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RESEARCH ARTICLE

The Rule-of-Law as a Problem Space: *Wāsṭa* and the Paradox of Justice in Jordan

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Abstract

This article explores structural entanglements between the rule-of-law, as a globalized aspirational horizon in post-Cold War politics, and corruption, as a highly salient malaise, by way of an ethnography of *wāsṭa*, an institutionalized practice of patronage in Jordan, and a salient object of corruption discourse in recent years. The article follows *wāsṭa* and anti-corruption practices in various sites where *wāsṭa* is most salient and most problematized and situates the contemporary practice in relation to historical transformations in Jordan's political economy and global discourses on justice and development. While globalized anti-corruption discourses pit practices of patronage and brokerage like *wāsṭa* against the rule-of-law, an ethnographic and historical view illustrates how the latter is the condition of possibility of the former, the framework by which it is diagnosed, and its presumed cure. Thus, I argue that the rule-of-law should be understood as a historically specific "problem space" that posits corruption as a prime diagnostic of the ills of state and society while generating practical paradoxes and a perpetual sense of temporal out-of-jointedness for "developing" countries.

Keywords: patronage; corruption; rule-of-law; postcoloniality; temporality; justice; suspicion; Jordan

Throughout the last decade and continuing into the current one, demands for social justice have been the main driving force for uprisings, mass protests, and various kinds of political activism in much of the Middle East. Protestors and other kinds of activists have been calling for an end to widespread corruption, demanding that all citizens, including officials, be treated equally and fairly vis-à-vis the state's repressive and redistributive functions. For protestors and activists, corruption is not only about specific acts of embezzlement or fraud but is also a feature of "the system" (*al-niẓām*) that provides officials, or those connected to them, with a privileged access to public resources at the expense of ordinary citizens. Their activism is animated by an imaginary that posits law, or the rule-of-law, as an ideal horizon towards which projects for social justice *qua* equality must aspire.[1]

[1]My discussion of the rule-of-law in this article brackets off a distinction that liberal scholars often draw between different functions of law, such as the rule-of-law and law-and-order. This is partly

This has been particularly the case in Jordan, where public employment and subsidy have historically served as the main vehicles for social mobility, particularly for citizens of rural and nomadic backgrounds. Over the past three decades, the privatization and the restructuring of many state functions along corporate models has rendered access to public resources increasingly unequal. With the shrinking of stable public employment, and the state's gradual withdrawal of welfare provisions, large swaths of Jordanians with middle-class aspirations have felt that they were left stranded in the present, unable to achieve social mobility and risked slipping—"back," as it were—into poverty. Thus, for the Hirak, the organic grassroot movement that emerged during the Arab Spring, the ultimate demand was to put an end to corruption and uphold the rule-of-law since, for them, the equitable distribution of public resources was the core of social justice. As one Jordanian unionist summed it up, "We either starve together or be fed together!"[2] For the current generation of activists, the demand for the rule-of-law was so universal as to transcend older political divisions between leftists, nationalists, and Islamists.

Under these historical conditions, *wāsṭa*,[3] a long-standing, banal, and ubiquitous practice of brokerage and intercessory patronage, has become both highly prized and highly problematized. For precarious citizens, *wāsṭa* is a means to gain privileged access to public resources through personal connections, and a modality by which relations of kinship and friendship are forged and maintained. A connection, kin, friend, or acquaintance in the state bureaucracy is a highly valued asset. They can help secure a job, a raise, a scholarship, a permit, a healthcare waver, or an appointment at a preferred healthcare facility. At the same time, given the public demand for equity, and the salience of the rule-of-law discourse, *wāsṭa* has been increasingly seen as a form of corruption which must be eliminated for justice to be achieved. For example, according to one survey conducted in 2000, 86 percent of Jordanians considered *wāsṭa* a form of corruption and 87 percent thought it should be eliminated. At the same time, 90 percent said they expected to use *wāsṭa* sometime in the future and 42 percent thought their need for it was likely to increase (Kilani and Sakijha 2002). A more recent study conducted in 2015 notes that 82.6 percent of Jordanians considered *wāsṭa* a form of corruption, 64.9 percent believed that it is necessary for finding a job, and 42.8 percent believed it is necessary to get their bureaucratic paperwork done (National Council for Family Affairs 2015).

Jordanians' simultaneous condemnation and banalization of *wāsṭa* is a classic case of what anthropologists of corruption have called the "corruption complex" (Sardan 1999), a term that captures the ways in which corruption is never easily distinguishable from a range of practices that bear family resemblance to it, such

because the Arabic term *siyāda-t al-qānūn* covers both senses, but more importantly, because the article's focus on corruption renders the distinction irrelevant. For whereas corruption can be politically invoked as a problem of distributive justice, in legal and administrative process, it almost always is treated as a matter of criminal justice.

[2]Arabic: "*najuʿu maʿan ʾaw nashbaʿu maʿan*!" From a speech by Nasser Nawasrah, acting head of the Jordanian Teachers Union on 30 September 2019.

[3]The literature on *wāsṭa* is too large to review here. The best ethnographic treatment to date is Robert Cunnigham and Yasin Sarayrah's classic, *Wasta: The Hidden Force in Middle Eastern Society* (1993).

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as practices of patronage, gifting, or care, anchored in notions of kinship and friendship. More recent anthropological literature, however, has expanded the scope of this conceptual constellation to include its contrastive partner, "anti-corruption," preferring to speak of a "corruption/anticorruption complex" instead (Muir and Gupta 2018). This incorporation of anti-corruption into the analysis has helped move the conversation beyond assertions of universal human instrumentalism or claims of cultural and regional particularisms (see Smith 2008; Bayart 1993; Pierce 2016), the pitting of bureaucratic norms, with their colonial legacies, against local moralities (see Ekeh 1975; Pierce 2016), or of formality against informality (see Ledeneva 2018a; 2018b; De Herdt and Olivier de Sardan 2015). As Muir and Gupta (2018) argue, corruption and anti-corruption (co)exist in dialectical tension. Anti-corruption efforts do not eradicate corruption but rather transform it in ways that make the demand to fight it simultaneously more pressing and more ambivalent while problematizing the relation between ethics and political economy. In this regard, other anthropological engagements with corruption have helped clarify how concerns about corruption authorize, and are themselves authorized by, governmental regimes of suspicion and visibility (Mazzarella 2006; Jackson 2009; Morris 2004; Sanders 2003). This literature has highlighted how attitudes toward corruption are ineluctably bound up with aspirations toward liberal-normative conceptions of justice, understood as "transparency" even when the demand for transparency could equally serve seemingly illiberal ends.

This article builds on this literature by showing how this dynamic of corruption and anti-corruption is ultimately mediated by the rule-of-law as a globalized standard of justice. In doing so, my aim is not to give a normative definition of what the rule-of-law is, or how it should be practiced, but rather to trace some of its ambivalent pragmatic effects as they pertain to the question of social justice from the perspective of Jordan. My approach is at once anthropological and historical, and it is historical in three interrelated senses. First, whereas dominant discourses —mostly emanating from international development organizations and some social science disciplines—present corruption as a universal, transhistorical problem, I follow the lead of historians and anthropologists who assert that corruption, as we understand it, is a modern concept and a malaise particular to modern states (Kırlı 2015; Bocarejo 2018). Hence, the increased salience of corruption as a category in political discourse is usually an indication that everyday life has become more implicated in bureaucracy and its logics (Gupta 1995; Parry 2000). Second, while corruption is ineluctably linked to modern state bureaucracies, its *salience* as a paramount political problem that impedes justice and development is a relatively recent phenomenon, merely dating back to the end of the Cold War (Naím 1995; Nugent 2018). Scholars of post-socialist states, in particular, have rightly pointed out that popular perceptions of corruption often correlate with a sense of state retrenchment, not expansion. David Sneath (2006), for example, has noted how the increased salience of corruption in post-Soviet Mongolia happened in parallel to the marketization of social relations, whereby practices of material transfers between people started shifting from enactments of moral obligations to transactional forms of exchange. Relatedly, Douglas Rogers (2006) has argued that concerns about, and accusations of, corruption in Russia took place under shifting conditions of moral and political-economic relations whereby brokers had to find new ways to meet their moral obligations of patronage. Relatedly, Janine Wedel has argued that corruption and the concern about

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corruption are symptoms of an emergent form of global power that relies on blurring the public/private distinction (2005; 2009).

Combined, these two senses of the historicity of corruption highlight how corruption as a prime political problem has emerged under particular historical conditions whereby the state is felt to have retracted while its bureaucratic logic continues to penetrate deeper into everyday life. Hence, corruption is more productively viewed not as a discrete phenomenon, but as a problematization of the relation between the political and the economic, and a recent one at that. The relevant question to be asked, then, is not what corruption is, but rather what corruption-talk does. This, indeed, has been the concern of recent anthropological work on the topic. Debates have moved away from definitional concerns toward considering corruption as a living, practical concept: always polyvalent, emergent, perspectival, evaluative, and used with various effects. Corruption is now understood as a discursive marker of transgression, or the blurring of the boundaries between the public and the private (Gupta 1995; 2012), and as an elusive quest for their separation (Bratsis 2003). Its roots can be traced to globalized European political philosophy and its history to its uptake in local and post-colonial discourses, languages and political contexts (Bayart 1993; Blundo and Sardan 2001; Haller and Shore 2005; Pierce 2016). What this literature shows is that the definitional ambiguity and polysemic nature of corruption is part of its productive power, rather than a liability or a sign of imprecision.

Less theorized in the literature, however, is a third sense of historicity in which the concept is inevitably implicated: the ways in which "integrity" and "anti-corruption" now serve as normative aspirational horizons, however illusive, for "developing" countries and their middle-class citizens. This third sense of historicity can be detected in post-Cold War international development discourse which correlates corruption with underdevelopment (Pierce 2016: 9–20), the rise of global anti-corruption organizations (Sousa, Hindess, and Larmour 2008), and of the rule-of-law as a universal standard of justice (Krastev 2005). By now, this historical imaginary has been so thoroughly globalized that much political critique in postcolonial and post-socialist countries today takes anti-corruption as the most important emancipatory horizon, even when it is felt to be impracticable (Muir 2016).[4] Tackling this third sense of the historicity of corruption requires that we broaden our analytic scope from corruption as a problematization to the problem-space within which such problematization takes place, namely, the-rule-of-law.[5]

I use "problem-space," here, in David Scott's sense as the "ensemble of questions and answers around which a horizon of identifiable stakes (conceptual as well as ideological-political stakes) hangs" (2004: 4). In his work, Scott has used the concept to think about the historical disjunctures that characterize the postcolonial present by showing how critical tools inherited from the past—animated as they are by specific stakes and aspirations—lose their critical capacity when the aspirations themselves

[4]Older emancipatory horizons like socialism and Third-Worldism have long disappeared from the range of historical possibility.

[5]This formulation, as I show below, goes well beyond the now common arguments that there are hidden continuities between corruption and law (Nuijten and Anders 2013), or that corruption involves an interplay between legal formality and social informality (Ledeneva 2018a; 2018b).

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change.[6] My focus here is similarly with historical disjunctures. However, I am less concerned with the relation between past critical tools and present problems and more with how interventions made in the present relate to the future aspirational horizons towards which they aim. I want to explore some of the ways in which the critical conceptual tools mobilized by my activist interlocutors in Jordan may themselves be producing a perpetual sense of temporal out-of-jointedness by exacerbating the problems to which they aim to respond in the first place. More broadly, I am interested in exploring how the law as an ultimate means for justice may be simultaneously implicated in generating felt and actual social injustice, and hence, a sense of historical lagging behind, as it were.[7]

Moreover, by situating corruption, as a problem, within the rule-of-law, as a problem space, my aim is to illuminate the particular understanding of human action on which it is premised. While corruption remains a contested concept with little agreement over its definition (see Heidenheimer and Johnston 2001; Buchan 2012; Nugent 2018), I note that all contemporary definitions of corruption hinge upon the notion of "conflict of interest," particularly between "private" and "public" interests. Normatively, the state has an obligation and prerogative to adjudicate between conflicting interests through the instrument of law, and to protect "the public interest" from "private interests." I do not have the space here to explore the genealogy of the contemporary tendency to naturalize what is essentially a language game of "interests" (Engelmann 2003; Mathiowetz 2011). I do hope, however, that my ethnographic explorations will help illuminate some of its practical consequences.

I explore these questions by way of an ethnography of *wāsṭa* in Jordan. As a highly institutionalized practice, and a salient object of corruption discourse, *wāsṭa* offers a unique perspective on the structural entanglements of corruption and anti-corruption vis-à-vis the law as an instrument, and the rule-of-law as an aspirational horizon. To illustrate these structural entanglements, the article follows *wāsṭa* and anti-corruption practices in institutional sites where *wāsṭa* is most salient and most problematized. It also situates the contemporary practice in relation to historical transformations in Jordan's political economy, particularly since the structural adjustment program of the late 1980s. While globalized anti-corruption discourses pit practices of patronage and brokerage like *wāsṭa* against the rule-of-law, the ethnographic and historical view illustrates how *wāsṭa* takes place not as a violation of law, but as a dimension of its application. The upshot of this observation is that the rule-of-law is not simply the opposite of corruption, but rather its condition of possibility, the framework by which it is diagnosed, and its presumed cure.

My argument proceeds in five parts. The next section introduces the practice of *wāsṭa* in electoral politics where it plays a central role and situates its contemporary form within a history of nation-state formation, political-economic transformations,

[6]Scott's approach draws on Quinten Skinner's method of conceptual history by way of Ludwig Wittgenstein and R. G. Collingwood. The basic premise here is that concepts are not simply cognitive categories, but rather means by which authors intervene in a field of practice. See the interview by Stuart Hall (2005), as well as Fadi Bardawil's helpful review (2020: 21–22).

[7]Sarah Muir (2016) identifies a similar temporality in Argentina, what she calls "historical exhaustion" borne out of an inability to determine what virtue is. One could say that this is because the law, as such, is a poor compass for virtue.

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and their ethical entailments. The second section discusses the criminalization of *wāsṭa* under globalized anti-corruption regimes of transparency and rule-of-law and demonstrates how a structural contradiction between law as an instrument, and the rule-of-law as an ideal of justice, renders ambiguous the status of *wāsṭa* as form of corruption. The third section illustrates how this ambiguity plays out in practice through an ethnography of *wāsṭa* in interactions between elected officials and their constituencies, and in encounters between citizens and street level bureaucrats at the Royal Court. The fourth section traces some practical consequences of this paradoxical status of the rule-of-law vis-à-vis *wāsṭa*, showing how it creates a sense of widespread corruption that, nonetheless, cannot be easily pointed out. The final section returns to the theme of history and draws some conclusions from the Jordanian case to weigh in on the global salience of corruption as a political problem. Given how global apprehensions over corruption are entangled with anxieties over the erosion of the rule-of-law, particularly in postcolonial and post-socialist contexts (Comaroff and Comaroff 2009; Sharma 2018; Krastev 2005), the paradox of the rule-of-law in Jordan, I suggest, may point to a global condition.

An Ethical Obligation to (In)justice:

The district office of Karīm, a Member of Parliament representing a provincial town in Northern Jordan, does not resemble a bureau or an executive meeting place. Rather, it resembles a tribal guesthouse both in spatial layout and rhythm. Two flights of stairs lead up to the apartment-turned-office on the main street of the district's center. A main door opens to a small foyer leading to a large anteroom, which in turn leads to the main room: the salon. Rows of seats line the periphery of each room—plastic chairs in the foyer and anteroom, and faux-leather couches in the salon flanking Karīm's executive desk at the far end, adjoined by a smaller desk for the assistant, Fayṣal. Guests start trickling in early in the morning, taking their seats from the salon out, while Fayṣal showers them with gestures of hospitality, serving rounds of coffee and sweets. When Karīm arrives, the mood becomes slightly more business-like. Guests sit up from their slouch and take turns in presenting their cases, requesting the MP's help in bureaucratic matters like getting a job, a promotion, a license, or having some administrative decision rescinded. Karīm and Fayṣal listen, ask questions, and take notes, promising to follow up with the relevant officials. I sit patiently in the only empty spot left in the room: a small side table in the corner.

An old man and his daughter claim their turn to speak. The daughter had graduated from the district's public university with an honor's degree in economics and public relations. Like most university graduates, she could not find employment immediately. After more than two years of unemployment, the girl received an invitation to apply for a job as secretary at the electricity company where she had interned while in college. She was to compete with a few dozen applicants from her cohort. A week later, another call came in inviting the girl for a written exam. This time, however, she was not shortlisted for an interview. Other applicants, the girl and father believed, had *wāsṭa.* They wanted Karīm to intercede with the company's general manager, to have the girl interviewed as well. After all, it was not clear on what basis the finalists were selected. The exam was "deliberately obscure as if to make sure that no one could pass it," the girl complained, and "the questions were unrelated to the job description!" "It is all *wāsṭa*!" the father concluded. Fayṣal concurred: "It is all

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nonsense! By God, even if they put their hands in God's hand, I will never be convinced that a selection process is genuine and honest. It is indeed all *wāsṭa*!"

The above exchange captures the ambivalent attitude Jordanians have towards *wāsṭa*. Here was the man and his daughter presenting their case as an instance of injustice, wherein the girl's right to be interviewed for the job had been denied because of *wāsṭa*. If it were not for the *wāsṭa* interventions on behalf of other candidates, so the story went, the girl would have been invited for an interview. At the same time, the man and his daughter were at Karīm's office precisely to request his *wāsṭa*—to have him intercede with the manager of the company to have the girl interviewed as well. *Wāsṭa* here was not only a cause of injustice for them, but also a way to redress that very same injustice. This ambivalence, however, should not be understood as a matter of social position and unequal access to networks of power and wealth. It is just as common for people to criticize the practice when they are involved in it as when they are excluded from it. When a man managed to secure a healthcare waiver for his father through Karīm's intercession at a time when the approval of such waivers was put on hold, he remarked how the approval was an indication that the whole system was corrupt and unfair. Much like the old man and his daughter, the son's participation in that injustice was the only sensible response to that unjust system.

Today, *wāsṭa* is a central feature of social life in Jordan, particularly in encounters with bureaucratic institutions. In the state bureaucracy, the career of any individual public servant is likely to include one or several *wāsṭas*. They may need one *wāsṭa* to find a job as a day-wage or temporary employee, another to be switched to a permanent contract, another to be transferred to a different department or location within the bureaucracy, and perhaps a few others to receive promotions or allowances or be granted early or deferred retirement. Ordinary citizens are likely to seek the help of their kin and friends within the bureaucracy to facilitate or expedite various benefits such as permits, waivers, subsidies, and even the processing of simple documents and applications. Yet, nowhere is the practice of *wāsṭa* so central as it is in the life of elected officials where it constitutes a daily preoccupation.

The everyday life of a member of parliament involves the expectation and obligation to be always "on"; that is to say, to be always available and reachable in person by whoever considers himself to be a member of the constituency and wishes to discuss some issue with him in that capacity. Every MP dedicates at least one cellphone line for communication with his constituency, and depending on his technical skill, he may also be reachable over email or social media. Whenever an MP is in a public setting, he must expect to be approached by anyone who wants to engage with him in his official capacity and make a request for *wāsṭa*. An MP also keeps at least two offices to conduct his business. One is an office dedicated to him in the parliament building, and which remains mostly unused, except for occasional private meetings with other MPs. Most requests for intercession, by contrast, take place at another office, dedicated specifically to *wāsṭa* requests, and located at the center of the electoral district. Every MP designates certain times during the week when members of the constituency can expect him to be available for such requests. In fact, the expectation of *wāsṭa* starts well before an MP is elected to office. Prior to his election, a candidate usually spends years building a profile of beneficence and generosity through various acts of charity among the constituency.

Most Jordanians today insist that *wāsṭa* is a cultural trait grounded in the tribal nature of their society. Almost every conversation I had with interlocutors about *wāsṭa* concluded with a tragic and self-damning note: "*Wāsṭa* is in our blood!" Yet such sweeping remarks ignore how the current practice was a modern development, closely intertwined with the emergence of the modern state in the early twentieth century, the mid-century formation of national subjects with middle-class aspirations, and the thwarting of these aspirations with economic restructuring programs since the late 1980s. Viewed in historical perspective, the practice of *wāsṭa* I have witnessed in Karīm's office was merely the end-point of these political, social, and economic transformations.

The incorporation of tribal leaders into state structures as low-level bureaucrats (*mukhtār*) has transformed their traditional role. Rather than sheikhs whose ascendancy rested on chivalry, tribal mediation, and hospitality, tribal leaders were gradually relying on their formal recognition by the state and on their personal relations to political elites within the state apparatus to achieve and maintain political ascendancy within their local communities. Their power rested on their "knowledge of town ways and [their] ability to manipulate government officials" (Antoun 1979: 259). Unlike the sheikh's mediatory role as an exemplar of tribal virtue, the *mukhtār*'s was premised on his ability to extract benefits from the state for his local community, and to use state power to claim ascendancy in that community. It was in this configuration that modern *wāsṭa* emerged and expanded with the direct incorporation of Jordanians into state structures through employment, and the state's increased involvement in their life affairs through various development schemes. This expansion and involvement created possibilities for political ascendancy beyond the office of the *mukhtār* to include various kinds of public servants who now served as local dignitaries because of their ability to capitalize on their access to state power. Unlike the sheikhly *wāsṭa* of old, modern *wāsṭa* rested on a structural ambiguity in the social role of the person performing it, and in the "economy" of which the act of *wāsṭa* is a part. The act of *wāsṭa* now occupied an ambiguous position between relations of virtuous care resting on the ideals of generosity and hospitality and a capitalist economy of profit and wealth. Within this configuration, relations of hospitality, generosity, and material care were disembedded from the moral-political-economic patriarchal world of which they were once a part and reinserted into one in which they can be capitalized on in a separate political-economic sphere.

For much of the twentieth century, *wāsṭa* was a largely unproblematic practice. For the state, it provided an avenue for incorporating tribal structures into the nation-state through networks of patronage. Particularly since the expansion of the state bureaucracy and security apparatus in the 1960s, these networks of kinship and patronage provided the conditions for imagining the nation itself as a confederation of tribes, or what Andrew Shryock has called "the genealogical imagination" of nationhood (1997). As Shryock and Howell (2001) further elaborate, state sovereignty and relations of rule in contemporary Jordan have also tended to trope upon tribal relations of hospitality so that the monarch could be imagined as a tribal leader and, indeed, could enact his sovereignty through acts of patronage and hospitality. This phenomenon of combining Weberian forms of patrimonial and rational-legal authority in the practice of modern governmentality is hardly unique to Jordan. The ethnographic archive is replete with evidence that that modern states do not mark a transition from patrimonial to rational-legal

authority, but rather their continuous mutual refraction (see Herzfeld 1992; Alexander 2002).[8]

In Jordan, kinship networks within the bureaucracy have long functioned as channels for public employment and social welfare and as means for social mobility. Hence, with the economic crisis of the late 1980s, the concomitant structural adjustment program, and the shrinking of public employment, the demand for *wāsṭa* increased. By the 1990s and early 2000s, when neoliberal economic reforms were in full swing, new ways to cultivate and tap into patronage networks sprang up. As the state withdrew public provisioning, kin-based mutual aid organizations flourished, and Jordanians were discovering distant kin whose *wāsṭa* they could seek as a privatized form of welfare and social insurance (Baylouny 2006).

Far from being a virtuous form of care, then, *wāsṭa* is now a modality by which people pursue their own interests within the market logic of calculation, and relations of material care can be organized as an economy, or what Alena Ledeneva in reference to Russian *blat* has called an "economy of favors" (1998). Moreover, under the neoliberal marketization of social relations in recent years, *wāsṭa* is now also a skill or an aspect of social capital that can be exchanged and extended to strangers for profit rather than to claim political ascendancy within a local community. This can be most clearly seen in electoral politics where MPs will not know the vast majority of their constituency in person, and yet the demands for care, hospitality and generosity take place in highly personal and intimate registers. By troping upon tribal images of hospitality, elected officials try to accrue the social capital necessary for their (re) election, while members of the constituency aim to oblige them to provide highly personalized services. Yet, the material conditions of the relation between a sheikh and his tribe are significantly different from those between an MP and the electorate. This palpable mismatch between image and performance often results in frustrations on both sides. As Karīm once complained to me, "As an MP, people expect you to help them, as if you were their *mukhtār*. If you did not, they will hate you and consider you their enemy!" Similarly, supplicants often complained that Karīm either did not care about them or was not strong enough to help them.

Is *Wāsṭa* Corruption?

While corruption became a salient topic for public critique with the economic crisis of 1989, the push to define it in legal terms came only when Jordan joined the United Nation's Convention Against Corruption (UNCAC) in 2006. As Jordan moved to create a national Anti-Corruption Commission (ACC) like other signatory countries, it needed to define the prime object of this new commission in legal terms. The Law of the Anti-Corruption Commission of 2006, however, did not invent the category from scratch. Rather, it relied on the Jordanian Penal Code no. 16 of 1960, and the Economic Crimes Law no. 11 of 1993. The only new form of corruption added to the ACC law was the unified category *al-wāsṭa wa-l-maḥsūbiyya*,[9] a local form of

[8]As should be clear by now, the point is not to rehash these arguments and provide yet another case of this mutual refraction. Rather, the aim here is to capture how this refraction is apprehended within a particular structure of feeling that emerged after the Cold War.

[9]While *wāsṭa* designates a single, independent act, *maḥsūbiyya* refers to whole networks of *wāsṭa* whereby different people are given preferential treatment due to their relation to influential figures even without them explicitly asking for such a treatment.

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"trading in influence" as defined in the optional Article 18 of the UNCAC.[10] This inclusion, however, was met with some lively debates and controversies in the parliament, both when the first law was proposed in 2005 and in every subsequent revision of it. The debates focused on two aspects. First was the question of the legitimacy of the practice. Should *wāsṭa* be considered a form of corruption at all? If so, under what circumstances? Second was the question of culpability. In cases where *wāsṭa* was to be considered a form of corruption, who should be held responsible for it: the supplicant, the intercessor, or the public servant who accedes to the intercession?

The two dimensions of the debate were closely intertwined. Some MPs declared that all forms of *wāsṭa* should be criminalized because *wāsṭa* as such undermines the principles of justice, equality, and equal opportunity. Others countered that *wāsṭa* is a long-standing tradition in Jordan and not a form of corruption. Moreover, it had many benefits including repealing unjust decisions by the executive and compelling public servants to buttress the decisions they make with the necessary legal and procedural justifications in order to mitigate any undue social pressure exerted on them. Yet others maintained that *wāsṭa* was not a cause for inequality, but a remedy for it since citizens' access to opportunities was already unequal. As one MP from the south put it: "If I am evaluating two people [for a job] and subjected both to a proficiency test—a graduate of the American School and another of Sūl[11] School where the math or English teacher arrives two months after the school year had started. How can I treat them as equals when I have not equalized them from the start?"[12] A blanket criminalization of *wāsṭa*, he argued, would merely institutionalize and legitimize existing class inequalities.

While a blanket criminalization of *wāsṭa* thus seemed to ignore important considerations, there was still a sense that at least certain forms of it were illicit. The problem was then to determine when this was the case, and who would be picked out as the culprit of such illicit acts. With respect to this debate, it was eventually agreed that seeking *wāsṭa* intercession was not a criminal act in itself. Everyone, many MPs argued, had a right to seek *wāsṭa* to pursue whatever interests they had. But if a request for intercession was not a crime in itself, neither was the act of interceding on someone's behalf. After all, both were mere requests. If anything deserved scrutiny as potentially corrupt, it was the bureaucrat's response to that request by granting or denying it. Whether a public servant's response to *wāsṭa* is licit or not must be determined by appeal to the laws and regulations that govern the conduct of public servants. Thus, in its final formulation, the new law criminalized *wāsṭa* as a form of

[10]Article 18 of the UNCAC states: Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: (a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person; (b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.

[11]A small village inhabited by the MP's own tribe.

[12]Minutes of the Jordanian Lower House of Parliament meeting 1 (day 11), Extraordinary Session no. 3, convened on Tuesday, 19 Sept. 2006.

corruption in cases where acceding to it "nullified a right or validated what is void" (*tubṭil-u ḥaqq-an ʾaw tuḥiqq-u bāṭil-an*).[13]

However, this definition, as one legal scholar and former investigator at the ACC was quick to note, was vacuous and redundant (Raggad 2012). It stated that *wāsṭa* was illicit if it resulted in injustice (*bāṭil*) but left unclear what is meant by "justice" or "right" (*ḥaqq*). This was particularly puzzling given that the aim of any legislation is precisely to define what "justice" and "rights" are and what they are not.[14] In practice, investigators and prosecutors at ACC, in trying to determine whether or not a particular instance of *wāsṭa* was corrupt, checked to see if any formal requirements, regulations or procedures were violated in any particular bureaucratic decision. In the absence of formal violations, it was difficult to make a case that corruption was involved. Quite tellingly, in the twelve years that elapsed after the passing of the law, not a single case has resulted in the pressing of corruption charges for *wāsṭa.* When I asked the ACC's chief investigator about the discrepancy, he explained that corrupt *wāsṭa* was extremely difficult to prove. Even when a formal violation did occur, a prosecutor needed to show that it was not merely an administrative mishap, but rather an intentional act of *wāsṭa.* Because of this difficulty, investigators working on cases of *wāsṭa* often looked for clearer acts of corruption such as bribery or forgery which they could prosecute more easily. Cases that were initially investigated as cases of corrupt *wāsṭa* often ended up being prosecuted under other descriptions.[15] Thus, while the Law of the ACC listed *wāsṭa* itself as a form of corruption and gave it a legal definition, in practice, investigators and prosecutors treated it as a corrupt *motive* that underlaid a legal breach, one that was difficult to uncover or prove.

Wāsṭa as a Bureaucratic Practice

The Law of the ACC distinguished between corrupt and benign *wāsṭa* in terms of its legality or illegality. Yet, most cases of *wāsṭa* I have encountered in the bureaucracy, and at the offices of MPs, involved no formal legal or procedural infringements. In responding to *wāsṭa* requests, bureaucrats usually took good care to abide by the formal legal and procedural requirements of their positions in anticipation of possible future investigations, whether criminal or administrative—a gesture that infused the whole bureaucratic process with much caution. Bureaucrats usually made sure that their decisions did not blatantly flout the rules and were duly supported with the necessary signatures (see Hull 2003: 66–101), which sometimes required further acts of intercession with colleagues or superiors.

Similarly, MPs anticipated this bureaucratic caution and often enquired from their supplicants about their cases to assess whether they met the necessary formal

[13]Anti-Corruption Commission Law no. 62 for the year 2006. Published in the Official Gazette, issue 4794, 30 Nov., p. 4534.

[14]This should not be written off as a sign of legislative ineptitude, or as the lack of a political will to criminalize *wāsṭa.* Trading in influence is a notoriously difficult crime to define and to investigate because the corrupt act is not obvious. In the United States, for example, a blurry line separates trading in influence, or influence peddling, and the lobbying that is considered a legitimate practice in democracies.

[15]For example, the ACC's Annual Report for the year 2013 states that seven cases of *wāsṭa* were investigated (six in the public sector and one in the private sector), but the table of cases prosecuted does not list a single case.

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criteria, and hence whether they had a chance of being duly processed, before getting involved in intercession. At Karīm's office, formalities were the business of the assistant Fayṣal, who had an almost encyclopedic knowledge of bureaucratic procedures and kept a file with the relevant information for each case presented. In one case, a woman who worked as a janitor at a public school came to request Karīm's help in getting a promotion. At the time when she started working, she had only a Certificate of Secondary Education and hence did not qualify for a clerical position at the school. However, during her three years of working as a janitor she enrolled in a community college and graduated with a diploma in nutrition and household economics. With a post-secondary degree, she now qualified for a clerical position which would be better paid and more comfortable. To get the new position, she needed to apply for a "Change of Job Title" (*taghyīr musammā waẓīfī*) at the Ministry of Education. She wanted Karīm to intercede with the ministry to have her application approved. However, when she presented her case at the MP's office, Fayṣal explained that such an application would be rejected. Due to the large number of similar applications and the *wāsṭas* involved in processing them, the ministry had instated a policy of rejecting all such applications if initiated by the employees themselves. Instead, to be considered by the ministry at all, the application had to be initiated by the school. Karīm's task was then to intercede with the headmistress to have the application submitted from her side. Once the application was submitted, he would then be able to follow up with the ministry to try to get it approved. Policies that aimed to restrict the use of *wāsṭa* are made in formal terms precisely because they are bureaucratic policies. Yet the creation of new rules does not eliminate the practice. It can foreclose certain avenues, but it also creates others.

The same intertwinement of rules and *wāsṭa* can be seen in the workings of the bureaucracy. The Public Service Department at the Royal Court (PSD) is one such bureaucratic site. Created in 2012 under the pressure of the Arab uprisings, the PSD both publicized and rationalized court patronage by consolidating the various development and aid functions of the Royal Court into one building and making them open to the public. Publicity, in turn, served two functions. The first was to make visible the aid and development services provided by the Court. The second was to make the distribution of these services more transparent and to dispel the popular image that the services were acts of patronage or generosity (*makruma*) extended at the whim of court officials.

By now, the PSD is the court's most public face. It is housed in a large, impressive building—a limestone cube topped with a copper-clad dome. Like the Karīm's office, it is organized around images of tribal hospitality and generosity. Employees presented themselves as working at "the house of our lord the King" (*bayt sayyidnā*) which is "the house of all Jordanians" (*bayt al-ʾurduniyyīn jamīʿ-an*). They explained with much confidence and enthusiasm how ordinary Jordanians were able to petition the King about anything they desired by simply writing a letter and filing it with the relevant functionary. Yet unlike the ethical obligations forged through interactions at the MP's office, hospitality here is more of a metaphor that brands what is essentially a bureaucratic organization. The "house of all Jordanians" is no tribal guest house. At the main gate outside the PSD an army guard inspects people's documents. Only a person with a valid application and a valid household register document showing his or her direct kin relation to the applicant is permitted to enter. Visitors lacking proper documents are denied entry,

regardless of the reason for their visit or any personal connections they may have with functionaries inside.[16]

As you enter the building, a receptionist asks the reason for your visit, and then hands you an automatically generated ticket with a queue number. You enter the main hall, a large double-volume space lined with benches in the middle, and there you wait for your number to be called to one of the service counters lined around the hall's periphery. The ground floor is dedicated to clients with standard requests, of which the civilian healthcare unit constitutes the largest part and takes up most of the building's main hall. Smaller units are tucked away in the corners of the building, and offices of senior officials are located on the second floor. The latter only deal with clients directly in non-standard cases that require discretion and nuance. The building's interior walls are clad with pictures of the king, often in iconic gestures of charity and hospitality. One picture shows him praying at a mosque with his palms opened toward the sky as if reciting an intercessory prayer (*duʿāʾ*). In others he is smiling and waving to crowds, visiting a patient at a hospital, kissing a child's cheek, or having his own forehead kissed by an old man or by a woman wearing traditional rural garb.

Apart from these pictorial representations of royal hospitality, charity, and piety, the rhythm of the department is rather bureaucratic and impersonal. Employees of the PSD take pride in their efficiency and deep commitment to fairness and bureaucratic justice. "Everyone is equal here. There is no *wāsṭa*!" the director once explained to me. "We have clear procedures, and the process is almost automatic. No one should need *wāsṭa* to get what is rightfully theirs. If you meet the requirements, you get what you deserve, and you are treated with full courtesy!" As part of their enactment of neutrality and objectivity, bureaucrats at the PSD were adept at looking only for the information relevant to the assessment criteria, running the necessary checks, and making a decision in a semi-automatic way.

Descriptions that did not fit the criteria and the decision process were simply ignored. As one medical doctor reviewed a woman's waiver application, he exclaimed: "Aha! The word infertility is not acceptable! Can't you get a report that says 'polycystic ovary syndrome?' We do not accept infertility!" When I asked the doctor what difference was made by these specific forms of nomenclature, he explained: "Infertility is a condition, but we need the cause of the condition to know which hospital to refer her to." The doctor doubtless knew what the condition was, and hence to which hospital the woman ought to be referred, but an approval based on "infertility" could attract suspicion and scrutiny in the future.

Overt moral registers ought likewise to be disallowed or downplayed. "I don't care for all of this!" exclaimed one social worker when ʿAbd-al-Fattāḥ, an old man from Irbid, gave an elaborate description of his dire situation—how he was divorced and had to pay alimony (*nafaqa*) to his ex-wife while supporting the children who lived with him, and how he had been evicted from his home because he could no longer pay rent and now lived in a cave. After a moment of inspecting

[16]On my first visit to the building, I was denied entry for lack of such documents. To gain access I was told I needed to send a letter by mail to the head of Royal Services Department at the Court and include a phone number to be contacted once they had an answer. Only with much difficulty and with the help of some contacts at the Court could I secure the fax number of someone at the Services Department to submit the application and expedite the process. Notably, my expedited access was facilitated by my connections, but it did not involve any legal infringements.

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the documents, the social worker looked at me: "Look! He has written two pages of pleas for me to read, but I do not care for all of this. All I care about is the documents. I do not care about all this writing!" He then turned to the old man: "Your family register still shows that you are married. Get a new register and come back!" The old man broke into a fit of incessant pleading, explaining that his commute to the PSD had taken more than two hours each way, and how he had money neither for transportation nor to issue a new family register. When the social worker seemed unmoved, ʿAbd-al-Fattāḥ held up his letter and pleaded to have it sent to the king: "I want His Majesty to hear my voice!" At this point, the social worker exploded: "I have no authority to send this to His Majesty the King! If you like, you can take it and send it by mail to His Excellency the Secretary General of the Royal Court!" Undeterred, the old man recited aloud the paean to the king he had included in his letter, then took his papers and left. I have witnessed many heated instances like this at the PSD, where the employees reacted harshly to the pressure exerted by applicants' attempts to oblige a favorable result by recourse to moral language and pleas. The employees' bureaucratic indifference sometimes verged on cruelty, and strained their sense of moral rectitude, but, as they explained to me, it was the only way to offset accusations of favoritism. It was also a way to avoid being fooled by applicants misrepresenting facts to gain pity.

Yet, while the performance of bureaucratic justice and neutrality at the PSD required a certain deafness to the moral registers of supplication and patronage, the reality of their practice required a great deal of personal judgement that went beyond the automatic processing of applications. As a medical doctor reviewed a woman's application for a healthcare waiver for her son, he underlined the keywords in the medical report: "language delay, developmental delay, abnormalities in motor functions." He then raised his eyes to look at the woman: "What do you want? You know we do not give out referrals to care centers!" The woman confirmed with a nod. "Do you want me to refer you to a hospital so that your son can receive some treatment?" She agreed. The doctor then signed his approval and turned to me to explain his decision: "This boy is autistic, which is a difficult situation for the parents…. These kids are restless and violent…. The parents try to deal with them, but after a while they go crazy and try to send the kid to a care center because they can't deal with him…. If this kid was now here, he would be jumping around and destroying things…. He would drive us crazy! The parents are justified, but we have no solution for it." If the referral had said "autism," the doctor explained, he would have had to reject it because waivers only covered treatment at public hospitals, none of which had facilities for autism. Perhaps for this reason, the referring doctor had avoided using the term in his report. By exercising a moral judgement in interpreting the referral to perform an act of charity, the reviewing doctor let the application "pass," or literally, "walk" (*timshī*). This way, he explained, the boy would get some kind of medical care, which is better than nothing at all.

In a similar fashion, data-entry clerks took liberty in interpreting certain formal criteria in processing applications. One clerk considered a car with a value of 11,000 dinars (about US$15,500) a substantial asset that justified rejecting an application for healthcare waiver. For another, anything below 15,000 should not be considered a substantial asset. Such moral judgements and variations were not instances of deliberate favoritism, as far as I could tell. There seemed to be no personal relation between the applicants and bureaucrats who processed their applications. Rather, these variations were part of the discretionary power any bureaucrat has with respect

to applying abstract rules that always must be interpreted and contextualized in particular cases.

This space of bureaucratic discretion is precisely where most *wāsṭa* interventions take place. The copy shop outside the PSB was usually an applicant's first stop before entering the building. There, they would prepare their documents, fill out the forms, and make sure that their file was in order. A man in his sixties, of Palestinian descent, asked the shopkeeper to write him a personal narrative as part of his application for cash assistance. He had a medical report that stated he had a psychological condition that made him 75 percent handicapped and unfit for work. He lived on a 135 dinar (US$195) monthly pension he received from the National Aid Fund, a sum hardly sufficient to cover his rent and living expenses let alone university fees for his daughter. His papers were all in order, yet he was anxious about the prospects of having his application approved. When I asked him why, he explained that he had applied for cash assistance many times before but was always rejected. Chances of success in cash assistance applications were always low. On average, social workers reviewed more than a hundred applications a day but had budgets to approve only twenty. The man speculated that his rejections had to do with his Palestinian descent and the fact that he had no *wāsṭa*. This time around, though, he did have one. The manager of the National Aid Fund's provincial office where the man received his pension had a cousin who worked as a social worker at the PSD. The manager had called up his cousin to have him approve the application and had sent a signed business card with the man as proof of his identity. When I saw the old man an hour later outside the PSD, he was ecstatic. Not only had his cash assistance application been approved, but the social worker had also promised to help him secure more assistance in the future. When I later asked the social worker about this man's particular case, he cheerfully explained how he had decided to help him out of pity. When I politely asked about the business card I saw with him, the worker annoyedly showed me the door.

My point here is not to assert or deny that the man's application was approved due to *wāsṭa* intercession, or whether this was a form of corruption. Indeed, from a forensic perspective, it is hard to prove or disprove anything. If the case were to be investigated it would be hard to find any wrongdoing in the approval process, or to draw any causal connection between the social worker's approval and the cousin's intercession. This difficulty hearkens back to the parliamentary and legal discussion of the criminalization of *wāsṭa* and the inability of the Anti-Corruption Commission's investigators to build strong cases for prosecution. Here, we can perhaps take a step further by considering how this difficulty relates to the principle of the rule-of-law, which serves as the aspirational horizon against which discourses on corruption are set. Could the ephemeral status of corrupt *wāsṭa* be a product of legality rather than a sign of its absence?[17]

The social worker who remained deaf to the pleas of ʿAbd-al-Fattāḥ, the old man from Irbid, did so in the name of bureaucratic neutrality. What mattered for processing an application was not whether the applicant could put on a moving performance, but rather whether the application met the relevant formal criteria.

[17]Like corruption, the rule of law is a very complex and contested concept around which there is often little agreement. Minimally, however, it refers to an impersonal form of government exercised through formal legal means that apply equally to those who govern, and constitute a limit on their exercise of power (Tamanaha 2010).

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Bureaucrats' adherence to formalities was essential to their image of neutrality and autonomy. "*Hēk el-ta'līmāt!*" ("These are the rules!"), was the most common way to offset applicants' pleas, or what bureaucrats often called "pressures." Following due procedures and rules is integral to the bureaucrat's sense of integrity and justice. Only the relevant information ought to be considered in making a decision, and all information must be substantiated by official documents. Yet while meeting the formal criteria was a necessary condition, it was rarely a sufficient one. The case of the other old man, the Palestinian applying for cash aid, illustrates this. What made the difference in this man's application being accepted was, perhaps, the *wāsṭa* he had.

Contrary to the conventional wisdom of neoliberal governmentality, the persistence of *wāsṭa* is not a sign of incomplete modernization and rationalization of governance, but rather endemic to bureaucratic rationality. Modern governance, because it is modern, rests on the principle of legal equality which requires that citizens are treated by those who apply the law as essentially the same, and hence as abstract persons (Asad 2004). To be treated equally, in this particular sense, is to be treated with equal indifference (Herzfeld 1992; Graeber 2012). But precisely because of the formal and abstract nature of law, it involves a degree of indeterminacy. To be applied at all, rules must be contextualized. For instance, a bureaucrat must decide what counts as a "substantial asset." Rules may be inconsistent or conflict with other rules, or they may be mute or unclear on what ought to be done in certain situations. In all these situations, bureaucrats make decisions nonetheless, and hence exercise a certain degree of personal judgement. The reviewing doctor must decide if a waiver for "language delay, developmental delay, abnormalities in motor functions" can or should be approved versus one for "autism"? Should a waiver for "infertility" be approved versus one for "polycystic ovary syndrome"? Should an applicant with *wāsṭa* be privileged over another without one? When a choice must be made between rival applicants, each with a different *wāsṭa*, which one should be privileged? This is the stuff of everyday bureaucracy. The interpretive labor, and the moral judgement involved in applying abstract rules are an essential part of the practice of government. They are part of the discretionary power that a bureaucrat must exercise if the rules are to be applied at all (Lipsky 2010; Hoag and Hull 2017). Discretion is a necessary part of bureaucratic practice, yet by definition, it is not grounded in law or the formal bureaucratic rules to be applied. Discretion, like sovereignty, is both inside and outside the legal order (Schmitt 2006[1922]; Agamben 1998). Yet because bureaucrats are only subject to the rules and are accountable to the extent that they abide by those rules or not, discretion falls outside that sphere of legal accountability.[18]

What cannot be proved with evidence as corruption, however, can still be posited as a corrupt motive that underlies a bureaucratic decision. Despite the PSD's displays of neutrality and bureaucratic indifference, public suspicions of nepotism and favoritism remained. This was the default assumption of the many applicants I have met at the copy shop outside the PSD, as well as that of supplicants at

[18]Needless to say, bureaucrats who use their discretionary powers to make decisions that are within the law, but which their superiors disapprove of, may well get punished for them. However, when that happens, they are likely to complain that the treatment they received was unfair since they did nothing wrong.

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Karīm's office, like we have seen with the man and daughter. For them, an unsuccessful application often meant the lack of effective *wāsṭa*. Like the old Palestinian man, they responded by mobilizing their connections to attempt to secure favorable results. They anticipated that other applicants would also mobilize their connections to secure their interests, and hence felt compelled to do the same to secure theirs.

Viewed from the perspective of those subject to the law, bureaucratic decisions always involve a degree of arbitrariness or illegibility (Das 2004; Hoag 2011). This illegibility is sometimes interpreted, or rendered legible, as an unintentional accident, as a bureaucratic glitch, or as the idiosyncrasy of an individual bureaucrat. As Akhil Gupta (2012: 3–40) points out, however, bureaucratic arbitrariness in the administration of care for populations is rather systemic. But because the law is supposed to be the only grounds for bureaucratic justice, bureaucratic arbitrariness is more commonly interpreted as an instance of social discrimination—the preferential treatment of a certain group over another[19]—or as a personal preference on the part of a bureaucrat to treat one citizen more favorably than others—favoritism or *wāsṭa*. At the same time, the citizen's appeal to *wāsṭa* is precisely a way to secure a favorable bureaucratic decision in the face of this inherent arbitrariness of law, or a desire to be cared for in a bureaucratic domain structured by indifference in the administration of care.

Rule-of-law, Suspicion, and the Elusive Demand for Transparency

Given the difficulty in addressing *wāsṭa* by way of criminal justice, and in order to gain public trust in government, state efforts to control the practice in Jordan have shifted into a moral register formulated around an ever-present danger of conflict of interest. Increasingly, corruption was understood not only as a legal problem, but ultimately a moral one: a problem of personal integrity.[20] In effect, the shift aimed to establish an ideal bureaucratic and legal sensibility as public morality. The Jordanian Code of Professional Conduct and Public Service Ethics of 2014 stipulates that a public servant must "respect the rights and interests of others without exception, and treat the public with courtesy, tactfulness, diplomacy, neutrality, disinterest, and objectivity," and must "abstain from any activity that does not fit the objective and disinterested performance of his duties, or may result in the preferential treatment of natural or legal person in their dealings with the government."

On the individual level, such stipulations demand a certain kind of self-policing lest the bureaucrat's private interests, for example the possibility of benefitting from conducting his business in a certain way or giving preferential treatment to certain people or kinds of people, undermine his indifference towards all citizens' interests, and hence to the public interest as a residual category. For instance, the code of ethics stipulates that a bureaucrat "must report to his direct superior in writing and

[19]Jordanians of Palestinian descent often explained their encounters with the bureaucracy as discriminatory in this sense. Whether such discrimination happens or not is an empirical question that must be verified or investigated on a case-by-case basis. My point here is simply that this is a salient framework by which bureaucratic illegibility is made legible.

[20]The shift was formalized with the renaming of the Jordanian Anti-Corruption Commission in 2016 as the Integrity and Anti-Corruption Commission after its merger with the recently created institution of the Ombudsperson.

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immediately if his own interests conflicted with those of any other person's in dealings with the government, or if a conflict emerged between his personal interest and the public interest, or if he was subjected to pressures that conflicted with his official duties or raised suspicions about the objectivity with which he ought to conduct himself. He must clarify the nature of the relationship and how the conflict takes place, and the superior must react with the necessary measures" (Government of Jordan 2014, my translation).

On an organizational level, this vigilance against possible conflicts of interest takes the form of constant scrutiny of personal relations, and hence demands tighter surveillance, policing, and regulation of the private lives of individual bureaucrats. Murād, an anti-corruption activist who worked for the Standards and Metrology Organization, complained to me about administrative policies to curb *wāsṭa* at his organization. Murād was an electrical engineer whose job was to determine whether imported electrical goods met Jordanian standards and hence could be allowed into the Jordanian market or not. As a mid-level bureaucrat, his salary was relatively low, but he had considerable power vis-à-vis his wealthy merchant clients. His approval or disapproval of a certain shipment could mean the difference between a large profit for the merchant or a considerable loss. Consequently, Murād's work required him to deal with considerable pressure from friends and kin who frequently interceded on behalf of merchants to have certain shipments cleared. In trying to live up to the ideals of bureaucratic integrity, he often broke up with kin and friends who put their friendship on the line if he did not accede to their requests. While he disapproved of his colleagues' propensity for corruption, he complained that excessive surveillance by his organization was making his life unbearable. Employees at his department were not allowed to receive phone-calls on their private cellphones while at work, or to use their clients' phones, or to meet with the clients except in the office and under the watchful eyes of their colleagues. When the director noticed that Murād sometimes left the building to smoke cigarettes, and occasionally socialized with clients during his cigarette breaks, he reprimanded him and threatened to fire him if he did not quit smoking. "I am a smoker, where should I smoke?" complained Murād, "It is a personal matter if I reduce smoking or stop smoking.… So, when you get a clean person like [the director], he suspects you … the default assumption is that you are a suspect, and you need to prove that you are clean!"

Similarly, aware of their inability to build strong criminal cases against *wāsṭa*, detectives at the Anti-Corruption Commission sometimes resorted to surveillance and threat to curb the practice. Upon receiving information that a provincial mayor was about to appoint several of his relatives to positions in the municipality, a detective called up the mayor to tell him that he was keeping an eye on him. The practice harked back to the Anti-Corruption Commission's predecessor, the Anti-Corruption Unit in the General Intelligence Department whose founder, a retired intelligence officer, was also the Commission's first director. Such surveillance and threat tactics, however, receive much criticism from civil rights activists who insist that curbing corruption should not infringe on the freedoms of individuals. This dynamic of suspicion, surveillance, and intrusion is not an anomaly. Rather, it is internal to modern governmentality which seeks to regulate competing interests among individuals through law, organized suspicion, and investigation. Unlike a police investigation into a case, however, the organized suspicion of corruption never reaches a definitive point of conclusion (see Agrama 2012). It requires

constant vigilance against conflicts of interest whereby the motives of bureaucrats, not only their actions, are constantly questioned and scrutinized. Smoking a cigarette with a client may be done innocently, but it may also be an instance of scheming and collusion, so it is better to prevent it altogether.[21]

This ever-present possibility of conflict-of-interest sets in motion another hermeneutic of suspicion on the part of citizens. When asked why they would not report *wāsṭa* cases to the ACC, my interlocutors often gave one of two answers. A common answer was that filing a complaint with the ACC requires evidence, and they usually have no material evidence to provide. Another answer is that the ACC itself is a sham whose purpose is to maintain a façade of legality and anti-corruption while operating through *wāsṭa* like the rest of the bureaucracy. In this way, my interlocutors brought the ACC itself under public suspicion. This included interlocutors within the ACC itself such as Munir, an investigator who had worked at the ACC since its inception and later became a general prosecutor, then a judge, before finally starting a private law practice. "We are all corrupt!" he declared, "And this includes the ACC, the judiciary, and even I, the person talking to you now!" While he complained that *wāsṭa* had caused him much injustice in personal life, and said he was committed to eliminating the practice throughout his career, he confessed that it was impossible not to engage in it. "While the police, prosecution, and the judiciary are indeed independent in Jordan," he said, "individuals are not." In his experience, they face pressures from their superiors and broader social networks which may not always be direct. For example, an investigator, a prosecutor, or a judge may be asked by a superior to favor a certain person in their judgement. If they decline, they will not be forced to do anything they did not want to do, but they may be denied their promotion, or their chance to attend a training course. "He who refuses will pay the price eventually," he contended, because "*wāsṭa* is the norm!" An investigator may, consequently, not be serious in conducting his investigation, or may decide not to investigate the case at all. A public prosecutor may decide not to go ahead with a case, and a judge may use his discretionary power to reduce a sentence within the range available to him. As such statements demonstrate, suspicion does not find a resolution in the work of police or the justice system but rather permeates them from within.

Conclusion: Waiting for the Rule-of-Law

Throughout fieldwork, my Jordanian interlocutors described corruption as a problem specific to Jordan, Arab countries, or the Global South. They often suggested that I, a Jordanian national living in the West, would not have

[21]Suspicion is a particular kind of doubt, or "activated uncertainty" (Pelkmans 2013). It rests on the presupposition that surface appearances hide a darker reality. Suspicion as a mode of inquiry was central to the birth of criminology in the nineteenth century at the intersection between law, medicine, and a bureaucratic culture of detachment (Felski 2011; Boltanski 2014). As such, it was a central dimension of modern governmentality. As Talal Asad notes, "Suspicion (like doubt) occupies the space between the law and its application. In that sense, all judicial and policing systems of the modern state presuppose organized suspicion, incorporate margins of uncertainty. Suspicion is like an animal, 'aroused' in the subject; it covers an object (a representation or person) that comes 'under' it. Suspicion seeks to penetrate a mask to the unpleasant reality behind it: the unauthorized creation of an authorizing document, a hidden motive to commit a crime, a latent disease, a terrorist in disguise" (2004: 285).

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advanced professionally or socially had I been in Jordan, unless I had *wāsṭa* connections. Similarly, colleagues in the United States and in Europe who have read drafts of this article have sometimes expressed disappointment that it did not include juicier stories of *wāsṭa*. They contended that I, a native anthropologist, must know how corrupt the system is and how connections often trump the law. Surely, some even suggested, my own access to certain field sites must have been facilitated by *wāsṭa*!

My aim in this article was neither to affirm these sentiments nor to refute them. Rather my aim was to describe, ethnographically, the problem-space within which they make sense and within which *wāsṭa* emerges as a problem. A problem-space is always historically specific. As I have argued above, *wāsṭa* was not always a problem in Jordan, nor was it always politically salient. But neither is it always a problem today. Jordanians continue to draw on their personal connections to gain benefits from others without this necessarily raising any questions of impropriety or injustice. Only when recourse to connections rubs up against standards of justice premised on legal equality (e.g., a state that is supposed to transcend society, notions of legal rights, meritocracy, and bureaucratic justice) does *wāsṭa* become objectionable. As such, the problem of *wāsṭa* as a species of corruption is intrinsically connected to the rule-of-law as a problem-space.

But the rule-of law is not only a cognitive framework for diagnosing problems. It is also a practical space of solutions and interventions: bureaucratic neutrality, public oversight, transparency, proceduralism, and legal accountability. As my activist interlocutors often explained, the only way to eliminate *wāsṭa* is to apply the principle of the rule-of-law (*mabdaʾ siyāda-t al-qānūn*) and for Jordan to become a state-of-law (*dawla-t al-qānūn*). Like all interventions, these measures serve as means to desired ends, but as specifically *technical* interventions, their aim is to modernize. Thus, the success or failure of Jordan to institute the rule-of-law becomes an index of its global standing within a developmentalist cline from highly "transparent" and "just" states to "corrupt" and "unjust" ones. With sustained effort, my activist interlocutors often insisted, the rule-of-law can and ought to be actualized in Jordan as it has been actualized in other places. As one legal activist put it to me succinctly: "*Wāsṭa* is in the blood of Jordanians, but with sufficient work and political will, it can be eradicated. In the same way that, a hundred years ago, tribal raiding was transformed from a form of 'chivalry' to a 'crime,' you can eradicate *wāsṭa* through criminalization and other legal means." For this activist and others, the law is the ultimate instrument for modernizing state and society.

My ethnography has also outlined how, under the same conditions of legal equality, and bureaucratic proceduralism, *wāsṭa* can also be a solution, however provisional, for the very problems it poses. Even those who decried the injustices of *wāsṭa* often sought it themselves. Yet, this recourse to *wāsṭa* did not constitute a moral challenge to the idea of justice as abstract equality but rather worked within it. When people felt they needed to justify their actions, they often did so by appealing to humanitarian reason, and by pointing out that Jordan was not yet a place where the rule-of-law has been actualized. Karīm, who detested *wāsṭa* as much as he felt obliged to practice it, insisted that people are justified to seek it. However, he also predicted that "once the concept of rights is established, and once people understand that they have rights, they will no longer need *wāsṭa*!" I maintain that these ambivalent interpretations and evaluations are not symptoms of conflicting social norms.

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Rather, they are part and parcel of the language-game of interests, and the rule-of-law as a framework for justice.

At the same time, because *wāsṭa* rarely involves clear legal violations and operates within the legal logic of formal equality, there is always the possibility that an apparently innocent act of discretion might turn out to be an instance of preferential treatment and, hence, of *wāsṭa* and nepotism. Applicants for state and other forms of corporate welfare anticipate that other applicants will mobilize their connections to secure their interests, and thus feel compelled to do the same to secure theirs. Like the story of the father and daughter discussed earlier, citizens suspect that any distribution of benefits and resources will be rigged from the outset by *wāsṭa* interventions—"It's all *wāsṭa*!" as the MP's assistant Fayṣal declared. Yet, for the very same reason, supplicants clamor at the doors of MPs, officials, and notables of various kinds seeking their intercession to secure their own welfare. This too, in a sense, is a quest for justice which taps into the discretionary dimension of law rather than its abstract dimension. In other words, the principle of justice as legal equality is always undercut by the possibility of discretionary justice in practice. In the gap between the law's promise of equality and the glaring fact of inequality, *wāsṭa* emerges as an interpretive framework for social injustice —simultaneously as its imputed cause and its most expedient remedy.

There are practical, ethical, and political implications for this dynamic as it plays out in everyday life. Under the conditions of generalized suspicion of favoritism and nepotism, justice itself, as a prime virtue of modern institutions (Rawls 1971) and political life (Sen 2011; Sandel 2010), becomes inscrutable. Citizens perceive corruption to be pervasive, but cannot easily point it out because the dominant ideology construes distributive justice in terms of commutative justice (Fleischacker 2004), or, to put it differently, it construes moral desert in terms of the legal regulation of interests. Within this framework corruption emerges as a paramount ethical and political problem that appears, empirically, as halfway between paranoid suspicion and credible, even indelible, fact. But while suspicions of corruption erode public trust in the system, and the authority of officials, they do not undermine the legitimacy of law itself. Herein, I suggest, lies a paradox of twenty-first-century postcolonial governmentality, in Jordan and perhaps elsewhere. Precisely at the moment when twentieth-century historical narratives of collective emancipation (communism, socialism, and various projects of decolonization and national self-determination) have all given way to a singular (neo)liberal metric of the rule-of-law, the law seems to be generating a continuous sense of a historical lagging behind.

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