to an elected legislature.

The document also challenged the right of the British government in overseeing the financial affairs of the country and the existence of British troops. The National Charter also requested that the government take a positive stand towards dissolving the Independence Party; Where the British officials rejected all claims under the pretext that the country was not ready for parliamentary government⁽¹⁾.

As we have already said, the strongest opposition to Prince Abdullah came from the Independence Party, prince Abdullah denied members of the independence party and their supporters from government posts, and issued the 1928 Nationality Act, and under this law, members of the party were not eligible for the Transjordan citizenship. Prince Abdullah also took a tough stance against the opposition, describing it as being evil and its members as being traitors⁽²⁾.

However, and despite of all this, signs of political development grew as well as the public opinion, attributed to the role of political parties, and during the late 1920s and early 1930s, there were no significant political parties in the country, and there were only ideological parties being the Communist Party and the Independence party which was an Arab nationalist party.

Other parties were considered pro-government, such as the People's Party, and the Arab renaissance party. Those pro government parties promoted Prince Abdullah's objectives, the goals of the (Great Arab revolt), mainly, the unification of Greater Syria starting from Transjordan⁽³⁾.

⁽¹⁾ For the Angle- Trans Jordanian Treaty in 1928, see, King Abdullah Ibn, Al Hussien, **IBID**, P.218. Benjamin, Shwadran, **IBID**, PP.167-171. Nasser, Aruri, **IBID**, PP. 76-77.

⁽²⁾ Hayder, Abidi, **IBID**, PP.16-17. Nasser, Aruri, **IBID**, PP.81- 82, King Abdullah Ibn, Al Hussien, **IBID**, P.215.

⁽³⁾ Hayder, Abidi, **IBID**, PP.17-18, 191-194.

Two more parties were established during the early thirties, namely, the solidarity party and the National Congress Party. In short, the political parties in Transjordan lacked programs and pulpits and outlets to contribute to the development of a sound political system⁽¹⁾.

As for the field of legislative development in Transjordan, the first legislative council was established in 1929 through the February 1929 elections, and was comprised of fourteen members: nine of them of Arab Muslims and three Christians and two of the Circassians, in addition to bedwin tribal leaders chosen to represent the bedwin tribes. And even though this Council had approved the agreement of 1928. (British-Jordanian treaty), it reached a deadlock upon the rejection of the annual budget.

On the ninth of February 1931, Prince Abdullah dissolved the Council. An experience that was not very encouraging for the young Emirat In sum, four legislative councils followed the first council between 1931 until 1947⁽²⁾.

The era of independence: The era of independence began with the Alliance held on April 25, 1946, The first article of this alliance treaty recognizes Jordan as a fully independent state, while British strategic interests were insured, in addition to handing the British government the responsibility of funding, recruiting for, and training the Arab Army (Jordanian army), Transjordan agreed to allow British troops to be based in Trans Jordanian territory and to provide all necessary assistance to facilitate their movement and to enable them. In the twenty-fifth of May 1946, The Prince of Jordan was named King of the Hashemite Kingdom of Jordan⁽³⁾.

The government proposed a new constitution approved by the King on the seventh of December 1946, published in February 1947 and called for the enactment of a new electoral law provided for the creation of a bicameral parliament.

Yet, the country despite its new status, was still dependent on the British government for the development of the Arab army and its financial support⁽⁴⁾.

(1) Nasser, Aruri, **IBID**, P.79.

(2) The Second Legislative council was elected in June 1931, The Third January 1934, and the Fourth in 1937. Benjamin, Shwadran, **IBID**, PP. 176, 183- 184. Nasser, Aruri, **IBID**, P. 85.

(3) King Abdullah Ibn, Al Hussien, **IBID**, P.223. Nasser, Aruri, **IBID**, P.87 Hayder, Abidi, **IBID**, P. 18.

(4) On July 7, 1946, Transjordan applied for membership in the U.N. The application was vetoed by the soviet Union, because the Soviet Union saw Transjordan a not independent from the British. Jordan was admitted to the U.N. On December 14,1955. Benjamin, Shwadran, **IBID**, P.215-217. Nasser, Abidi, **IBID**, P. 18.

In terms of political development during this period, the years after World War (II) marked the renewal of aspirations held during the twenties of the same century, as it appears that King Abdullah was still thinking in a Greater Syria in order to prevent the Zionist expansion, however, The British and some Arab states seemed to have concerns of the power of such a union, And not long after, king Abdullah abandoned such objectives because of the Syrian opposition, and opposition from other Arab countries, and so King Abdullah refocused his efforts on Palestine, and this older objective dates back to the mid-thirties, as in the late thirties, King Abdullah suggested that the Palestinian territory still under Arab control be merged with Transjordan, where the king was faced with opposition of many powers, including Palestinian leaderships of the Husseini family⁽¹⁾.

The British government was unable to resolve the problem in Palestine between the Arabs and the Jews, and hence took the case to the United nations, and In the year 1947 the United Nations decided to partition Palestine between the parties, Most Arabs in Palestine did not accept the partitioning of Palestine, and some Arab nations opposed the resolution as well.

The British government announced its intention to terminate the Mandate for Palestine and withdraw from it on May 14, 1948, and on that same day, the establishment of a Jewish state was announced, and as a result of this decision the first Arab war broke out with Israel in 1948 during which the Jordanian (Arab army) saved a part of Palestine now known as the west bank.

Termination of the mandate and the declaration of the kingdom:

Since the beginning of the British Mandate, the Prince and the people were demanding an end to the British Mandate, but the British government was rejecting the prince's demands on the grounds that the people are not yet ready for such a move, or that the international circumstances and especially World War II (1939 - 1945) would not permit. It was generally a relief to Transjordanians when Colonel Henry Fortnam Cox left leaving his post to colonel Alec Kirkbride in 1939, and even with Kirkbride demands that the mandate end. On June 27, 1945, the government of Transjordan issued a memo to the British government highlighting the end of the world war and that the time was very suitable for the independence, and demanded talks with the British in this regard.

Based on this memo, the British government invited Prince Abdullah to visit London to hold talks relating to the future of Transjordan, and consequently a

⁽¹⁾ Area Handbook for H.K.J.1969,P.32

visit was scheduled at the beginning of year 1946, and in February 1946, Prince Abdullah, the Prime Minister, and an accompanying delegation visited London. The official visit resulted in ending the British mandate, and the recognition of the independence, alongside with a treaty of friendship and alliance between the two governments. A treaty signed on March 22, 1946, the new treaty stipulates an end to the British mandate, and the rise of a sovereign independent Transjordan, the new treaty was comprised of fourteen articles and an Annex of ten articles stating a recognition of the independence of Transjordan, a deep military alliance and diplomatic representation that the responsibility for security and defence is to be confined to the Prince, the military Annex stipulated that Britain may retain military presence in the area of Transjordan, the treaty was finalized and signed on June 17, 1946.

The people of Transjordan made the oath of allegiance to Prince Abdullah to become king and to turn the emirate into a sovereign independent kingdom, the decision was taken by the Council of Ministers on May 5, 1946, which provided for the amendment of the Basic Law and thus turned the emirate into a kingdom and was then called the Hashemite Kingdom of Jordan, and named the prince

the King of Jordan, and the declaration of independence was made with the consent of the Council of Ministers and the Legislative Council, which unanimously decided the following:

- 1) Declaration of the country of Jordan as a fully independent state with a hereditary parliamentary monarchy.
- 2) The oath of allegiance to the king, master of the country, and the founder of its existence, and heir to the Arab renaissance, Abdullah bin Al-Hussein as a constitutional monarch titled the presence of His Majesty the King of the Hashemite Kingdom of Jordan, and it was decided to designate May 25 as a day of independence.

As a result of these changes, a new constitution was required, such a constitution was established right after the declaration of independence, and was approved by the Legislative Council on November 28, 1946 and published in the Official Gazette dated February 1, 1947.

Death of the founding King:

King Abdullah Bin Al Hussein visited Jerusalem on Thursday July 19, 1951 to attend the Friday prayers in al Aqsa mosque the following day, as (God's mercy be upon him) King Abdullah had certain sentimental emotions and values to Jerusalem. On the morning of Friday, the King had paid a visit to

Ramallah and then Nablus to meet the people of those cities and inspect the citizen's needs, and returned at noon of that day to pray in al aqsa mosque, and as he entered the courtyard of the mosque, he met with crowds who came to pray, some small talk took place along with accepting people's greetings, The Jordanian royal guard battalion was obstructing the way between the king and the crowd, then the King turned his head towards Habes Al Majaly, chief of that Battalion, and said: "Don't imprison me Habes"; ⁽¹⁾Worth mentioning is that in Arabic, Habes means the Prisoner.

When entering the mosque, the king refused to accompany the guards and decided to enter the mosque alone, and as he stepped into the mosque, a man held his pistol and fired to the head of the King killing him instantly at the gate of Al-Aqsa mosque, right after, the royal guard shot the shooter killing him instantly as well, On 20 July 1951, The prime ministry issued the official obituary of the martyr founder King Abdullah, who's soul had departed to god Almighty at a quarter to twelve on Friday July 20, 1951. The burial was conducted on Monday, July 23, 1951, official delegations from within the kingdom and from the other countries poured in to participate in the funeral and to pay condolences to this great loss⁽²⁾.

Since the Crown Prince Talal was outside the country on a medical trip, Prince Nayef was appointed as trustee to the throne since July 20, 1951, and the trustee to the throne was sworn in front of the council of ministers and began practicing his constitutional powers since that moment.

The reign of King Talal bin Abdullah:

After recovering from his illness, Prince Talal decided to head back to the homeland Jordan, and arrived in Amman on September 6, 1951, the same day he was proclaimed as the constitutional monarch of Jordan, and went to the already Held National Assembly and swore the constitutional oath, and on September 9, 1951, a Royal Decree was issued to appoint Prince Hussein bin Talal as crown prince, being the eldest son in compliance with the constitution, an amended Constitution of 1947 which was issued during the period of King

⁽¹⁾ Suleiman, Mousa, (1968), **History of Jordan in the 20 Century**, Oxford: Oxford University Press, PP.404 - 412.

⁽²⁾ Killer is Mustafa Shukri Asho of Jerusalem, a tailor by trade, was executed at the same location, a conspiracy was unfolded, and the conspirators D. Musa Abdullah Husseini, Abdelkader Farhat, Abed mahmoud akkah, and Zakaria Mahmoud Akkah who were convicted and executed on September 4, 1951 and sentenced to death in absentia was issued for Abdullah Al Tal and Musa Ahmad Ayoubi, see Suleiman Mousa, **IBID**, P.558.