

**BETWEEN SAVIORS AND SAVAGES: THE EFFECT OF
TURKEY’S REVISED PENAL CODE ON THE
TRANSFORMATION OF HONOR KILLINGS INTO HONOR
SUICIDES AND WHY COMMUNITY DISCOURSE IS
NECESSARY FOR HONOR CRIME ERADICATION**

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INTRODUCTION

Ka thought it strangely depressing that the suicide girls had to struggle to find a private moment to kill themselves. Even after swallowing their pills, even as they lay quietly dying, they’d had to share their rooms with others.¹

The savage phrase contained in a simple text message haunted Derya’s mind.² Her moment of freedom and independence sparked by unpermitted love shattered instantly, replaced with all-consuming shame and fear. Derya knew the risks that accompanied her forbidden acts—her own aunt had been murdered by her grandfather for seeing a boy.³ Yet, Derya defied her family’s orders and refused to heed her mother’s death warnings. As she flirted with danger, news of her love affair spread, and at age seventeen she received a devastating order from her uncle: “You have blackened our name,” the text message read.⁴ “Kill yourself and clean our shame, or we will kill you first.”⁵

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¹ ORHAN PAMUK, *SNOW* 24 (Maureen Freely Trans., Everyman’s Library 2004) (2011).

² Derya’s story is adapted from online news articles. See, e.g., Dan Bilefsky, *How to Avoid Honor Killing in Turkey? Honor Suicide*, N.Y. TIMES (July 16, 2006), http://www.nytimes.com/2006/07/16/world/europe/16turkey.html?pagewanted=all&_r=1&; Jan Goodwin, *Honor Suicides in Turkey*, MARIE CLAIRE (May 25, 2007), <http://www.marieclaire.com/world-reports/news/turkey-women>; Lee Habeeb, *The Real War on Women*, NAT’L REV. ONLINE (Apr. 26, 2012, 4:00 AM), <http://www.nationalreview.com/articles/296958/real-war-women-lee-habeeb>.

³ Bilefsky, *supra* note 2.

⁴ *Id.*

⁵ *Id.*

This severe and inhumane sanction from her family arose from one simple action—Derya had fallen in love with Recep, a high school classmate.⁶ Having never experienced love, Derya clung tightly to her new romance, talking with Recep daily on the phone. When Derya’s uncle learned of the communication, he confiscated her phone and alerted her family. But Derya couldn’t stop. She borrowed a friend’s phone and continued the relationship, angry about her family’s strict requirements.⁷ As the romance progressed, Derya faced increasing violence at home, until one day she received a message instructing her to never return home again and to kill herself.

These threatening messages arrived fifteen times per day and served as a death sentence.⁸ “My family attacked my personality, and I felt I had committed the biggest sin in the world,” Derya confided.⁹ “I felt I had no right to dishonor my family, that I have no right to be alive. So I decided to respect my family’s desire and to die.”¹⁰ The overpowering shame and guilt forced Derya to jump into the Tigris River in an effort to commit suicide.¹¹ But the attempt failed and she survived. Determined to fulfill her family’s wishes, Derya next tried to hang herself; an uncle saved her life.¹² Finally, Derya slashed her wrists with a kitchen knife.¹³

Although Derya ultimately survived her three suicide attempts, her story illuminates a developing and frightening trend in Turkey—the emergence of honor suicides as an alternative to honor killings.¹⁴ Described broadly as “honor crimes,” both honor killings and honor suicides are rooted in patriarchal orders based on the authority of men.¹⁵ Perceived as unquestionably horrific forms of violence, honor crimes occur when a family member has

⁶ Goodwin, *supra* note 2.

⁷ Derya was particularly upset over the loss of her cell phone privilege, stating, “Part of me was angry. Everyone uses cell phones. Why not me?” *Id.* (internal quotation marks omitted).

⁸ Bilefsky, *supra* note 2; Goodwin, *supra* note 2.

⁹ Bilefsky, *supra* note 2 (internal quotation marks omitted).

¹⁰ *Id.* (internal quotation marks omitted).

¹¹ *Id.*; Goodwin, *supra* note 2 (explaining that in June 2006, “Derya threw herself into the fast-flowing Tigris River near the Iraqi border, but a passing police patrol pulled her out”).

¹² Bilefsky, *supra* note 2; Goodwin, *supra* note 2. Derya attempted to hang herself by attaching a rope to a ceiling hook that was meant to hold a baby’s cradle. Goodwin, *supra* note 2. When Derya pushed the chair out from beneath her legs, her uncle heard the crash and cut her down. *Id.*

¹³ Bilefsky, *supra* note 2; Goodwin, *supra* note 2; Habeeb, *supra* note 2.

¹⁴ Goodwin, *supra* note 2.

¹⁵ See John A. Cohan, *Honor Killings and Cultural Defense*, 40 CAL. W. INT’L L.J. 177, 191 (2010); see also Necla Mora, *Violence as a Communicative Action: Customary and Honor Killings*, 6 INT’L J. HUM. SCI. 499, 506 (2009).

violated a social or moral norm that brings shame and dishonor to the family.¹⁶ Frequently, the norm violated is sexual in nature and the scope of acts that can trigger an honor killing or suicide is vast.¹⁷ Because women are seen as “symbolic bearers of the honor of the clan or tribe,” this sexual contamination is typically punished by murder in order to regain social status.¹⁸

Recently, however, scholars and journalists have identified a shift away from honor killings—in which a male family member murders his own kin—to honor suicides—in which the female transgressor is forced to take her own life.¹⁹ This alleged transformation has been widely attributed to the adoption of Turkey’s revised Penal Code in late 2004, which mandated harsh criminal sentences for both the honor killing perpetrator and family members who encouraged the killing.²⁰ Faced with this new prospect of imprisonment, scholars have argued that honor killings have undergone a metamorphosis into honor suicides to prevent the clan from losing two family members.²¹ This causal connection between honor suicides and the revised Turkish Penal Code was widely espoused in Turkish media and honor killing scholarship.

This Article, however, disputes the causal linkage of honor suicides with Turkey’s new Penal Code, and argues that the existence of honor suicides has simply garnered increased media attention since 2004. In particular, this Article asserts that the statistical data is insufficient to support an association between harsher criminal punishments and honor suicides. Rather, scholars have used the revised Penal Code as a scapegoat to avoid addressing the problematic aspects of Turkey’s underlying honor culture. As one of the first articles to provide an in-depth analysis and critique of this causal connection, this Article challenges the conclusory statements of scholars and the press, and advances the position that honor suicides existed within Turkey prior to the adoption of the revised Penal Code.

In support of this argument, this Article is divided into six parts. Part I offers an overview and description of honor killings, defines the concept of

¹⁶ See Hilal O. Ince et al., *Customary Killings in Turkey and Turkish Modernization*, 45 MIDDLE E. STUD. 537, 538 (2009).

¹⁷ See, e.g., Bilefsky, *supra* note 2.

¹⁸ Cynthia F. Epstein, *Death by Gender*, 57 DISSENT 54, 54 (2010).

¹⁹ See, e.g., Goodwin, *supra* note 2.

²⁰ See Sezgin Cihangir, *Gender Specific Honor Codes and Cultural Change*, 16 GROUP PROCESS INTERGROUP REL. 319, 322 (2013).

²¹ See *id.*; Helena Smith, *When Wrong Boyfriends or Clothes Lead Daughters to Kill Themselves*, THE GUARDIAN (Aug. 22, 2007), <http://www.theguardian.com/world/2007/aug/23/turkey.gender>.

honor within Turkish society, and answers the pressing question of whether Islam condones these crimes. Part II narrows the focus of this Article solely to honor killings within Turkey's borders, and analyzes honor killing perception within Turkey. Specifically, Part II highlights the ethnicization of honor killings as a Kurdish phenomenon and discusses the motivations behind this depiction. The section then transitions into an exploration of how Turkey's bid for European Union ("EU") accession forced Turkey to adopt harsher criminal sanctions against honor killing perpetrators. Part III advances this analysis by identifying the key honor killing legislation in both the unrevised and revised Penal Codes. With the stage appropriately set, Part IV provides a critique of the linkage between honor suicides and the revised Turkish Penal Code, and argues that the emergence of honor suicides is not causally related to Turkey's legal reformation. In fact, Part V details why legal revision has been ineffective in appreciably reducing honor crimes, and why a dialogue of cultural discourse is fundamental to the eradication of both honor killings and honor suicides. Finally, Part VI concludes the Article.

I. DEFINING HONOR KILLINGS

The term "honor killing" refers to the organized murder of a family member—typically female—for bringing perceived shame and dishonor to her family or community.²² Committed by fathers against daughters and brothers against sisters, honor killings are the result of carefully debated plans by a family council in which the youngest male is elected to perform the murder.²³ Lacking spontaneity, these crimes adhere to a rigid organizational structure that differentiates honor killings from the larger worldwide phenomenon of femicide.²⁴ Specifically, honor killings are a form of "internal, societal violence that goes beyond families"²⁵ and arises from the prerogative to avoid social ostracism.²⁶ These murders transcend the bounds of the family home and

²² See Tenzin Dorjee et al., *A Social Ecological Perspective on Understanding "Honor Killing": An Intercultural Moral Dilemma*, 42 J. INTERCULTURAL COMM. RES. 1, 3 (2013) ("[H]onor killing is defined here as one that involves killing or murdering a female family member by her own family members and family friends to avenge shame brought by infidelity or other culturally unacceptable behaviors.").

²³ Recep Doğan, *Is Honor Killing a "Muslim Phenomenon"?* *Textual Interpretations and Cultural Representations*, 31 J. MUSLIM MINORITY AFF. 423, 423 (2011).

²⁴ See AYSE ONAL, HONOUR KILLING: STORIES OF MEN WHO KILLED 10 (2008) (discussing the difference between honor killings and domestic violence); Doğan, *supra* note 23, at 423 ("Honor killing is the product of social interactions amongst members of society; and it is qualitatively different from other kinds of murders.").

²⁵ ONAL, *supra* note 24, at 255.

²⁶ See *id.* at 26.

represent an extreme form of revenge that becomes mandatory when no alternative exists for restoring family honor. In this manner, honor killings can be perceived as the failure of a family to adequately control the sexual behavior of its female members.²⁷ This section provides a pertinent explanation of honor and the characteristics of honor killings, serving as the foundation for the discussion of Turkish honor killings and the revised Turkish Penal Code.

A. *What is Honor?*

The elusive and dynamic term “honor” represents virtue, on the one hand, and hierarchical dominance on the other.²⁸ Operating worldwide as a form of social currency, honor functions informally as property²⁹ and serves as a “cornerstone in the construction of gender identity.”³⁰ Although the precise definition of honor differs from region to region and culture to culture, honor has remained a fundamental property of human beings for centuries. Typically viewed as a measure of social prestige within the community, honor is an acquired and earned trait subject to constant defense and loss.³¹

The “Western” notion of honor is customarily defined in terms of integrity and virtuous behavior.³² It is an achieved status, increasing or decreasing with the owner’s accomplishments and actions.³³ In Turkey, this form of honor is specifically denoted *seref*, and is possessed and controlled exclusively by men as a marker of social worth and reputation.³⁴ Remaining independent from the actions of females, *seref* is not implicated in the honor killing analysis, but rather stands in stark contrast to its counterpart, *namus*.

Namus, which creates the foundation for Turkish honor killings, represents a form of sexual honor “that presupposes physical and moral qualities that

²⁷ See Abdullahi A. An-Na’im, *The Role of ‘Community Discourse’ in Combating ‘Crimes of Honour’: Preliminary Assessment and Prospects*, in ‘HONOUR’ CRIMES, PARADIGMS, AND VIOLENCE AGAINST WOMEN 65, 67 (Lynn Welchman & Sara Hossain eds., 2005).

²⁸ Alina Zvinkliene, *‘Honour Killings’ in Modern Societies: A Sociological Perspective*, 1 ISLAM & CIVILISATIONAL RENEWAL 532, 532 (2010).

²⁹ Johanna Bond, *Honor as Property*, 23 COLUM. J. GENDER & L. 202, 202 (2012).

³⁰ Zvinkliene, *supra* note 28, at 532.

³¹ See Cohan, *supra* note 15, at 181–83.

³² Aysan Sev’er & Gökçeçiçek Yurdakul, *Culture of Honor, Culture of Change: A Feminist Analysis of Honor Killings in Rural Turkey*, 7 VIOLENCE AGAINST WOMEN 964, 971 (2001) (defining honor as “moral integrity, the esteem accorded to virtue or talent”).

³³ See *id.* at 972.

³⁴ KATHERINE PRATT EWING, *STOLEN HONOR: STIGMATIZING MUSLIM MEN IN BERLIN* 32 (2008); Sev’er & Yurdakul, *supra* note 32, at 972.

women ought to have.”³⁵ Reflecting on the whole family, *namus* refers directly to the sexual purity of females and stresses traditional gender roles in which women are expected to assume and accept subordinate social positions.³⁶ Structured as a gender-specific code of honor, *namus* requires females to maintain their family’s social reputation through sexual purity and creates a preoccupation with women’s chastity.³⁷ In this sense, honor is located solely within the female body and controlled through the female’s actions.³⁸ Men possess no *namus* of their own, and women carry the heavy “burden of safeguarding group identity and group honor.”³⁹

While men cannot directly claim *namus*, they are fundamentally impacted by any loss of female virtue.⁴⁰ A wrong decision related to female honor inevitably humiliates the entire family on a communal level and disgraces the male kin. Because honor serves as the barometer of familial worth, the male family members actively strive to control the female’s *namus* by restricting her sexual behavior.⁴¹ This male domination of female sexuality operates on a community-wide level and leads to the development of extreme sanctions aimed at controlling the sexual behavior of women.⁴² In this manner, women serve as the agents of men when it comes to their sexuality and are perceived

³⁵ AYSAN SEV’ER, PATRIARCHAL MURDERS OF WOMEN: A SOCIOLOGICAL STUDY OF HONOUR-BASED KILLINGS IN TURKEY AND IN THE WEST 115 (2013); Sev’er & Yurdakul, *supra* note 32, at 973.

³⁶ KARL A. ROBERTS ET AL., HONOR-BASED VIOLENCE: POLICING AND PREVENTION 19 (2014) (“[H]onor cultures can be described as stressing ‘traditional’ gender roles in which there is high inequality between the genders. Males have most of the political power and females are expected to maintain subordinate social positions”); Yvette van Osch et al., *A Different Kind of Honor Culture: Family Honor and Aggression in Turks*, 16 GROUP PROCESSES & INTERGROUP REL. 334, 335 (2013); see JAN GOODWIN, PRICE OF HONOR: MUSLIM WOMEN LIFT THE VEIL OF SILENCE ON THE ISLAMIC WORLD 8 (2003) (noting that “[t]he honor of the Muslim family is believed to reside in a woman’s chastity and modesty”).

³⁷ Cihangir, *supra* note 20, at 321; Gul Ozyegin, *Virginal Facades: Sexual Freedom and Guilt among Young Turkish Women*, 16 EUR. J. WOMEN’S STUD. 103, 111 (2009); see Purna Sen, ‘Crimes of Honour’, *Value and Meaning*, in ‘HONOUR’ CRIMES, PARADIGMS, AND VIOLENCE AGAINST WOMEN 42, 51 (Lynn Welchman & Sara Hossain eds., 2005) (“The honour code thus reflects and contributes to socially legitimated constructions of gender norms that shape and reflect behaviours and are not separate from these.”).

³⁸ Radhika Coomaraswamy, *Preface to the ‘HONOUR’ CRIMES, PARADIGMS, AND VIOLENCE AGAINST WOMEN* xi, xi (Lynn Welchman & Sara Hossain eds., 2005); ROBERTS ET AL., *supra* note 36, at 22.

³⁹ Ozyegin, *supra* note 37, at 111; see UNNI WIKAN, IN HONOR OF FADIME: MURDER AND SHAME 86 (Anna Paterson trans., 2003) (noting that women “represent honor; they symbolize honor; they are honor”) (internal quotation marks omitted); Sev’er & Yurdakul, *supra* note 32, at 973 (explaining that *namus* is always determined by female family members).

⁴⁰ Cohan, *supra* note 15, at 187 (“In part, the modesty code is derived from the idea that men can become contaminated or defiled by women.”).

⁴¹ See *id.* (“The honor of the village group lies with the modesty of its women and the readiness of its men to protect this modesty.”).

⁴² Sev’er & Yurdakul, *supra* note 32, at 975–76.

solely as producers of shame.⁴³ Thus, honor killings are premised on what has been popularized as the honor-shame complex—“the aggressor’s sense of identity or failing is based on the behavior of another.”⁴⁴ In this complex, honor is seen through the lens of the “West” as a motive which propels men to kill for reasons that are perceived as petty, unreasonable, or backward.⁴⁵ Therefore, for an honor killing to occur, there must first be a loss of female honor and acquisition of shame upon the family.

B. The Characteristics of Honor Killings

Honor codes—and the crimes associated with them—are not solely concerned with individual men controlling individual women. Rather, honor crimes “are about community norms, social policing and collective decisions and acts of punishment.”⁴⁶ Killing based on shame and tainted honor occurs within a family structure where the bonds of affection, love, and obedience bind all participants to the murder.⁴⁷ Created as the product of social interactions among societal members, “[h]onor killings are a recurrent form of [domestic and] intra-familial violence, finding vindication and acceptance in society and the law.”⁴⁸ Once rumors of a female’s transgressions spread throughout the community, killing the offending female is an obligation of the disgraced family, and the only means of restoring lost honor.⁴⁹ Therefore, honor killing can be defined as the deliberate murder of a disobedient or shameful family member by a familial council for the sole purpose of absolving the family’s honor.

⁴³ See Aisha K. Gill, *Feminist Reflections on Researching So-called ‘Honor’ Killings*, 21 FEMINIST LEGAL STUD. 241, 243 (2013) (“[M]en are responsible for acquiring honour for their families, while women are seen as potential producers of shame.”).

⁴⁴ Nancy V. Baker et al., *Family Killing Fields: Honor Rationales in the Murder of Women*, 5 VIOLENCE AGAINST WOMEN 164, 177 (1999); see EWING, *supra* note 34, at 29–30 (discussing the honor-shame complex).

⁴⁵ Sen, *supra* note 37, at 45.

⁴⁶ *Id.* at 48.

⁴⁷ Shahrzad Mojab & Amir Hassanpour, *In Memory of Fadime Sahindal: Thoughts on the Struggle Against ‘Honor Killing’*, KURDISH WOMEN ACTION AGAINST HONOR KILLING (Oct. 17, 2002), <http://www.kwahk.org/articles.asp?id=30>.

⁴⁸ Rachel A. Ruane, *Murder in the Name of Honor: Violence against Women in Jordan and Pakistan*, 14 EMORY INT’L L. REV. 1523, 1530 (2000).

⁴⁹ U.S. DEP’T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES, PAKISTAN (2002); see Susanne J. Prochazka, *There is No Honor in Honor Killings: Why Women At Risk for Defying Sociosexual Norms Must be Considered a ‘Particular Social Group’ Under Asylum Law*, 34 T. JEFFERSON L. REV. 445, 447 (2012) (mentioning that honor killings “allegedly wash away the shame with blood and restore the tarnished honor.”).

Although honor killings are unquestionably related to domestic violence, they nonetheless represent an extreme form of femicide uniquely differentiated by five characteristics. First, honor killings involve gender relations and interactions designed solely to control women's behavior and sexuality.⁵⁰ As symbols of reproduction, women help to create allegiances between male groups that enable the family to strengthen its economic connections within the community.⁵¹ In this context, a woman is often exchanged for marriage to improve social standing or increase familial wealth. According to Nicole Pope, "[a] woman is just a commodity and her 'owners', her male relatives, have the right to make decisions on her behalf without consulting her."⁵² This view of women remains deeply entrenched in tribal culture, and any impurity in the woman substantially decreases her value to the family.⁵³ If fact, because the morality surrounding females is so strict, the male relatives tend to distort reality and blame women for actions beyond their control—for example, rape.⁵⁴ Because of this, the female's behavior is constantly monitored and restricted throughout her life, particularly with arranged marriages and the prohibition on premarital sex.⁵⁵

Second, not only do males assume an active role in the regulation of female behavior, but other women within the family partake and assist in monitoring the subordinate females of the household.⁵⁶ Within the hierarchical family, the eldest mother or wife commands the greatest authority and respect among

⁵⁰ Canan Arin, *Femicide in the Name of Honor in Turkey*, 7 VIOLENCE AGAINST WOMEN 821, 822 (2001); Anand Kirti et al., *The Face of Honour Based Crimes: Global Concerns and Solutions*, 6 INT'L J. CRIM. JUST. SCI. 343, 353 (2011).

⁵¹ Nadera Shalhoub-Kevorkian, *Researching Women's Victimisation in Palestine: A Socio-Legal Analysis*, in 'HONOUR' CRIMES, PARADIGMS, AND VIOLENCE AGAINST WOMEN 160, 162 (Lynn Welchman & Sara Hossain eds., 2005).

⁵² Nicole Pope, *Honour Killings: Instruments of Patriarchal Control*, in VIOLENCE IN THE NAME OF HONOUR: THEORETICAL AND POLITICAL CHALLENGES 101, 102 (Shahrazad Mojab & Nahla Abdo eds., 2004); see Arin, *supra* note 50, at 823 ("In this traditional system, women are not considered individuals; they are the property of the family and are seen to represent its reputation or honor, and, like other forms of property, they can be bought and sold.").

⁵³ See Valerie Plant, *Honor Killings and the Asylum Gender Gap*, 15 J. TRANSNAT'L L. & POL'Y 109, 111 (2005) ("In many cultures, an individual's identity is closely tied to their family unit. In such a culture, the family's honor is viewed as a personal reflection on each member of the family.").

⁵⁴ Ince et al., *supra* note 16, at 538.

⁵⁵ Diana Y. Vitoshka, *The Modern Face of Honor Killing: Factors, Legal Issues, and Policy Recommendations*, 22 BERKELEY UNDERGRADUATE J. 1, 6 (2010).

⁵⁶ Plant, *supra* note 53, at 112 (stating that women are often involved in the act and decision to kill); see Ince et al., *supra* note 16, at 548.

other women.⁵⁷ It is this female figure who actively supervises the younger women to ensure they do not tarnish the family's honor.⁵⁸ Any help to defend the improper actions of younger female relatives disappears immediately if it conflicts with the eldest woman's loyalty towards men.⁵⁹ While loyalty between women can potentially save lives, it is quite common for mothers to be blamed for the transgressions of daughters, which gives them a vested interest in the behavior of their family members.⁶⁰ Thus, women within a family are often vigilant and conscientious of the actions of all female members, and are prone to turn against one another.⁶¹ In this manner, women help to participate in the honor killing process.

Third, because of the involvement of both males and females in the regulation of honor, the decision to pursue an honor killing results from a collective family meeting.⁶² Honor crimes are not the result of spontaneous male anger or passion, but rather occur with the collective agreement of all family council members and a well-defined plan.⁶³ At a minimum, the family council consists of "the father and brother[s] of the victim, and may also include uncles, grandfathers, male in-laws, and the mother."⁶⁴ In this way, honor killings cannot be reduced to the psychological imbalances of the individual killer, since the final decision belongs to the collective family as a whole.

Fourth, given the considerable deliberation, discussion, and planning among family members before an honor crime occurs, the council typically elects the youngest male to perform the killing. The young age of the

⁵⁷ NICOLE POPE, HONOR KILLINGS IN THE TWENTY-FIRST CENTURY 103 (Palgrave Macmillan 1st ed. 2012) ("Imposing matriarchs may rule over the younger generation with an iron fist, often making life a misery for their daughters-in-law . . .").

⁵⁸ Asa Elden, *Men's Violence and Women's Responsibility: Mothers' Stories about Honour Violence*, in HONOUR, VIOLENCE, WOMEN AND ISLAM 128, 133–34 (Mohammad M. Idriss & Tahir Abbas eds., 2011).

⁵⁹ *Id.* at 134.

⁶⁰ *Id.* at 130–34.

⁶¹ *Id.* at 130 ("Mothers are thus described as active in, and directly or indirectly responsible for, the violence to which young women are exposed.").

⁶² Ince et al., *supra* note 16, at 538; Katie L. Zaunbrecher, Comment, *When Culture Hurts: Dispelling the Myth of Cultural Justification for Gender-Based Human Rights Violations*, 33 HOUS. J. INT'L L. 679, 700 (2011).

⁶³ Kenneth Lasson, *Bloodstains on a "Code of Honor": The Murderous Marginalization of Women in the Islamic World*, 30 WOMEN'S RTS. L. REP. 407, 415 (2009); see Veena Meeto & Heidi S. Mirza, "There is Nothing 'Honourable' about Honour Killings": *Gender, Violence and the Limits of Multiculturalism*, 30 WOMEN'S STUD. INT'L F. 187 (2007) (noting that other family members participate in honor killings beyond just the husband or partner).

⁶⁴ Sev'er & Yurdakul, *supra* note 32, at 965.

perpetrator elicits the sympathy of the courts in case of a criminal trial, and results in a reduced sentence or acquittal.⁶⁵ These sentence reductions evidence state complicity in honor killings by legitimating shame as an acceptable motive for murder. When the perpetrators defend their actions in court, they repeatedly reference culture and tradition as excuses mandating leniency.⁶⁶ By accepting these defenses and invoking culture as justification for killing, the state inherently relinquishes its role as the only source of law in society. In Southeastern Turkey, for example, the average sentence for an honor killing was just 19.7 years in prison during 1990–2005, with a 24% acquittal rate.⁶⁷ Clans are thus able to exert their own moral codes and visions into social practice when they are confident the state will not interfere. Therefore, the election of the youngest male to perform the murder is a strategic decision designed to manipulate the judicial process.⁶⁸

Finally, there is always an ability to regain honor through a successful killing. Although less drastic alternatives to murder exist when faced with perceived shame, the only purpose of an honor killing is to restore the family's honor and reputation.⁶⁹ Hence, honor killings are only performed when the family risks unquestionable social ostracism or embarrassment that cannot be mitigated through punishing the offending female in another manner.⁷⁰ When faced with an accusation of impropriety, the balance of power shifts dramatically between clans and families and places the burden of proof on the female and her natal family to disprove the allegations.⁷¹ No benefit of the doubt is given to the female, and when the gossip becomes public knowledge, violence typically ensues.⁷² With the introduction of shame into the equation,

⁶⁵ Efsa Kuraner, *Celebrations of Love: Women Denounce Honor Killings in Turkey*, 32 OFF OUR BACKS 28 (2002) (“The task is usually relegated to a minor male member of the family as he can benefit from the circumstances of underage.”); Sev’er & Yurdakul, *supra* note 32, at 985. For an in-depth discussion of sentences imposed by the Turkish courts for honor killings, see Ceren Belge, *Whose Law?: Clans, Honor Killings, and State-Minority Relations in Turkey and Israel* (Jan. 1, 2008) (unpublished Ph.D. dissertation, University of Washington) (on file with the University of Washington library).

⁶⁶ Ince et al., *supra* note 16, at 538 (“The killers in customary killings widely use traditions, customs, values and beliefs, as well as the term ‘honour’ itself, as their legitimating referents.”).

⁶⁷ Belge, *supra* note 65, at 55.

⁶⁸ See Ince et al., *supra* note 16, at 545 (discussing that “being under the full legal age was another reason for a reduced sentence in customary killings”).

⁶⁹ Mora, *supra* note 15, at 507 (“Family members, who become a target of any insult, gossip, or rumor especially on women, perceive this condition as a stain that needs to be cleaned.”).

⁷⁰ See Dorjee et al., *supra* note 22, at 6 (“Honor killings are the extreme manifestations of these communal face desires, and facework strategies are often needed to recoup damaged family shame and community honor.”).

⁷¹ Belge, *supra* note 65, at 173.

⁷² Vitoshka, *supra* note 55, at 14.

the transgression becomes the concern of the entire community, not just the victim's immediate family.⁷³ The harm to a female's reputation can only be repaired with murder, and the killer is praised for his actions.⁷⁴ No sympathy is displayed towards the female transgressor who has paid for the family's honor with her life.⁷⁵ Thus, males are often perceived as victims of their own circumstances while the female is simply disposable property used to increase the family's standing within the community.⁷⁶

Therefore, while honor killings remain part of the worldwide spectrum of domestic violence, they are particularized and distinct murders that occur on a societal level as the result of a collective family vote. The killing buries both the victim and her disgrace, and erases the basic human right to life.⁷⁷ Despite these distinctions, however, it is important to remember that femicide is not particular to one culture or religious group. Women experience universal and place-based violence that cuts across race, religion, and class.⁷⁸ Although honor killings are an unquestionably heinous crime on the spectrum of violence, we must also raise issue with domestic violence within our own borders.⁷⁹ Focusing on culturally specific forms of violence is perceived as controversial ground,⁸⁰ and this Article in no way attempts to stereotype any group or space as backward or barbaric.

C. *The Role of Islam in Honor Killings*

The uniqueness of honor killings arises not solely from the five characteristics discussed above, but also from its developed association with a particular religion—Islam. A common misconception exists among the “Western” part of the world that honor killings occur solely in Islamic nations

⁷³ Meetoo & Mirza, *supra* note 63, at 189.

⁷⁴ Ince et al., *supra* note 16, at 538 (“The family and their social environment do not perceive customary killings as a crime, since they view them as the only way of regaining lost honour.”); Plant, *supra* note 53, at 112 (“In cultures in which honor killings take place, the family members of the offending woman typically see her slaughter as the only solution to the taint on their family honor.”); see Gill, *supra* note 43, at 249 (describing that the community views the killer as heroic).

⁷⁵ Plant, *supra* note 53, at 112.

⁷⁶ Gill, *supra* note 43, at 249; see Anushree Tripathi & Supriya Yadav, *For the Sake of Honour: But Whose Honour? “Honour Crimes” Against Women*, 2 ASIA-PACIFIC J. HUMAN RTS. & L. 63, 65 (2004) (noting that women in honor societies are seen as commodities, “not human beings endowed with dignity and right equal to those of men”).

⁷⁷ Shalhoub-Kevorkian, *supra* note 51, at 168.

⁷⁸ Meetoo & Mirza, *supra* note 63, at 188.

⁷⁹ *Id.*

⁸⁰ *Id.*

and are therefore justified under Islamic law (*Sharia*).⁸¹ Relevant literature and popular news culture provide an overwhelming perception that honor killings are ubiquitous in Islamic and Arab countries, and portray the crime as a uniquely Muslim phenomenon.⁸² Honor-related violence has thus been advertised—especially post-9/11—as being supported by Islamic scriptures and the Qur’an (also spelled Kuran).⁸³

While honor killings occur disproportionately in Muslim societies, the crime is not limited to these communities and finds no support in the Qur’an or *Sharia*.⁸⁴ Honor killings are prevalent in religious affiliations across Africa, South Asia, the Middle East, Europe, and the United States.⁸⁵ Sikhs and Hindus specifically have been faulted for their recent involvement in honor crimes, particularly in India, and the victims can be and sometimes are Christians.⁸⁶ A study performed by National Geographic even showed frequent honor killings in Great Britain, Brazil, Ecuador, Italy, Sweden, and Bangladesh.⁸⁷ Therefore, the common notion that honor crimes occur solely within Muslim territory is misguided and misinformed.

In fact, honor killings pre-date all written religions.⁸⁸ Early justifications for honor crimes can be found in the codes of Hammurabi in 1752 B.C. and in the family law of the Roman Empire.⁸⁹ “Ancient Roman and French law both

⁸¹ Lila Abu-Lughod, *Seductions of the “Honor Crime”*, 22 *DIFFERENCES* 17, 17–18 (2011) [hereinafter Abu-Lughod, *Seductions*]; Zaunbrecher, *supra* note 62, at 699. *Sharia* “consists of sources of legislation—the Koran and the *hadiths* (stories about the Prophet’s sayings and doings) and interpretations of these sources.” Anne S. Roald, *Multiculturalism and Religious Legislation in Sweden*, in *MUSLIM DIASPORA IN THE WEST: NEGOTIATING GENDER, HOME AND BELONGING* 55, 60 (Haideh Moghissi & Halleh Ghorashi eds., 2010).

⁸² See, e.g., Lisa Daftari, *Muslim Backlash Against Film Will Hurt Women, Says ‘Honor Diaries’ Team*, FOX NEWS (April 2, 2014), <http://www.foxnews.com/us/2014/04/02/muslim-backlash-against-film-will-hurt-women-says-honor-diaries-team/>.

⁸³ See generally Celeste Montoya & Lise R. Agustín, *The Othering of Domestic Violence: The EU and Cultural Framings of Violence Against Women*, 20 *INT’L STUD. GENDER, STATE & SOC’Y* 534 (2013) (describing honor-related violence in the context of Islamophobia and Europe’s exclusionary approach).

⁸⁴ Cohan, *supra* note 15, at 196.

⁸⁵ *Id.* at 192; see WIKAN, *supra* note 39, at 70 (“Honor killing can be found across religions and faiths.”).

⁸⁶ See Phyllis Chesler, *Are Some Honor Killings More Equal Than Others?*, FOX NEWS (July 12, 2010), <http://www.foxnews.com/opinion/2010/07/12/phyllis-chesler-muslim-honor-killings-media/>; Ambrosia Sabrina, *Honor Killings: 10 Chilling Facts on the Hidden Epidemic*, *INT’L BUS. TIMES* (Jan. 30, 2012, 6:35 AM), <http://www.ibtimes.com/honor-killings-10-chilling-facts-hidden-epidemic-402432>.

⁸⁷ Hillary Mayell, *Thousands of Women Killed for Family “Honor”*, *NAT’L GEOGRAPHIC* (Feb. 12, 2002), http://news.nationalgeographic.com/news/2002/02/0212_020212_honorkilling.html.

⁸⁸ Ruane, *supra* note 48, at 1530 (citing *Cinema Reel Life: Crimes of Honor* (Cinemax broadcast Feb. 28, 2000)).

⁸⁹ Lasson, *supra* note 63, at 408; see David J. Western, *Islamic “Purse Strings”: The Key to the Amelioration of Women’s Legal Rights in the Middle East*, 61 *A.F. L. REV.* 79, 107 (2008).

allowed a man to murder his wife or daughter for illicit sexual relationships under certain circumstances.”⁹⁰ In almost every human society, families and communities have played an extensive role in regulating the sexual behavior of their members, typically beginning through early socialization of children. Furthermore, sentences for crimes committed in the “heat of passion,” which included honor killings, were substantially mitigated under the French and Italian Penal Codes until 1975 and 1979, respectively.⁹¹ In Brazil, honor killings were legal until 1991.⁹² The origins of honor killings can thus be traced back to ancient tribal practices that existed before—and continued after—the invention of Islamic law, with penal codes providing leniency for honor killers across the globe.⁹³

Moreover, Islamic law does not promote or condone honor killings, and no explicit approval of honor crimes exists in the Qur’an.⁹⁴ Because honor killings are acts of murder, the practice is expressly prohibited in the Qur’an: “Whoso kills a believer intentionally, his penalty is hell, abiding therein eternally. God shall be angry with him and curse him, and shall ready for him a grievous torment.”⁹⁵ The Qur’an places a high value on every person’s life, and honor killings are not grounded in any religious text. Rather, Islam represents a monotheistic religion that promotes the faith and unity of God, and upholds the notion that men *and women* are equal before God (Allah).⁹⁶ The Qur’an expressly denies discrimination against women⁹⁷ and does not provide a basis for the existence of gender hierarchies within societies that perpetuate honor killings. Consequently, Islam does not advance male superiority but instead recognizes the equality of potential between the sexes.

⁹⁰ Plant, *supra* note 53, at 114.

⁹¹ Vitoshka, *supra* note 55, at 10.

⁹² Plant, *supra* note 53, at 114.

⁹³ See Matthew A. Goldstein, *The Biological Roots of Heat-of-Passion Crimes and Honor Killings*, 21 POL. & LIFE SCI. 28, 32 (2002) (“The Germanic tribes of Western Europe, as well as the Chinese, Japanese, and other Asian cultures legally sanctioned the killing of unfaithful wives by their husbands to protect family honor.”).

⁹⁴ Western, *supra* note 89, at 107 (“Indeed, honor killings were and are forbidden under Islamic law, and should never be practiced under any circumstances.”).

⁹⁵ THE QUR’AN 4:93 (Tarif Khalidi trans., The Penguin Group 2008); see Western, *supra* note 89, at 104 (“According to the Quran, if either a man or women commits adultery, they should be flogged with a hundred lashes. Nowhere does the Quran justify killing the adulterer.”).

⁹⁶ See GOODWIN, *supra* note 36, at 30 (“Islam, in fact, may be the only religion that formally specified women’s rights and sought ways to protect them.”).

⁹⁷ *Id.* at 31.

Furthermore, Muslims themselves, including both victims and perpetrators, vigorously deny any connection between honor killings and Islam.⁹⁸ Instead, the justification given by those involved in the honor killing process is that “tradition is stronger than religion.”⁹⁹ Perpetrators invoke the excuse of custom instead of religion, and argue that principles of gender relations in *Sharia* are consistent with human rights law in the “West.”¹⁰⁰ It is additionally “paradoxical that such practices are regarded as ‘Islamic’ in the West, considering that they have in fact come to the international agenda as a result of successful campaigns by Muslim feminist” movements.¹⁰¹ Therefore, the association between Islam and honor crimes needs to be perceived within the current climate of Islamophobia and post-9/11 depictions of Muslims as barbaric terrorists.¹⁰² Any inherent linkage of honor killings with Islam is simplistic and naïve.

II. HONOR KILLINGS IN TURKEY & TURKEY’S EUROPEAN UNION ACCESSION PROSPECTS

While honor killings are not particular to Muslim societies, the crime occurs within Turkey, a Muslim-majority country, at an alarming rate. The number of honor killings in Turkey—and worldwide—is difficult to gauge due to the fact that honor killings are misinterpreted, and therefore mis-reported as suicides or accidental deaths.¹⁰³ The Turkish Human Rights Directorate estimated the number of honor killings at one per week in Istanbul alone, with over one thousand honor killings occurring in Istanbul from 2003 to 2008.¹⁰⁴ Other organizations, however, posit that only twenty-five to seventy-five honor killings occur annually in Turkey.¹⁰⁵ These organizations suggest that honor killings in Turkey are confined to a limited region—specifically southeastern

⁹⁸ Katherine P. Ewing, *From German Bus Stop to Academy Award Nomination: The Honor Killing as Simulacrum*, in GENDER, VIOLENCE, AND HUMAN SECURITY: CRITICAL FEMINIST PERSPECTIVES 163, 166 (Tripp et al. eds., 2013).

⁹⁹ Stefanie E. Nanes, *Fighting Honor Crimes: Evidence of Civil Society in Jordan*, in DECONSTRUCTING SEXUALITY IN THE MIDDLE EAST: CHALLENGES AND DISCOURSES 65, 70 (Pinar Ilkkaracan ed., 2008).

¹⁰⁰ EWING, *supra* note 34, at 170.

¹⁰¹ Pinar Ilkkaracan, *Introduction* to DECONSTRUCTING SEXUALITY IN THE MIDDLE EAST: CHALLENGES AND DISCOURSES 1, 3 (Pinar Ilkkaracan ed., 2008).

¹⁰² See Meeto & Mirza, *supra* note 63, at 194.

¹⁰³ POPE, *supra* note 57, at 29 (“For every honor murder that is reported, many more are disguised as accidents or suicides, and for every woman who is killed, there are dozens who live in fear and face the constant threat of violence.”).

¹⁰⁴ Epstein, *supra* note 18, at 55.

¹⁰⁵ See SEV’ER, *supra* note 35, at 140 (estimating Turkish honor killings between fifty and seventy-five).

Turkey—where Kurds predominantly reside.¹⁰⁶ Additional research by Ceren Belge found that between 1974 and 2005, a total of 181 women had been murdered by their families in the southeastern province of Urfa alone.¹⁰⁷ More recent estimates between 2009 and 2011 suggest that more than 200 honor killings occur annually in Turkey and that this number has reached a “record level.”¹⁰⁸ Regardless of the actual number of honor killings reported, one fact remains undisputed: the statistical range severely underestimates the actual and widespread nature of the crime.

Although the precise number of honor killings in Turkey and worldwide is unknown, these crimes have garnered increased media attention following the EU’s acceptance of Turkey’s bid for membership. Sparking public outrage unmatched by any other type of violence, honor killings have become a form of sensationalized murder in which the victim is depicted as “Western” and modernized, and the perpetrator is deemed barbaric and backward.¹⁰⁹ This popular discourse has developed an ethnicized and gendered tone through mainstream media representations of the killing, and locates the victim and assailant in separate spaces along the modernization continuum.¹¹⁰ Particular forms of masculinity are thus constructed by the press as inherently threatening and terroristic, and these portrayals are used by the state to promote political agendas.¹¹¹ In the West, these state agendas typically involve the modernization or assimilation of Islamic groups, and result in the crime being portrayed as a broad Muslim phenomenon.¹¹² In Turkey, however, the prospect of EU accession has resulted in a substantially different ethnicization of the crime: it is purely a Kurdish problem. This section first provides a brief history of the Kurds in Turkey, setting the stage for understanding Turkey’s motivation for ethnicizing honor killings. Second, this section details the ethnicization of honor killings in Turkey, and analyzes honor killing perception within the country, particularly in the Turkish press. Finally, this section

¹⁰⁶ Ince et al., *supra* note 16, at 539; Dicle Kogacioglu, *The Tradition Effect: Framing Honor Crimes in Turkey*, 15 J. FEMINIST CULTURAL STUD. 118, 129–30 (2004).

¹⁰⁷ Belge, *supra* note 65, at 55.

¹⁰⁸ ‘Honor Killings’ Have Morphed into ‘Honor Suicides’ in Turkey, HUFFINGTON POST (Apr. 27, 2009), http://www.huffingtonpost.com/2009/03/27/honor-killings-have-morph_n_179928.html.

¹⁰⁹ LILA ABU-LUGHOD, DO MUSLIM WOMEN NEED SAVING? 114 (2013).

¹¹⁰ See Ewing, *supra* note 98, at 167; Kogacioglu, *supra* note 106, at 130; Montoya & Agustín, *supra* note 83, at 534–40.

¹¹¹ See EWING, *supra* note 34, at 170–71.

¹¹² See, e.g., Bethany Corbin, A Bleeding Sin: An Examination of Honor Killings in Turkey and Germany 93–108 (May 10, 2011) (unpublished B.A. thesis, University of North Carolina at Chapel Hill) (on file with author).

summarizes the EU's response to these killings in light of Turkey's accession prospects and provides the background for understanding Turkey's revised Penal Code.

A. *The Kurds*

The relationship between Turkey and its Kurdish citizens is one of complexity, brutality, and repression. Recently termed Turkey's "Kurdish problem,"¹¹³ the interaction between Turks and Kurds has been anything but peaceful. Until the late 1990s, the very existence of the Kurdish people within Turkey's borders was considered a political crime.¹¹⁴ This portion of the Article offers a brief introduction into the Turkish-Kurdish conflict, and provides a foundation for comprehending honor killing portrayal and perception in Turkey.

The Kurds, who live primarily in the southeastern portion of the country, represent Turkey's largest ethnic minority and comprise twenty percent of the state's population.¹¹⁵ Often described as "traditional" and "tribal," the Kurds have gained international attention for refusing to adopt the mandatory Turkish identity.¹¹⁶ This unified Turkish identity developed in response to the disintegration of the Ottoman Empire, which was associated with failed ethnic autonomy and diversity.¹¹⁷ As a reaction to this history, Mustafa Kemal ("Kemal") created a uniform, national Turkish identity which he forced on all citizens living within the country's borders.¹¹⁸ His goal "was to somehow manufacture a 'single-bodied' *Turkish nation* out of many Muslim entities."¹¹⁹

¹¹³ Emrullah Uslu, *Turkey's Kurdish Problem: Steps Toward a Solution*, 30 *STUD. CONFLICT & TERRORISM* 157, 157 (2007).

¹¹⁴ See *id.* at 158 ("Until recently, jail terms awaited Kurds who publicly asserted any form of Kurdish identity.").

¹¹⁵ MIRELA BOGDANI, *TURKEY AND THE DILEMMA OF EU ACCESSION* 34 (2011).

¹¹⁶ See HENRI J. BARKEY & GRAHAM E. FULLER, *TURKEY'S KURDISH QUESTION* 10–12 (1998).

¹¹⁷ OMAR TASPINAR, *KURDISH NATIONALISM AND POLITICAL ISLAM IN TURKEY: KEMALIST IDENTITY IN TRANSITION* 38 (2005) ("Turkish nationalism, therefore, essentially emerged as a reaction to imperial disintegration, in an environment where imperial and multi-ethnic projects failed to instigate a sense of Ottoman patriotism."); see Michael M. Gunter, *Turkey's Floundering EU Candidacy and Its Kurdish Problem*, 14 *MIDDLE E. POL'Y* 117, 120 (2007) [hereinafter Gunter, *Floundering EU Candidacy*] ("The seemingly obstinate refusal in the modern Republic of Turkey to admit that its citizens of Kurdish ethnic heritage constitute a minority can be . . . further understood against the background of the gradual disintegration of the Ottoman Empire before the onslaughts of various nationalisms during the nineteenth and early twentieth centuries.").

¹¹⁸ See TASPINAR, *supra* note 117, at 77–78.

¹¹⁹ ALI K. OZCAN, *TURKEY'S KURDS: A THEORETICAL ANALYSIS OF THE PKK AND ABDULLAH ÖCALAN* 70 (2006).

As such, Kemal attempted to “Turkify” the ethnic minorities by demanding the relinquishment of all native customs, languages, and rituals.¹²⁰ The Kurds, however, actively refused to adopt a purely Turkish identity and defied the state government.¹²¹

In response to this resistance, Kemal and his successors initially denied the very existence of the Kurds.¹²² The government imposed settlement and language restrictions on the minority group and prohibited the use of the Kurdish language until the early 1990s.¹²³ This ban on speaking Kurdish occurred at a time when only a small minority of Kurds (approximately four percent) spoke any Turkish.¹²⁴ Even the term “Kurd” was banned from public use for decades.¹²⁵ Human and minority rights were further withheld from the Kurds in an attempt to force the minority group into accepting the Turkish identity, and, “[a]s a result, the regularly repeated rhetoric of the state’s official view ‘demonstrates’ the absence . . . of Kurdish material and spiritual existence.”¹²⁶

This denial of both linguistic and human rights to the Kurdish ethnicity failed, however, to “Turkify” the Kurds as planned, and instead incited terrorist activity. Kurdish terrorism, which has plagued the Turkish state for more than twenty years, developed in direct response to the Turkish government’s oppressive regime.¹²⁷ The Kurdistan Worker’s Party (“PKK”) represents the primary organization responsible for advocating armed conflict to achieve

¹²⁰ *Id.* at 71; see Gunter, *Floundering EU Candidacy*, *supra* note 117, at 121 (explaining that the Turkish Constitution permits “Turkish authorities to incriminate nonviolent expressions of ethnic identity simply on the basis that they are contrary to the constitutional definition of ‘Turkish’ and a danger to the integrity of the state.”); see also Michael M. Gunter, *The Kurdish Problem in Turkey*, 42 MIDDLE E. J. 389, 391 (1988) [hereinafter Gunter, *Kurdish Problem*] (discussing the “Turkicization” of Kurdish villages and towns).

¹²¹ See TASPINAR, *supra* note 117, at 77–78. For more detailed information of the history of the Kurdish uprising, see *id.* at 79–82.

¹²² Gunter, *Kurdish Problem*, *supra* note 120, at 398; Uslu, *supra* note 113, at 157.

¹²³ See BOGDANI, *supra* note 115, at 34 (noting that speaking Kurdish was banned until the 1990s); TASPINAR, *supra* note 117, at 82 (discussing the Settlement Law of 1934: “The purpose of the Settlement Law was to move Kurds out of their native villages and into modernized Turkish cities in an attempt to promote assimilation and Turkification of the minority group.”); Mesut Yegen, “*Prospective-Turks*” or “*Pseudo-Citizens*,” *Kurds in Turkey*, 63 MIDDLE E. J. 597, 600–04 (2009).

¹²⁴ Gunter, *Kurdish Problem*, *supra* note 120, at 399.

¹²⁵ See generally Yegen, *supra* note 123, at 605 (noting that the Turkish government banned all broadcasting in Kurdish and did so without ever referencing Kurds or their language by name).

¹²⁶ OZCAN, *supra* note 119, at 71.

¹²⁷ BOGDANI, *supra* note 115, at 35.

Kurdish sovereignty and independence.¹²⁸ The PKK has enforced their radical agenda through raids and ambushes, and employed over 20,000 armed guerrillas in the southeastern provinces.¹²⁹ One of the worst massacres committed by these Kurdish insurgents occurred on June 20, 1987, when the PKK struck the village of Pinarçik and killed over thirty people.¹³⁰ Similar deadly attacks followed on July 11, 1987 and August 18, 1987.¹³¹ These violent uprisings forced the Turkish government to increase national security and sparked the establishment of a village guard system in the southeast to quell PKK resistance.¹³² Finally, a cease-fire was declared on August 1, 1999.¹³³ Yet, despite this formal truce, PKK terrorist attacks continued from 2000 to 2003.¹³⁴

Following the “official” end to the cease-fire in June 2004,¹³⁵ violence between the Turkish state and the PKK spiraled out of control in 2006. At least fifteen people died during the month of March alone in clashes between the Kurds and Turkish police.¹³⁶ During this time, a second militant group, the Kurdistan Freedom Falcons (“TAK”), implemented bombings across western Turkey, particularly in tourist regions.¹³⁷ More than a dozen people were killed in April 2006, and at least fifteen more died in October of that same year from PKK and TAK raids and assaults.¹³⁸ This violence has escalated in recent years, with more than 700 dead in less than fourteen months throughout 2011 and 2012.¹³⁹ During one weekend alone in September 2012, “at least eight Turkish police officers and four soldiers were killed in two separate ambushes

¹²⁸ TASPINAR, *supra* note 117, at 94, 97–98; see BOGDANI, *supra* note 115, at 35 (explaining that the PKK is a terrorist organization); Gunter, *Kurdish Problem*, *supra* note 120, at 395 (describing the PKK as supporting armed struggle and endorsing violence).

¹²⁹ Doğu Ergil, *PKK: Partiya Karkarên Kurdistan, in TERROR, INSURGENCY, AND THE STATE: ENDING PROTRACTED CONFLICTS* 323, 348 (Marianee Heiberg et al. eds., 2007).

¹³⁰ Gunter, *Kurdish Problem*, *supra* note 120, at 405.

¹³¹ *Id.*

¹³² See Yegen, *supra* note 123, at 604 (discussing increases in compulsory settlement on the grounds of national security).

¹³³ Uslu, *supra* note 113, at 159.

¹³⁴ *Id.* Today, the Turkish military does not perceive the PKK as a legitimate organization within the state and “therefore treats its cease-fires as meaningless.” *Id.* at 162.

¹³⁵ *Id.* at 159.

¹³⁶ See *Turkey Timeline: A Chronology of Key Events*, BBC NEWS (Mar. 22, 2012), <http://news.bbc.co.uk/2/hi/europe/1023189.stm>.

¹³⁷ *Id.*

¹³⁸ See *id.*

¹³⁹ Ivan Watson & Yesim Comert, *Report Says Turkey’s Kurdish Conflict has Turned More Violent*, CNN (Sept. 18, 2012, 12:28 PM), <http://www.cnn.com/2012/09/18/world/europe/turkey-war-within/>.

in southeastern Turkey,” which the PKK quickly claimed responsibility for.¹⁴⁰ This extreme increase in violence has jeopardized any hopes of finding a quick resolution to the Kurdish problem, and has created unease for Turks and Kurds throughout the country.¹⁴¹

B. The Ethnicization of Honor Killings: A Kurdish Crime

The violent and terroristic activities of both the Turkish state and the PKK in response to the “Kurdish problem” have created a seemingly impenetrable divide between the Turks and their Kurdish neighbors. This conflict remains a point of concern for Turkey’s EU accession.¹⁴² Faced with addressing both human rights violations and Kurdish resistance in order to advance EU accession talks, Turkey has developed a novel method of singling out the Kurds as barbaric “others” in need of modernization and assimilation: the linkage of honor killings with the Kurdish minority. This connection between Kurds and honor crimes is reinforced through the media’s portrayal of the murders and the lack of broad Turkish and Muslim identifiers.¹⁴³ Instead of perceiving the crime as a human rights violation, Turkey uses the press to portray honor killings as a purely Kurdish phenomenon in order to justify state intervention and modernization of the repressed ethnic minority.¹⁴⁴ This section briefly details the linkage of honor killings with the Kurds and explores the rationales behind this association.

Although honor killings represent global human rights violations, the Turkish state has worked diligently to construct the crime as belonging solely to the Kurdish culture. Articles and reports produced by the Turkish media and state organizations “approach the problem [of honor killings] through a regional context and tend to correlate it to the culture of the Kurdish and Arabic minorities for whom clan-based social formations are still dominant.”¹⁴⁵ The press and public associate honor killings with the eastern and southeastern provinces of Turkey where the Kurds predominantly reside

¹⁴⁰ *Id.*

¹⁴¹ *See id.*; *see also* Uslu, *supra* note 113, at 161 (discussing the obstacles facing resolution of the Kurdish problem).

¹⁴² Steven Cook & John Bardemas, *Report Card: Turkey and EU Membership?: The Kurds*, PBS (May 14, 2008), <http://www.pbs.org/wnet/wideangle/episodes/turkeys-tigers/report-card-turkey-and-eu-membership/the-kurds/838/>.

¹⁴³ *See* Corbin, *supra* note 112, at 60–63.

¹⁴⁴ *See id.* at 63–74.

¹⁴⁵ Ince et al., *supra* note 16, at 539.

and where tribal social structures stand strong.¹⁴⁶ Any honor killing occurrences in the northern and western portions of Turkey are quickly linked to Kurdish migration to these cities.¹⁴⁷ In this manner, the Turkish state draws a distinct “us versus them” boundary in which Kurds who have resided in Turkey for generations are deemed fundamentally “other” and alien within their own homeland.

Specifically, an examination of honor killing portrayal in the Turkish press illuminates the linkage of honor killings with the Kurdish minority. A study on honor killing categorization in Turkish English-language newspapers found that honor killings were associated with Kurds and their location in southeastern Turkey approximately seven times more than they were associated with Muslims and Turks in general.¹⁴⁸ Rarely was an honor killing ascribed broadly with Muslims or the Turkish population. Instead, the reporters who detailed these honor killings repeatedly noted the perpetrator’s Kurdish heritage and referenced the archaic and patriarchal characteristics of both Kurds in general and the southeastern provinces of Turkey in which they lived.¹⁴⁹ For example, journalist Gündüz Aktan (“Aktan”) described the Kurdish community as having “failed to modernize” and integrate with the rest of Turkish society.¹⁵⁰ Reporter Göksel Bozkurt took these characterizations further and explained that “honor killings were specific to Turkey’s eastern and southeastern regions and that they were tied to backward standards and the effects of poverty.”¹⁵¹ In 2006, Aktan even applauded “Western” media for realizing that honor killings were related to ethnic Kurds “and that both honor killings and the tribal system are phenomena particular to the Southeast of the country.”¹⁵² In Aktan’s view, the words “Kurdish” and “Turkish” should not be used interchangeably when the honor crimes occur in the southeastern region

¹⁴⁶ Kuraner, *supra* note 65, at 28; Mora, *supra* note 15, at 506.

¹⁴⁷ Ince et al., *supra* note 16, at 544–45.

¹⁴⁸ Corbin, *supra* note 112, at 56–61.

¹⁴⁹ *Id.* at 61–63; see, e.g., Kuraner, *supra* note 65, at 28 (“In the case of Turkey, the custom originates from the Southeastern and Eastern Regions, where a majority of the population consists of people of Kurdish ethnic origin.”); Mora, *supra* note 15, at 506 (noting that honor killings are “[o]bserved especially in the Eastern and Southeastern regions of Turkey” where tribal social structure still exists).

¹⁵⁰ Gündüz Aktan, *Intellectuals and the Kurdish Identity*, HURRIYET DAILY NEWS (Jun. 21, 2004), <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=intellectuals-and-the-kurdish-identity-2004-06-21>.

¹⁵¹ Göksel Bozkurt, *Honor Killings’ Reflect Society as a Whole*, HURRIYET DAILY NEWS (Nov. 20, 2005, 12:00 AM), <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=honor-killings-reflect-society-as-a-whole-2005-11-20>.

¹⁵² Gündüz Aktan, *The Tribal System*, HURRIYET DAILY NEWS (Nov. 4, 2006, 12:00 AM), <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=the-tribal-system-2006-11-04>.

of Turkey.¹⁵³ These descriptions of Kurds—and the repeated references to their socioeconomic conditions—in connection with honor killings serve to locate honor crimes within a geographically bounded spatiality that excludes the general Turkish population.

Scholars similarly endorse this view by imposing generalized feudal and patriarchal characteristics on the Kurdish dominated southeast. According to Necla Mora, honor killings are “observed especially in the Eastern and Southeastern regions of Turkey” where “[p]reserving honor and glory comes first in the system of values.”¹⁵⁴ Comparably, Efsa Kuraner articulates that the custom of honor killing “originates from the Southeastern and Eastern regions, where a majority of the population consists of people of Kurdish ethnic origin.”¹⁵⁵ Kuraner proceeds to describe these regions as endorsing oppressive patriarchal views of women’s sexuality and promoting “gender discriminatory traditions and practices.”¹⁵⁶ Thus, prominent scholars, including Pinar Ilkcaracan, Hilal Ince, Efsa Kuraner, Necla Mora, Aysan Sev’er, and Gökçeçiçek Yurdakul, all identify a connection between honor crimes and Kurdish clans.¹⁵⁷

By isolating honor killings in the southeastern provinces, Turkish reporters and state organizations have ethnicized the crime and attributed it primarily to a disadvantaged minority group.¹⁵⁸ The depiction of Kurds as conservative, ignorant, homogenous, and tribal suggests that this ethnicity has failed to modernize and that its ideals and customs are incompatible with a modern, “westernized” country.¹⁵⁹ Mesut Yegen even suggests that “[t]he status of

¹⁵³ *See id.*

¹⁵⁴ *See Mora, supra* note 15, at 506–07.

¹⁵⁵ Kuraner, *supra* note 65, at 28.

¹⁵⁶ *Id.*

¹⁵⁷ *See* Pinar Ilkcaracan, *How Adultery Almost Derailed Turkey’s Aspirations to Join the European Union*, in *SEX POLITICS: REPORTS FROM THE FRONTLINES* 247, 261–62 (Parker E., Petchesky R. & Sembler R. eds., 2007) (“[T]he term ‘custom killings’ is associated primarily with a practice more prevalent in eastern and southeastern Turkey, in the context of a semi-feudal traditional agricultural economy and among a predominantly Kurdish population.”); Ince et al., *supra* note 16, at 544 (“In Turkey, customary killings commonly occur in villages or large enclaves where Arabian or Kurdish clans exist.”); *see* Kuraner, *supra* note 65, at 28 (“[The] custom originates from the Southeastern and Eastern Regions, where a majority of the population consists of people of Kurdish ethnic origin.”); *see generally* Sev’er & Yurdakul, *supra* note 32, at 970 (noting that “[r]ural populations [in Turkey], especially in eastern regions, often occupy the lowest rungs on the socioeconomic ladder, are most likely to be undereducated or illiterate, and are most vulnerable to religious and cultural misconceptions or even extremism,” which causes unforgiving patriarchal expectations of gender relations).

¹⁵⁸ Kogacioglu, *supra* note 106, at 130.

¹⁵⁹ *See* Corbin, *supra* note 112, at 74.

Kurds *vis a vis* Turkishness is now much closer to that of non-Muslims” than to Muslims and Turks.¹⁶⁰ This discursive isolation of honor killings enables the Turkish state not only to disassociate itself from the murders, but also to target Kurds for forced assimilation and integration programs. Given the active and violent resistance of Kurds to adopting a uniform Turkish identity, governmental efforts to assimilate the Kurds remain a high priority.¹⁶¹

Particularly, the Turkish government’s strategy of “otherization” has helped to diminish national support for the Kurds and has increased their alienation within society.¹⁶² By constructing the Kurds as social outcasts, Turkey sets the stage for upcoming modernization and assimilation projects that target the Kurds. Describing the southeastern territory as undeveloped, feudal, and tribal enables Turkey to link the Kurds to these characteristics simply through their place of residence. In doing so, Turkey portrays the Kurds as fundamentally different from the rest of society and in need of both modernized values and infrastructure. This depiction of Kurds combined with international pressure for Turkey to address its Kurdish problem has provided another opportunity for “Turkification.”

Finally, the perception of honor killings as a purely Kurdish phenomenon in Turkey is no doubt partly triggered by Turkey’s repeated attempts to gain membership into the European Union. Turkey’s inability to deny the existence of these heinous crimes has inflamed the “Western” consciousness and caused the EU to recognize these killings as an impediment to integration.¹⁶³ According to journalist Fulya Özerkan, “The practice of honor killings has long marred Turkey’s drive to improve women’s rights, a key demand of the European Union.”¹⁶⁴ By stigmatizing the Kurdish ethnicity as backward, barbaric, inhuman, and essentially non-Muslim, Turkey constructs an “us-versus-them” divide in which it removes itself from the crime altogether. This perceived spatial distance absolves the state of any responsibility for the murders and places Turkey in line with the EU in attempting to eradicate the crime.

¹⁶⁰ Yegen, *supra* note 123, at 610.

¹⁶¹ See BOGDANI, *supra* note 115, at 34–35.

¹⁶² See Corbin, *supra* note 112, at 50.

¹⁶³ *Id.* at 11.

¹⁶⁴ Fulya Özerkan, *UN Urges Probe on Suicide Cases Among Women*, HURRIYET DAILY NEWS (June 4, 2006, 12:00 AM), <http://www.hurriyetaidailynews.com/h.php?news=un-urges-probe-on-suicide-cases-among-women-2006-06-04>.

C. *European Union Pressure to Eliminate Honor Killings in Turkey*

The Turkish state's separation from honor killings, regardless of motive, has become crucial in the battle for EU accession. Despite the existence of honor killings in Turkey for decades, the crime only recently garnered international attention and interest due to Turkey's EU membership prospects.¹⁶⁵ These sensationalized stories of honor killings help distinguish the crime from ordinary domestic violence, and arouse anger among the citizens of "Western" nations.¹⁶⁶ Frequently cited as an excuse to delay accession negotiations, Turkey's flawed human rights record, which includes honor crimes, has become a recurring impediment to EU membership.¹⁶⁷ In an attempt to remedy its human rights deficit, the Turkish state has initiated radical legal reforms in response to EU demand.¹⁶⁸ This section provides a succinct introduction to Turkey's history with the EU, and illustrates how EU pressure stimulated the revisions in Turkey's Penal Code, which is discussed in Section III.

Long perceived as an "awkward candidate" for EU membership, Turkey's trajectory for accession has been arduous and strained. Currently, Turkey remains the only candidate country that has not received a timetable for accession.¹⁶⁹ Although Turkey's candidacy for membership was officially recognized in December 1999 at the Helsinki Council, this recognition followed decades of negotiation talks and agreements between Turkey and the EU:

Turkey applied for associate membership in the EU—then the EEC—as early as 1959. The application resulted in an Association Agreement in 1963, whereby Turkey and the EU would conditionally and gradually create a customs union by 1995 at the latest. The customs union was seen as a step towards full membership at an unspecified future date. The EU unilaterally granted Turkey preferential tariffs and financial assistance, but the process of staged, mutual reductions in tariffs and non-tariff barriers was delayed in the 1970s because of economic and political conditions in Turkey.

¹⁶⁵ See Kogacioglu, *supra* note 106, at 134.

¹⁶⁶ See ABU-LUGHOD, *supra* note 109, at 7–8.

¹⁶⁷ See *Communication From the Commission to the European Parliament and the Council*, at 42, COM (2013) 700 final (Oct. 16, 2013).

¹⁶⁸ See generally MINISTRY FOR EU AFF., REPUBLIC OF TURK., THE TURKISH NATIONAL PROGRAMME FOR THE ADOPTION OF THE ACQUIS (2007–2013) [hereinafter TURKISH NATIONAL PROGRAMME FOR THE ADOPTION OF THE ACQUIS], available at <http://www.abgs.gov.tr/index.php?p=6&l=2>.

¹⁶⁹ Sübidey Togan, *Turkey: Toward EU Accession*, 27 THE WORLD ECON. 1013, 1013 (2004).

Turkey [then] applied for full membership in 1987. The response in 1990 was that accession negotiations could not be undertaken at the time, since the EU was engaged in major internal changes as well as in the transition of Eastern Europe and the Soviet Union. . . . A breakthrough came at the Helsinki meeting of the European Council in 1999, when Turkey attained status as a candidate for membership.¹⁷⁰

Notwithstanding this official recognition, the first Accession Partnership Agreement for Turkey did not materialize until March 2001, and was later revised in 2003 and 2006.¹⁷¹ During these interim periods, Turkey was advised to prepare a national program for the adoption of all EU standards, including a realistic timetable for achieving all Accession Partnership requirements.¹⁷² This included altering Turkey's existing legislation in order to adopt the *acquis communautaire*, which is the legal framework of the EU.¹⁷³ Turkey responded on March 19, 2001, by presenting its National Program, which included a five-hundred page document outlining Turkey's intended reforms to harmonize its economic, social, and political policies with those of the EU.¹⁷⁴ To date, however, Turkey has opened only thirteen of the thirty-five chapters in its negotiations, and has closed only one of those chapters.¹⁷⁵ Eight chapters were frozen in 2006 due to Turkey's "non-implementation of the Additional Protocol to its customs union agreement, which concerned the opening of Turkish ports and airports to Cypriot-flagged vessels and flights."¹⁷⁶ This persistent refusal to enforce the Additional Protocol further resulted in the EU vetoing another five chapters.¹⁷⁷ In addition to these economic and political setbacks, the European Commission has expressed continued concern with Turkey's human rights framework, causing further delay in Turkey's EU accession talks.

¹⁷⁰ *Id.*

¹⁷¹ Rebecca Boon, *They Killed Her for Going Out with Boys: Honor Killings in Turkey in Light of Turkey's Accession to the European Union and Lessons for Iraq*, 35 HOFSTRA L. REV. 815, 824 (2006); see generally Council Decision 2006/35/EC, On the Principles, Priorities and Conditions Contained in the Accession Partnership with Turkey, 2006 O.J. (L22) [hereinafter Accession Partnership].

¹⁷² See generally Accession Partnership, *supra* note 171.

¹⁷³ Togan, *supra* note 169, at 1013.

¹⁷⁴ See generally TURKISH NATIONAL PROGRAMME FOR THE ADOPTION OF THE ACQUIS, *supra* note 168.

¹⁷⁵ Nathalie Tocci, *Unblocking Turkey's EU Accession*, 12 INSIGHT TURKEY 27, 27–28 (2010).

¹⁷⁶ *Id.* at 28.

¹⁷⁷ *Id.*

Among the economic, political, and democratic standards required for Turkey to adopt is the Copenhagen Criteria.¹⁷⁸ The Copenhagen Criteria exists as a document that must be ratified by all EU candidate members and ensures guarantees of democracy and human rights.¹⁷⁹ As part of this criteria, a member state must satisfy three prongs: (1) the creation of a functioning market economy; (2) adherence to the EU's political, economic, and monetary union; and (3) the promotion of stable institutions that guarantee democracy and human rights.¹⁸⁰ This third requirement, also termed the political prong, encompasses human, minority, and women's rights.¹⁸¹ While Turkey's efforts to fulfill these provisions were initially widely praised by both the EU and the United States in 2003,¹⁸² the EU nonetheless expressed repeated dissatisfaction regarding Turkey's treatment of women and minorities in subsequent years.

Specifically, the EU's *2005 Progress Report* noted an extreme lack of advancement by Turkish officials with regards to improving women's rights. Evidence of Turkey's failure to reform women's rights was found specifically in the area of honor killings, which remained "a matter of serious concern."¹⁸³ Both the Special Rapporteur on violence against women and the Special Rapporteur on extrajudicial, summary, or arbitrary executions expressed apprehension over Turkey's misrepresentation and underreporting of honor crimes.¹⁸⁴ In the first eight months of 2006 alone, the European Court of Human Rights ("ECHR") issued 198 judgments stating that Turkey was in violation of at least one ECHR article.¹⁸⁵ Additionally, EU officials raised legitimate criticism that the Turkish Penal Code provided lenient sentences to perpetrators of honor crimes, and that the Turkish state had essentially become

¹⁷⁸ See Diane Hickey, *The As Yet Unfulfilled Promise and Potential of European Union Human Rights Law*, WOMEN'S RTS. L. REP. 647, 667–68 (2009).

¹⁷⁹ Boon, *supra* note 171, at 824.

¹⁸⁰ Elif Üçer, *Turkey's Accession to the European Union*, 38 FUTURES 197, 200 (2006).

¹⁸¹ *Id.*

¹⁸² See Hickey, *supra* note 178, at 668.

¹⁸³ *Turkey: 2005 Progress Report*, at 32, COM (2005) 561 final (Nov. 9, 2005).

¹⁸⁴ See Yakin Ertürk, Human Rights Council, Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council" Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, ¶ 59, U.N. Doc. A/HRC/4/34/Add.2 (Jan. 5, 2007); see also Christof Heyns, Human Rights Council, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, ¶ 46, U.N. Doc. A/HRC/23/47/Add.2 (Mar. 18, 2013) [hereinafter Special Rapporteur on Executions Report].

¹⁸⁵ William Chislett, *The EU's Progress Report on Turkey's Accession: Derailment or Shunted into a Siding?*, REAL INSTITUTO ELCANO, at 4 (Nov. 13, 2006), http://www.realinstitutoelcano.org/wps/portal/rielcano_eng/Content?WCM_GLOBAL_CONTEXT=/elcano/Elcano_in/Zonas_in/ARI%20114-2006.

complicit in such killings.¹⁸⁶ These concerns were echoed in the *2007 Progress Report* for Turkey, which noted continued inadequacies in Turkey's protection and enforcement of human rights.¹⁸⁷

Turkey's difficulty in improving human rights has become a repeated criticism of the EU today and remains a "major stumbling block in negotiations."¹⁸⁸ The most recent *2013 Progress Report* complained that "[d]omestic violence, occasional honour killings and the issue of early and forced marriages remain a serious concern" in Turkey's accession talks.¹⁸⁹ Many EU member states continue to perceive Turkey as a highly patriarchal society with oppressive gender stereotypes ingrained in its social fabric.¹⁹⁰ These shortcomings must be addressed in order to bring Turkey in line with European standards.

The negative publicity associated with Turkey's treatment of minorities and women has served not only to stall negotiation talks, but has also caused EU member states to actively resist Turkey's bid for membership. The linkage of honor killings with Turkey—and, by association, Muslims in general—led critics to argue that Muslim immigrants from Turkey would be unable to "integrate because Islam is inassimilable and therefore a threat to a 'European identity.'"¹⁹¹ These stereotypes were further fueled by the tragedy of 9/11, which categorized all Muslim men as terrorists and all Muslim women as victims of male domination and oppression.¹⁹² This heightened the perceived incompatibility of Islam and Christianity, drawing further attention to the cultural uniqueness of honor killings during Turkey's attempted accession.¹⁹³ Thus, the EU began to place increased pressure on Turkey to strengthen its human rights law, and mandated certain reforms to the Turkish Penal Code as a key element of future accession negotiations.¹⁹⁴

¹⁸⁶ See Special Rapporteur on Executions Report, *supra* note 184, ¶ 46.

¹⁸⁷ Hickey, *supra* note 178, at 668.

¹⁸⁸ BOGDANI, *supra* note 115, at 27.

¹⁸⁹ *Turkey 2013 Progress Report*, at 2, SWD (2013) 417 final (Oct. 10, 2013).

¹⁹⁰ See BOGDANI, *supra* note 115, at 30, 47.

¹⁹¹ Ahmet Yükleven, *Compatibility of "Islam" and "Europe": Turkey's EU Accession*, 11 INSIGHT TURKEY 115, 116 (2009).

¹⁹² See BOGDANI, *supra* note 115, at 127.

¹⁹³ See *id.* at 128.

¹⁹⁴ Hickey, *supra* note 178, at 669.

III. HONOR KILLINGS UNDER THE TURKISH PENAL CODE

In direct response to EU criticism, Turkey implemented legislative reforms in September 2004.¹⁹⁵ These modifications sparked initial optimism within the EU, and represented an attempt to harmonize Turkey's legal framework with existing EU laws.¹⁹⁶ As part of these revisions, Turkey adopted extensive human rights legislation designed to "crack down" on honor killings.¹⁹⁷ By implementing these reforms and simultaneously portraying honor killings as a purely Kurdish phenomenon, Turkey successfully distanced itself from these heinous human rights violations. However, an unanticipated consequence of this top-down transformation was the accusation by scholars and reporters that honor killings had merely transformed into honor suicides. This section analyzes the revisions of the Turkish Penal Code with respect to honor killings, and highlights the important changes in criminal sentencing that caused scholars to link this metamorphosis with the revised Penal Code.

A. *The Former Turkish Penal Code and Legal Pluralism*

In 1926, Turkey adopted its first modern Penal Code, which was modeled substantially after the Italian Criminal Code of 1889.¹⁹⁸ Referred to now as the "former" or "old" Penal Code, this set of laws existed until Turkey's adoption of the new criminal code in late 2004. Under this former code, honor killings became a type of state-sanctioned femicide in which the Turkish government offered complicity in the murders.¹⁹⁹ Such complicity was evidenced by Turkish penal provisions "that explicitly offer[ed] perpetrators of crimes of honour exoneration from their actions, with the honour motif as mitigation."²⁰⁰ Turkish judicial decisions under this code thus recognized and provided mitigation for criminal sentences based on honor or "custom" murders, implicitly legitimizing the killings. These lenient provisions remained in effect until EU officials threatened to halt accession talks unless perpetrators faced harsher sanctions.

¹⁹⁵ Ertürk, *supra* note 184, at para. 55.

¹⁹⁶ *E.g.*, Hickey, *supra* note 178, at 668.

¹⁹⁷ *Id.* at 669.

¹⁹⁸ Adnan Güriz, *Sources of Turkish Law*, in INTRODUCTION TO TURKISH LAW 1, 9 (Tuğrul Ansay & Don Wallace eds., 2011).

¹⁹⁹ Arin, *supra* note 50, at 823; *see* Sev'er & Yurdakul, *supra* note 32, at 987.

²⁰⁰ Sen, *supra* note 37, at 49.

Under the former Penal Code, the punishment for intentional murder was a minimum sentence of twenty-four years imprisonment.²⁰¹ When the intentional murder was committed against family members, parents, or children, or was premeditated, the perpetrator received capital punishment under Articles 449 and 450.²⁰² Provided that honor killings are premeditated intentional murders against family members, the minimum allowable punishment under the former Penal Code should have been life imprisonment without the possibility for parole in cases brought after 2004 and capital punishment for cases brought prior to 2004.²⁰³

Despite the clarity of these textbook sentences, most honor killing perpetrators rarely spent more than twenty years in prison under the former code, and acquittals were surprisingly common. In Siverek, for example, “nearly half of all honor killing cases tried in courts between 1996 and 2004 (44.4 percent) resulted in acquittal and the average sentence length for every woman murdered was 10.2 years.”²⁰⁴ Similar data was obtained in Urfa between 1974 and 2005, where the average sentence for an honor killing was 18.2 years in prison; however, the actual time served by most perpetrators was less than thirteen years, with a steady acquittal rate of twenty percent.²⁰⁵ Only seven percent of perpetrators in Urfa received life sentences or capital punishment.²⁰⁶ In Turkey overall, sentences were lowest from 1974 to 1989, with the average perpetrator spending less than 11.1 years in prison, and increased gradually from 1996 to 2005, where the average sentence became 15.7 years in prison.²⁰⁷ While the acquittal rate decreased overall from twenty-four percent in 1990 to eighteen percent in 2005, the acquittal rate for under-aged perpetrators remained constant.²⁰⁸

The high acquittal rates and low sentences for honor killing perpetrators were the direct result of Articles 462, 51, 29, and 59 of the former Penal Code. These articles worked in conjunction to afford perpetrators substantial penalty

²⁰¹ WIKAN, *supra* note 39, at 82 (describing the typical punishment for murder as either life imprisonment or execution); *see* Kogacioglu, *supra* note 106, at 123.

²⁰² Belge, *supra* note 65, at 50.

²⁰³ Turkey provisionally abolished the death penalty in 2002 and abolished it completely in 2004. Daren Butler, *Erdogan Moots Restoring Death Penalty in Turkey*, REUTERS (Nov. 12, 2012, 8:26 AM), <http://www.reuters.com/article/2012/11/12/us-turkey-erdogan-deathpenalty-idUSBRE8AB0K620121112>.

²⁰⁴ Belge, *supra* note 65, at 93.

²⁰⁵ *See generally id.* at 55–73.

²⁰⁶ *Id.*

²⁰⁷ *See id.* at 73.

²⁰⁸ *Id.*

reductions in the event of prosecution. Articles 462 and 29 of the former Penal Code defined usage of the provocation defense and offered sentence reductions of up to seven-eighths in cases of provoked homicide.²⁰⁹ Specifically, Article 462 covered instances of special aggravating provocation and applied primarily to situations where the perpetrator discovered that a first-degree relative was involved in an illicit or pre-marital relationship.²¹⁰ Honor crimes were thus typically presented as homicides committed in the heat of passion, and were treated under Articles 462 and 29 as cases of unjust provocation. Article 462 even explicitly reduced a perpetrator's punishment to one-eighth of the original sentence.²¹¹ The combination of Articles 462 and 29 typically resulted in the acquittal of murderous perpetrators despite the lapse in time between the affair and the killing. In fact, these provocation defenses were granted in approximately sixty-three percent of cases in which they were applicable.²¹²

Furthermore, Article 462 was often used in combination with Article 51, which served as a general mitigation clause.²¹³ Article 51 reduced a perpetrator's sentence by up to two-thirds if the individual committed homicide as a result of uncontrollable grief or provocation.²¹⁴ When upheld, this defense offered an additional two-thirds penalty reduction in conjunction with the seven-eighths reduction afforded by Article 462.²¹⁵ Similarly, Article 59 permitted a judge, in his or her sole discretion, to further reduce a perpetrator's sentence by one-sixth.²¹⁶ These sentence reductions, combined with the minimum age for prosecution, made it extremely difficult for the Turkish judicial system to effectively prosecute honor killing perpetrators under the age of eighteen.²¹⁷ Thus, the Turkish state was deemed complicit in crimes of honor for its failure to harshly and effectively prosecute the perpetrators and eradicate the offense under the former Penal Code.

These mitigating provisions cannot, however, be analyzed in a vacuum, and the key to understanding these sentence reductions lies in the existence of legal

²⁰⁹ Sev'er & Yurdakul, *supra* note 32, at 971.

²¹⁰ Kogacioglu, *supra* note 106, at 122–23; Vitoshka, *supra* note 55, at 23.

²¹¹ Kogacioglu, *supra* note 106, at 123.

²¹² Belge, *supra* note 65, at 73.

²¹³ Canan Arin, *Legal Mechanisms Regarding Violence Against Women*, SOUTH EASTERN EUROPEAN WOMEN'S LEGAL INITIATIVE (Aug. 22, 2014), <https://web.archive.org/web/20051116232344/http://www.seeline-project.net/CCR/TurkeyCCR.htm>.

²¹⁴ Kogacioglu, *supra* note 106, at 123.

²¹⁵ *Id.*; Rushmi Ramakrishna, *Universal Rights, Non-Universal Process: Confronting Culturally Grounded Human Rights Abuses*, 30 U. PA. J. INT'L L. 1383, 1403 (2009).

²¹⁶ SEV'ER, *supra* note 35, at 182.

²¹⁷ WIKAN, *supra* note 39, at 82.

pluralism within Turkish society. Defined at its basic core as the existence of multiple legal systems in one geographic area, legal pluralism challenges the traditional notion of “law” as a solitary system.²¹⁸ “To put it simply, legal pluralism recognizes multiple forms of ordering and bodies of rules which may be central to the lives of individuals but which are not dependent upon the state or state law for recognition or legitimacy.”²¹⁹ Legal pluralism thus creates a space in which law and culture blend to erode the ideal of a single, textually explicit source of law.

In Turkey, legal pluralism was acknowledged and endorsed by judges from all legal circuits, and blurred the boundary between state law and familial rights.²²⁰ Although the Turkish state espoused a solidified and unitary legal system, the unspoken reality was that the state was not the sole source of law and authority in Turkish society. Rather, Turkish courts recognized a family’s de facto right to control and punish its own members, and shared legal power with the family unit.²²¹ This sharing of authority facilitated the judicial perception of honor killings as regional and familial customs that should be subjected to lenient criminal sanctions.²²² Specifically, “[t]he framing of honor killings as ‘regional custom’ opened the way for both pluralist arguments for mitigating sentences based on the cultural background of the accused, and for legal centralist arguments on the supremacy of state law over custom.”²²³ This legal discourse defined a broader pattern of the state’s relationship with clan families, and led to the relinquishment of substantial judicial control over the family unit as a whole.

This bifurcated legal system arose partly from Turkey’s rotating officer system and the state officials’ unfamiliarity with Kurdish language and politics. In an effort to promote employee loyalty towards the state, the Turkish elites limited the term for a judicial officer in Eastern or Southeastern Turkey to less than three years.²²⁴ This rotating placement kept judicial and law enforcement officials purposefully ignorant of the communities in which they served. As a result, state officials came to view the Kurdish communities as

²¹⁸ SAMIA BANO, MUSLIM WOMEN AND SHARI’AH COUNCILS: TRANSCENDING THE BOUNDARIES OF COMMUNITY AND LAW 73–74 (2012).

²¹⁹ *Id.* at 74.

²²⁰ Corbin, *supra* note 112, at 125.

²²¹ *Id.*

²²² *See* Sev’er & Yurdakul, *supra* note 32, at 987.

²²³ Belge, *supra* note 65, at 66.

²²⁴ *See generally id.* at 88–100.

dangerous and separate from the mainstream Turkish population.²²⁵ Poised to consider the Kurdish ethnicity as inherently alien, officials readily accepted arguments that women in these regions were bound by familial customs that should be handled within the family.²²⁶ Laws implemented in Eastern Turkey emphasized that conduct should be viewed in light of regional practices and family expectations.²²⁷ Thus, the centrality and uniformity of the legal system began to break down and ushered in a defining era of legal pluralism.

B. The Revised Turkish Penal Code—A Step in the Right Direction

The reign of legal pluralism began its slow demise in the late 1990s and early 2000s as judicial officers noted incompatibilities between family customs and state law.²²⁸ This shift unsurprisingly coincided with the politicization of the Kurdish-Turkish boundary.²²⁹ Faced with the Kurdish uprising and demand for autonomy, the Turkish government imposed stringent laws aimed at repressing the Kurdish minority.²³⁰ However, as Turkey's EU accession negotiations gained momentum, the state was forced to recognize the Kurdish ethnicity and improve both minority and human rights.

In direct response to EU pressure and growing outrage over Turkey's lenient honor provisions, the Turkish government expedited legislative change in 2004 by revising the Turkish Penal Code.²³¹ Modified in accordance with the Copenhagen Criteria, Turkey's new Penal Code "resulted in a sudden shift from laws that arguably protect honor killing and are strongly gender-discriminatory to a new penal code and constitutional amendments, which . . . reject honorable motives as justification for murder."²³² Thus, the new Penal Code envisioned heavy prison terms—even life sentences—for homicide motivated by custom and honor.

²²⁵ Abu-Lughod, *Seductions*, *supra* note 81, at 46.

²²⁶ For example, Turkish judges invoked "regional traditions" and "customs" as explanations for their sentence reductions. *See* Kogacioglu, *supra* note 106, at 124 (noting that judges view honor crimes as "the result of 'an unlucky turn of tradition,' a case of 'traditions getting out of hand.'" These judges "saw their colleagues as 'appropriately' taking social norms into consideration when judging.").

²²⁷ *Id.* at 124.

²²⁸ *See* Belge, *supra* note 65, at 55–57.

²²⁹ *See id.*

²³⁰ *See id.*

²³¹ The Turkish Penal Code was officially promulgated on September 26, 2004. *See generally* TÜRK CEZA KANUNU [TURKISH PENAL CODE] Sep. 26, 2004, Kanun 5237, (Turk.).

²³² Vitoshka, *supra* note 55, at 23.

In particular, Article 462 of the unrevised Penal Code, which provided a mitigating defense for homicide in conjunction with Article 51, was revoked.²³³ Comparably, Article 29 of the unrevised code, which reduced penalties in the event of “unjust provocation,” was substantially amended to clarify its inapplicability to honor killings.²³⁴ According to revised Article 29, “family members and relatives who commit honor killings . . . cannot benefit from a reduction [of penalty.]”²³⁵ Additionally, Article 82, which discusses aggravating circumstances for homicide, was revised to include “custom” killings,²³⁶ and Article 453 was amended to impose heavier sanctions for honor killings of children.²³⁷ Under revised Article 453, the imprisonment term increased from a maximum of eight years to a maximum of twelve years.²³⁸ Similarly, Article 457 increased the penalty by an additional one-third to one-half of the original sentence if the violence was committed against a family member.²³⁹ Where the perpetrator stands in a guardian relationship with the victim (i.e. parent), Articles 414 through 416 mandate that the proscribed punishment be doubled.²⁴⁰

The most important revision to the Penal Code, however, came in the form of Article 38. Article 38 provides that the perpetrator of an honor killing—typically the youngest brother—and the family council responsible for the decision to commit the crime are to be punished equally.²⁴¹ The effect of this article is to eliminate the immunity that family councils and young perpetrators once enjoyed. Members of a dishonored family can no longer select the youngest male to commit the murder and escape from punishment. Rather, the

²³³ SEV'ER, *supra* note 35, at 182. Article 51, however, remains in effect “and again has been used to reduce the punishment for [honor killings] by as much as a third.” *Id.*

²³⁴ Vitoshka, *supra* note 55, at 23; see TÜRK CEZA KANUNU [TURKISH PENAL CODE] Sep. 26, 2004, Kanun 5237, art. 29 (Turk.).

²³⁵ Vitoshka, *supra* note 55, at 23; see TÜRK CEZA KANUNU [TURKISH PENAL CODE] Sep. 26, 2004, art. 29 (Turk.).

²³⁶ ELA ANIL ET AL., TURKISH CIVIL AND PENAL CODE REFORMS FROM A GENDER PERSPECTIVE : THE SUCCESS OF TWO NATIONWIDE CAMPAIGNS 63 (1st ed. 2005). See generally WIKAN, *supra* note 39, at 82 (stating that honor killings “are seen as an aggravated circumstance for murder crimes”); e.g., TÜRK CEZA KANUNU [TURKISH PENAL CODE] Sep. 26, 2004, Kanun 5237, art. 82 (Turk.).

²³⁷ Boon, *supra* note 171, at 836.

²³⁸ *Id.* at 836.

²³⁹ SEV'ER, *supra* note 35, at 176.

²⁴⁰ *Id.* at 178.

²⁴¹ ANIL ET AL., *supra* note 236, at 63; see TÜRK CEZA KANUNU [TURKISH PENAL CODE] Sep. 26, 2004, Kanun 5237, art. 38 (Turk.).

entire family is tried and sentenced without the leniency of the unrevised Penal Code.²⁴²

Although Turkey has taken commendable legislative and judicial action on paper to eradicate honor killings, sentencing still remains largely within the discretion of the judge.²⁴³ Textual changes to the law cannot simply eliminate the patriarchal and cultural biases that may influence a judge's decision-making process.²⁴⁴ "Even when an institution operates legally or efficiently, the undermining of women's rights may be an integral part of its daily modus operandi or its ideological structure."²⁴⁵ Most judges in Turkey remain social conservatives who interpret the law as offering light punishments to honor killers despite these amendments.²⁴⁶ Such an understanding of the law is legitimized on the ground that the term "honor killing" never once appears in the Turkish Penal Code.²⁴⁷ Rather, the Penal Code references "custom killing," which judges may differentiate on a purely technical basis from honor killing. According to KA-MER, one of the largest women's groups in Turkey focused on combatting honor killings, "[t]he law has changed, but you don't see it yet in the courts when verdicts are handed out. Judges don't always follow the new laws, they follow their own feelings too."²⁴⁸ Therefore, while Turkey has achieved substantial progress in terms of legal reformation, the practical effect on daily activities is uncertain.

²⁴² See Hickey, *supra* note 178, at 669; see also TÜRK CEZA KANUNU [TURKISH PENAL CODE] Sep. 26, 2004, Kanun 5237, art. 38 (Turk.).

²⁴³ SEV'ER, *supra* note 35, at 181.

²⁴⁴ See Gareth Jones, *Turkey Faces Battle to Stamp Out 'Honor Killings'*, ASSYRIAN INT'L NEWS AGENCY (Apr. 7, 2006), <http://www.aina.org/news/20060407001803.htm> (highlighting that "[a]lthough welcome, tougher laws barely begin to tackle the deep social and cultural roots of honor killings."); see also Leyla Pervizat, *In the Name of Honor*, CARNEGIE COUNCIL FOR ETHICS IN INT'L AFFAIRS, http://www.carnegiecouncil.org/publications/archive/dialogue/2_10/articles/1058.html:pf_printable (last accessed Mar. 9, 2014) [hereinafter Pervizat, *In the Name of Honor*] ("Violence against women is legitimized by the attitudes of state actors, many mainstream human rights activists, and Turkish society at large because ultimately gender imbalances are the status quo.")

²⁴⁵ Kogacioglu, *supra* note 106, at 121.

²⁴⁶ *Europe: An UnEuropean Habit: Honour Killings in Turkey*, THE ECONOMIST, June 28, 2003, at 53 [hereinafter *An UnEuropean Habit*].

²⁴⁷ Leyla Pervizat, *Lack of Due Diligence: Judgments of Crimes of Honour in Turkey*, in HONOUR, VIOLENCE, WOMEN AND ISLAM 142, 151 (Mohammad M. Idriss & Tahir Abbas eds., 2011); Derya Tekin, *Victims of Law: The Efficiency of Turkish Penal System on Honour Killings*, STRATEGIC OUTLOOK 12–13 (Nov. 2012), http://www.strategicoutlook.org/publications/victims_of_law_the_efficiency_of_turkish_penal_system_on_honour_killings.pdf.

²⁴⁸ Jones, *supra* note 244 (quoting a representative from KA-MER) (internal quotation marks omitted).

IV. THE METAMORPHOSIS OF HONOR KILLINGS INTO HONOR SUICIDES—IS THE REVISED TURKISH PENAL CODE TO BLAME?

While the workable reality of Turkey's new Penal Code remains unsettled, it is undeniable that these laudable changes have failed to reduce honor killings in any appreciable manner. Though honor killing perpetrators face harsh prosecution under the revised Penal Code for committing an honor crime, the prospect of imprisonment has allegedly only altered the form of honor killings instead of eradicating them. According to scholars, the phenomenon of "honor suicide" emerged simultaneously with the adoption of the new Penal Code as a method for cleansing family honor without risking criminal punishment.²⁴⁹ Rather than electing the youngest male to perform the murder, Turkish families have now begun to urge the tainted females to take their own lives and spare their families the loss of two members—one in death and one in prison.²⁵⁰ When viewed in conjunction with worldwide trends in suicide, scholars argue that the causal connection between the Penal Code revisions and the transformation of honor killings into honor suicides is undeniable.²⁵¹ The problem with this bold assertion, however, is that scholars have failed to take into account honor suicides that occurred under the former Penal Code, and have not provided statistical data to demonstrate a marked increase in female suicides after the revised code's adoption. This section traces the metamorphosis of honor killings into honor suicides and challenges the widely held belief that Turkey's legal revisions *caused* this transformation.

A. In Support of Causation: The Link Between the Revised Penal Code and Honor Suicides

Prior to the Penal Code revisions in 2004, honor suicides were rarely mentioned in Turkish and international news. The depth of coverage for honor suicides extended only to the mere mention of honor killings occasionally being disguised as suicides.²⁵² Statistics and detailed information regarding these suicides were unavailable, and the act garnered little media attention. The term "honor suicide" remained a relatively undefined phrase in literature and scholarship. Following the adoption of the new Penal Code in late 2004,

²⁴⁹ See, e.g., Cohan, *supra* note 15, at 193; Kuraner, *supra* note 65, at 28–29; see also Daniel Howden, *UN Investigates 'Forced Suicides' in Turkey*, THE INDEPENDENT (May 25, 2006), <http://www.independent.co.uk/news/world/europe/un-investigates-forced-suicides-in-turkey-479641.html>.

²⁵⁰ Cohan, *supra* note 15, at 193.

²⁵¹ See Bilefsky, *supra* note 2.

²⁵² See WIKAN, *supra* note 39, at 77 (stating that "[h]onor killings may also be camouflaged as suicides").

however, news agencies and the United Nations noted a drastic spike in Turkish female suicides.²⁵³ The coincidental timing between the appearance of suicides and the implementation of harsh punishments for perpetrators of honor killings led scholars to establish a causal link between the two variables.²⁵⁴ When viewed in conjunction with worldwide trends in suicide, the connection between the Penal Code revisions and this metamorphosis appears misleadingly strong.

Across the globe—and particularly in Western countries—men are three to four times more likely than women to commit suicide.²⁵⁵ Those women in the West who do commit suicide are typically over the age of forty-five.²⁵⁶ In Turkey, however, the highest proportion of suicides is committed by young females under the age of twenty-four.²⁵⁷ Females under twenty-four years old account for fifty percent of all Turkish suicide victims, and that percentage is expected to increase in the upcoming years.²⁵⁸ There is no other place in the world with the exception of China that reports higher suicide rates for women than men.²⁵⁹

While these “mysterious suicides” have typically been treated with suspicion in Turkey, an allegedly dramatic increase in the suicide rate for 2006 sparked a UN investigation.²⁶⁰ As of May 2006, over thirty-six women had attempted suicide in Turkey, which surpassed the rate for the entire 2005 year.²⁶¹ In the province of Van alone, there were twenty suicides up through May 2006, compared with a total of eighty to ninety between the years 2000 and 2003.²⁶² By June 2007, more than nineteen young women had attempted suicide in Batman, and most were successful.²⁶³ According to scholars, these

²⁵³ See Howden, *supra* note 249.

²⁵⁴ Ramakrishna, *supra* note 215, at 1404.

²⁵⁵ Suna Erdem, *Honour Suicides: Death by a Bullet in the Back*, THE TIMES, May 25, 2006, at 45; see Murat Coskun et al., *Suicide Rates among Turkish and American Youth: A Cross-Cultural Comparison*, 16 ARCHIVES SUICIDE RESEARCH 59, 63–64 (2012).

²⁵⁶ Boris Kálnoky, *Rätselhafte Selbstmord-Serie erschüttert die Türkei*, DIE WELT (Aug. 28, 2011), <http://www.welt.de/politik/ausland/article13561160/Raetselhafte-Selbstmord-Serie-erschuettert-die-Tuerkei.html>.

²⁵⁷ SEV'ER, *supra* note 35, at 170.

²⁵⁸ Coskun et al., *supra* note 255, at 63–64.

²⁵⁹ SEV'ER, *supra* note 35, at 170.

²⁶⁰ Erdem, *supra* note 255; see Bilefsky, *supra* note 2.

²⁶¹ Howden, *supra* note 249.

²⁶² Erdem, *supra* note 255.

²⁶³ Smith, *supra* note 21.

“[u]nusually high rates of suicide among young people are a rather recent phenomenon.”²⁶⁴

In light of the high suicide rate, the UN Special Rapporteur on Violence Against Women visited the southeastern provinces of Turkey in 2006 to determine whether the suicides were disguised honor killings. The Rapporteur cited cases in which police suspected hidden murders, and acknowledged that some of the suicides were likely cloaked honor killings.²⁶⁵ Although the Rapporteur could not conclude that all of the suicides were disguised murders, she did express horror at the number of reported female deaths in Turkey.²⁶⁶ Despite this unsatisfying conclusion, KA-MER conducted face-to-face interviews with over 1,800 women and determined that a large proportion of these suicides were forced or cajoled.²⁶⁷

Moreover, when compared with suicides internationally, approximately seventy-seven percent “of the Batman women who took their own lives used extremely ‘violent’ and ‘irreversible’ ways to do so (hung, shot or burned themselves to death).”²⁶⁸ This is in stark contrast to international literature on suicides, which states that women generally use less effective and less violent means of killing themselves (for example, ingesting sleeping pills).²⁶⁹ Thus, the violent methods used are consistent with the theory of forced suicide, and suggest that these suicides are a transformed version of honor killings. Given the alleged recentness of the metamorphosis combined with the convenient timing of the revised Penal Code’s implementation, a causal connection between the two events appears plausible.

B. The Devil’s Advocate: Why The Causation Theory is Flawed

Although scholars intuitively posit that harsher punishments under the revised Penal Code increase the suicide risk for honor killing victims, the researchers fail to prove that honor suicides developed or increased *after* the revised Penal Code took effect. While the publicity of honor suicides skyrocketed after 2004, the news articles and statistics repeatedly reference

²⁶⁴ Kogacioglu, *supra* note 106, at 129.

²⁶⁵ *United Nations Expert on Violence Against Women Concludes Mission in Turkey*, U.N. HUMAN RIGHTS (May 31, 2006), <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=7658&LangID=E>; see Bilefsky, *supra* note 2.

²⁶⁶ Howden, *supra* note 249.

²⁶⁷ SEV’ER, *supra* note 35, at 161.

²⁶⁸ *Id.* at 171.

²⁶⁹ *Id.*

honor suicides that occurred during the late 1990s and early 2000s, before the adoption of the revised Penal Code.²⁷⁰ There are few facts to suggest the phenomenon of honor suicides arose in direct response to the threat of imprisonment for perpetrators. The inability of scholars to explain the existence of honor suicides before the adoption of the revised Penal Code casts doubt on their conclusions.

First, the existence of a high female suicide rate in Turkey—and particularly southeastern Turkey—simply supports the proposition that honor suicides occur within the Turkish state, not that they arose primarily after 2004. According to an article published by Christine Toomey in 2006, 281 females attempted suicide in Batman *between 2001 and 2005*, which was three times the number of attempts by men.²⁷¹ This statistic, while shocking on its face, includes both pre- and post-revision suicides combined. There is no effort by the author to separate out the rate of suicide before and after the implementation of the revised Penal Code. Instead, the author simply makes the sweeping conclusion that the revisions in the Turkish Penal Code, combined with EU demands for Turkey to improve human rights, have caused this tragic development.²⁷² However, without a detailed list of year-by-year suicide rates, it is impossible to substantiate this claim.

Scholar Jan Goodwin similarly offers a link between the revised Turkish Penal Code and honor suicides, directly stating that “Turkish authorities now suspect that ‘honor suicides’ are replacing traditional honor killings.”²⁷³ In support of this assertion, Goodwin reports that between 2001 and 2006 there were 1806 honor killings in Turkey and 5375 female suicides.²⁷⁴ Goodwin suggests that these numbers support the conclusion that honor killings are decreasing across Turkey while honor suicides are on the rise.²⁷⁵ Unfortunately, Goodwin commits the same error as Toomey, in that she combines both pre- and post-revision incidents to inflate the statistics. Goodwin never contrasts the number of pre- and post-revision honor killings and suicides. Rather, Goodwin uses a five-year time period that offers no meaningful comparison of data.²⁷⁶ This is true even if Goodwin’s thesis centers

²⁷⁰ See Christine Toomey, *Where Beast Meets West*, SUNDAY TIMES, May 14, 2006, at 45–46.

²⁷¹ *Id.* at 45.

²⁷² See *id.* at 44.

²⁷³ Goodwin, *supra* note 2.

²⁷⁴ *Id.*

²⁷⁵ See *id.*

²⁷⁶ *Id.*

solely on EU pressure and not the Penal Code itself causing the transformation of honor killings into honor suicides. Nowhere does Goodwin compare the honor killing and suicide statistics for Turkey before and after Turkey's bid for EU accession was accepted. It is impossible to link honor suicides to EU influence or the revised Penal Code based solely on this set of insufficient data.

Furthermore, author Aybige Yilmaz called the causation theory into question when she announced that "between 1995 and 2000 the total number of reported people committing suicide and attempting suicide in [Batman] was 191, and seventy-five percent of these were women, a figure well above the world average."²⁷⁷ This data implies the existence of a high female suicide rate in Turkey long before the state government "cracked down" on honor killings through Penal Code amendments. Moreover, the timeframe examined in this article was substantially confined to the period before the EU accepted Turkey's membership bid in late 1999. The logical realization from this article and its accompanying data is that honor suicides are more strongly connected with the honor-shame complex and honor culture than with EU pressure and legal reforms: "Indeed, there seems to be an insidious link, especially in the east and south-eastern Turkey, between the unexpectedly high numbers of suicides of young women/girls, and the suffocating honour codes they are expected to live under."²⁷⁸ Given the time periods analyzed in the above-mentioned articles, the only constant variable contributing to honor suicides is the underlying patriarchal emphasis on honor within Turkish society. This connection between suicides and honor culture has been insufficiently explored by scholars to date,²⁷⁹ and remains off their radar due to the use of the revised Penal Code as a simplified scapegoat.

An examination of compiled suicide statistics from the Kurdish Human Rights Project reinforces the argument that honor suicides are more closely associated with the underlying honor-shame complex than with EU pressure and Turkish legal revisions. In Van, a southeastern province of Turkey, the Kurdish Human Rights Project reported the following suicide statistics from 2000 to 2006:²⁸⁰

²⁷⁷ Aybige Yilmaz, *Victims, Villains and Guardian Angels—Batman Suicide Stories*, 1 WESTMINSTER PAPERS COMM. & CULTURE 66, 67 (2004), http://www.westminster.ac.uk/__data/assets/pdf_file/0006/20220/006WPCC-Vol1-No1-Aybige_Yilmaz.pdf.

²⁷⁸ SEV'ER, *supra* note 35, at 161.

²⁷⁹ Kogacioglu, *supra* note 106, at 129 ("The reasons for such suicides—their potential links to pressures having to do with family honor, to the effects of the armed conflict between Kurdish guerillas and the Turkish army, or to the economic situation—have not been sufficiently explored.")

²⁸⁰ KURDISH HUMAN RIGHTS PROJECT, EUR. PARLIAMENT'S COMM. WOMEN'S

2000:	15 suicides
2001:	27 suicides
2002:	17 suicides
2003:	12 suicides
2004:	11 suicides
2005:	11 suicides
2006:	21 suicides

According to the report, the highest rate of suicide was in 2001, three years before the revised Penal Code was adopted. Although the suicide rate decreased from 2002 to 2005 and subsequently increased in 2006, this data cannot be used to persuasively argue that honor suicides came into existence *because of* the revised Penal Code. In fact, the revised Penal Code was adopted in 2004, yet the suicide statistics for both 2004 and 2005 are lower than their pre-revision counterparts. Although the suicide rate increased in 2006, it is unclear *how* and *if* the revised Penal Code had anything to do with it. There is simply insufficient data to conclude that the revised Penal Code *caused* the metamorphosis of honor killings into honor suicides.

Additionally, the report details honor suicides in Batman, which has become known as the “suicide city.” The İnsan Hakları Derneği (“IHD”) collected suicide statistics from press reports and news articles to estimate the approximate number of suicides in Batman on an annual basis.²⁸¹ The organization discovered that honor suicides were not reported in the press until between 1997 and 1998, and could not collect data on suicides before that time.²⁸² However, beginning with the year 1999, IHD documented the number of reported suicides or attempted suicides in the press as follows:²⁸³

1999:	53 suicides or attempted suicides (36 of these victims were female)
2000:	44 suicides or attempted suicides (26 of these victims were female)
2001:	79 suicides or attempted suicides (52 of these victims were female)
2002:	68 suicides or attempted suicides (53 of these victims were female)
2003:	23 suicides or attempted suicides (13 of these victims were female)
2004:	19 suicides or attempted suicides (8 of these victims were female)
2005:	25 suicides or attempted suicides (16 of these victims were female)

RIGHTS AND GEND. EQUAL., THE INCREASE IN KURDISH WOMEN COMMITTING SUICIDE 38 (June 2007), available at [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2007/393248/IPOL-FEMM_ET\(2007\)393248_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2007/393248/IPOL-FEMM_ET(2007)393248_EN.pdf).

²⁸¹ *Id.* at 41.

²⁸² *Id.*

²⁸³ *Id.*

2006: 33 suicides or attempted suicides (24 of these victims were female)

The Bar Association in Batman offered similar statistics for the years 1999 and 2000, claiming that there were fifty-three suicides in 1999 and of these, thirty-three victims were women.²⁸⁴ In 2000, the Bar Association reported fifty-seven suicides with thirty-eight female victims.²⁸⁵ These data sets for Batman suggest that the highest rate of suicide occurred in 2001, which was after the EU accepted Turkey's bid for membership but several years before the adoption of the new Penal Code. The years 1999 and 2000 also witnessed significantly higher rates of female suicide than the post-revision years of 2005 and 2006. Aysan Sev'er called the suicide rate for Batman in 2000 "an unprecedented anomaly" and noted that the suicide rate for women jumped to 9.9/100,000.²⁸⁶ This data even refutes the argument that honor suicides have dramatically increased after the legal revisions were implemented. Thus, the causal link between honor suicides and the revised Turkish Penal Code is unsubstantiated by the data.

Furthermore, investigation into the motive of the suicide is extraordinarily difficult when the victim does not survive. Families that force a female to take her own life or stage the homicide as a suicide do not typically confess to the crime, particularly if their motive is to avoid imprisonment.²⁸⁷ There is a strong possibility that reporters overestimate the number of forced suicides by simply assuming that all female suicides are honor killing substitutes. It is impossible to know how many suicide victims were forced to kill themselves versus the number of women that committed suicide for other reasons. For example, a study conducted by the Turkish Statistical Institute found that only 9.1% of attempted female suicides were due to "family incompatibility."²⁸⁸ The implication from this study is that 90.9% of suicides were the result of non-family influence. This lack of conclusive evidence that suicides are honor-related prevented the UN Special Rapporteur on Violence against Women, Yakin Erturk, from concluding that the suicides in southeastern Turkey were actually disguised honor killings. According to Erturk, "[n]ational and international media have speculated whether suicides of women and girls are in

²⁸⁴ *Id.*

²⁸⁵ *Id.*

²⁸⁶ SEV'ER, *supra* note 35, at 170.

²⁸⁷ *See id.*, at 181.

²⁸⁸ *Suicide Statistics, 2012*, TURKISH STATISTICS INST. (June 20, 2013), <http://www.turkstat.gov.tr/PreHaberBultenleri.do?id=15853>.

reality disguised honour killings or forced suicides. For many of the cases reported to me, these speculations probably do not hold true.”²⁸⁹

Thus, the blanket claim by reporters and scholars that honor killings have transformed into honor suicides as a direct consequence of the revised Penal Code lacks evidentiary support. The statistics and data provided by both governmental institutions and popular news media fail to separate pre- and post-revision suicides and do not account for *how* any alleged increase in suicides is directly linked to a decrease in honor killings. There have been no studies conducted analyzing the rates of suicide and honor killings over the years leading up to the Penal Code revisions and the years following its adoption. The data, as it currently stands, is too tenuous to support the causal connection that scholars and researchers espouse. Rather, it is more likely that the suicides are intertwined with the underlying systems of honor and shame that dominate certain aspects of society, and the alleged increase in honor suicides is due to persistent media attention.

V. THE NECESSITY OF COMMUNITY DISCOURSE FOR HONOR CRIME ERADICATION

Although the connection between honor suicides and the revised Penal Code is likely not one of causation, the fact remains that the revised Penal Code has failed to effectively eliminate honor crimes within Turkey’s borders. Regardless of form, honor crimes exist within Turkey—and worldwide—at an unacceptable rate, and top-down legal reformation has failed to sufficiently mitigate the crime. In light of the fact that both honor killings and honor suicides still exist almost ten years after adoption of the Penal Code revisions, it is time to acknowledge that legal amendments and judicial overhaul are insufficient by themselves to eradicate honor crimes. Rather, for the revised Code to acquire legitimacy and command obedience, community perceptions of honor and honor crimes must change from the ground up. This section advocates for implementation of community discourse programs throughout the Turkish state in order to effectively undermine the honor-shame complex that fuels these murders.

²⁸⁹ Press Release, United Nations, *supra* note 269; see *UN Urges Turkey to Probe Claims of Forced Suicide Among Women*, KURD NET (May 1, 2006), <http://www.ekurd.net/mismas/articles/misc2006/6/turkeykurdistan714.htm> (“[Yakin] Erturk explained that many of the suicide cases reported to her in the provinces of Batman, Sanliurfa and Van did not appear to be suspicious.”).

A. *The Failure of Legal Revisions*

The revisions to the Turkish Penal Code, while commendable and necessary, have failed to mitigate and combat both honor killings and honor suicides in any appreciable manner. Although the revised Penal Code offers no place for discrimination against women, many females nonetheless experience horrible deaths at the hands of their family members.²⁹⁰ “Like a wounded dinosaur, the patriarchal strongholds are extracting a few more victims in the hope of preserving the status quo,” and family members are undeterred by the possibility of legal sanctions.²⁹¹ The legal equality of the sexes has done little to end honor violence against women.²⁹² Thus, while the Penal Code may have changed and strengthened overnight, feudal patriarchal values are not so adaptable.²⁹³

One reason for the inefficiency of the Penal Code in combating honor crimes is that women must still file a complaint to receive legal protection. This requirement keeps “many of the new provisions [of the Penal Code] out of reach for victims.”²⁹⁴ This is particularly true in the southeastern provinces of the country, where the literacy rate is frighteningly low.²⁹⁵ Additionally, the complicity of both the state and police deter numerous victims from seeking legal protection. Turkish police have been known to “openly side with the perpetrators” and are reluctant to follow up on complaints of honor crimes.²⁹⁶ Women who do seek help are frequently told to return to their husbands, and are denied protection if their situation is not grave enough.²⁹⁷ Moreover, there is little differentiation among the police between accidents and suicides, and the ability to bribe a Turkish police officer is not a foreign concept.²⁹⁸ Even if a woman is able to acquire police protection, family members have traditionally been able to use the legal and law enforcement systems to locate the female in hiding and bring her home to face “justice.”²⁹⁹

²⁹⁰ Sev'er & Yurdakul, *supra* note 32, at 988.

²⁹¹ *Id.*

²⁹² Mojab & Hassanpour, *supra* note 47, at 85.

²⁹³ See Arin, *supra* note 50, at 823 (“Customary murders persist where feudal patriarchal values remain and such ideology cannot be changed overnight.”).

²⁹⁴ SEV'ER, *supra* note 35, at 183.

²⁹⁵ POPE, *supra* note 57, at 41 (noting that the illiteracy rate in the eastern and southeastern provinces of Turkey is over forty percent).

²⁹⁶ SEV'ER, *supra* note 35, at 186.

²⁹⁷ *Id.* at 187.

²⁹⁸ See *id.* at 186.

²⁹⁹ *Id.* at 187.

Furthermore, the discriminatory attitudes of public officials have caused familial violence to be perceived as a “fact of life” in the Kurdish dominated southeast.³⁰⁰ A majority of police, gendarme, lawyers, judges, and legislators within the country are disproportionately male, and may continue to harbor stereotypical beliefs about Kurdish culture.³⁰¹ Public officials, schools, and police “have been reluctant to become involved in what they tend to see as family disputes,” even after the adoption of the revised Penal Code.³⁰² Thus, while the legal code itself may have changed, the frontline response to reports of honor crimes—police intervention and investigation—has been historically abysmal.³⁰³

It is for these reasons that a narrow legal approach unaccompanied by broader cultural initiatives is ineffective at reducing and eliminating honor crimes within Turkey. There must be a “recognition that law-based strategies alone are not enough, and that there is a need for other interventions.”³⁰⁴ Proposed legislation and implemented revisions that punish perpetrators are too reactive and arrive too late to the party.³⁰⁵ By the time law is invoked, there is often a corpse, not a frightened victim. Therefore, effective eradication of honor crimes must employ a proactive strategy that addresses the underlying frameworks of patriarchy and honor that give rise to these killings and suicides. It is time to recognize that the law is not enough.

B. Community Discourse: Why Muslim Women can Slay Their Own Dragons

The unparalleled fascination of “Western” culture with the “spectacularly oppressive practices” of Turkey and the Middle East has resulted in tremendous international pressure to address global human rights violations.³⁰⁶ “Western” feminists have mobilized around issues of domestic violence and murder primarily affecting Muslim women.³⁰⁷ These activists operate from the assumption that the values of freedom and choice are universal and should be achieved in every community.³⁰⁸ From this dialogue, a category of “pulp nonfiction” is created in which “Western” nations must continuously save

³⁰⁰ Kuraner, *supra* note 65, at 29.

³⁰¹ Sev'er & Yurdakul, *supra* note 32, at 971.

³⁰² ONAL, *supra* note 24, at 15.

³⁰³ See Prochazka, *supra* note 49, at 480.

³⁰⁴ Coomaraswamy, *supra* note 38, at xiii.

³⁰⁵ ABU-LUGHOD, *supra* note 109, at 131.

³⁰⁶ *Id.* at 7.

³⁰⁷ *Id.*

³⁰⁸ See *id.* at 17.

Muslim women.³⁰⁹ The intricate complexities of honor crimes are “simplified to fit a narrative of progress in which downtrodden Muslim women [are] given new lives by enlightened ‘saviors’ who rescue[] them from ‘savages.’”³¹⁰ In direct response to this rhetoric, international organizations impose constant pressure on the Middle East to increase honor crime punishments and “crack down” on perpetrators.

This interaction, however, between the Middle East (specifically Turkey) and its international allies obscures the social realities of honor crimes, and results in untenable solutions. Women’s experiences are shaped differently based on their geographic location, class position, and religious beliefs.³¹¹ A “one-size-fits-all” approach is both arrogant and catastrophic. Without understanding the societal fabric upon which honor crimes occur, it is impossible to propose a workable solution to these human rights violations. “Western” organizations that apply pressure on these communities to “modernize” and eradicate honor crimes do so by advocating “Western” solutions. Not only does this imply moral superiority on the part of the “West,” but it also encourages gender and cultural subordination on an international scale.³¹²

When faced with “Western” pressure to combat honor crimes, Turkey and similar countries adopt resolutions that modernize their state institutions, infrastructure, legal codes, and legislative processes. Unfortunately, these actions, encouraged by the international community, do not substantially further their cause.³¹³ As seen with the revised Turkish Penal Code, top-down reforms cannot change the underlying patriarchal and honor structures of society.³¹⁴ In fact, the same state officials and local elites who propose these top-down measures are themselves products of the same culture that produces honor crimes.³¹⁵ Rather, the solution must start from the ground up, beginning with community discourse.

³⁰⁹ *Id.* at 79, 126; *see also* SHERENE H. RAZACK, CASTING OUT: THE EVICTION OF MUSLIMS FROM WESTERN LAW & POLITICS 17 (2008).

³¹⁰ ABU-LUGHOD, *supra* note 109, at 14.

³¹¹ *Id.* at 12.

³¹² *See* Ince et al., *supra* note 16, at 537 (“By preserving the subordination of women, the modernization process has a responsibility for the persistence of customary killings in [Turkey].”).

³¹³ *Id.* at 539 (“New social and legislative regulations, enforced thanks to the policies of developing feminist and egalitarian groups, do represent steps towards a resolution of the problem but these are unfortunately *far from adequate.*”) (emphasis added).

³¹⁴ *See* SEV’ER, *supra* note 35, at 303.

³¹⁵ Kirti et al., *supra* note 50, at 350.

The term community discourse denotes “discussion of all aspect of ‘crimes of honour’ within the community” where they occur.³¹⁶ This strategy is premised on the view that the state is complicit in honor crimes, and that reliance on external pressure to eliminate honor killings and suicides is a form of cultural imperialism.³¹⁷ Community discourse works as a local solution to help transform family and community attitudes towards honor crimes. As a proactive attempt to change the patriarchal structures that support these killings, community discourse generates and sustains a local dialogue aimed at redefining the concept of honor.³¹⁸ “The goal of this community discourse should be to change the normative meaning of the communications surrounding the possession of honor property.”³¹⁹ Because the notion of honor is so deeply imbedded in Turkish culture, the traditional “Western” human rights framework ineffectively treats perpetrators as criminals rather than perceiving them as victims of their own cultural masculinity. Thus, an effective solution for honor crimes must alter the very social fabric that legitimizes the crimes in the first place. A purely reactive, legal approach is useless where honor crimes are the norm, not the exception.³²⁰

One of the most prominent examples of successful community discourse in Turkey is the women’s organization KA-MER. Located in Turkey’s southeastern province of Diyarbakir, KA-MER strives to address the problem of honor killings before the executions occur through direct interaction with the family councils.³²¹ According to Leyla Pervizat, an activist at KA-MER:

We try to give men what I call cultural and psychological space where their masculinity is not challenged and they do not feel forced to kill in order to cleanse their honor. To do this, and in order to help create space for long-term change, we take advantage of some of the positive aspects of Turkish culture that offer individual men an excuse to avoid violence. These include special occasions and gatherings where nonviolent negotiations are encouraged or where authority figures can act as intermediaries, in which we can make use of traditions of hospitality toward guests or respect for elderly people’s recommendations as tools to prevent these crimes.³²²

³¹⁶ An-Na’im, *supra* note 27, at 64.

³¹⁷ *Id.* at 66, 73.

³¹⁸ Pervizat, *In the Name of Honor*, *supra* note 244.

³¹⁹ Bond, *supra* note 29, at 256.

³²⁰ *See* An-Na’im, *supra* note 27, at 71.

³²¹ Pervizat, *In the Name of Honor*, *supra* note 244.

³²² *Id.*

With an approximate two month window between when a killing is ordered and when it takes place, KA-MER has ample time to discuss the motivations for murder with the victim's family and find a less violent solution.³²³ The most respected members of KA-MER visit the patriarchs and humbly ask them to reverse honor killing decrees by reminding them of honor outside the sexual context.³²⁴ In this way, the conception of honor is actually used to combat honor crimes in a culturally sensitive manner. Because activists at KA-MER have an understanding of the tribal and clan structures of the southeastern provinces, they can succeed at "building gendered bridges, in a land that is fractured by land-ownership patterns and ethnic conflict."³²⁵ This internal approach to honor killings exposes the patriarchs to women's views on honor crimes in a respectful and non-threatening interaction that does not involve the courts or law. Thus, rather than trying to dismantle the honor structure from the outside in, KA-MER employs a localized strategy that does not require the "West" to save Muslim women. Muslim women themselves are leading a more successful campaign against honor crimes from within their own borders.

The success of KA-MER's program is undeniable. The number of women applying to KA-MER has increased each year, totaling 750 applicants between 2003 and 2010.³²⁶ Of these 750 applicants, 414 received assistance from the organization, and only three women died.³²⁷ Even the police have started to regularly consult KA-MER in honor-related complaints, and have referred women to the organization for assistance.³²⁸ In this manner, KA-MER stimulates a communal dialogue that emphasizes the positive functions of honor without imposing a stereotypical "Western" solution. Therefore, KA-MER attempts to disassociate the concept of honor from women's bodies and create neutral spaces in which family and community attitudes towards these crimes can be transformed.

If the brutality of honor crimes is to be stopped, then "Western" and international organizations must begin working *with* the victims and women in these cultures instead of working *for* them. Because culture informs and

³²³ Smith, *supra* note 21.

³²⁴ SEV'ER, *supra* note 35, at 333.

³²⁵ *Id.*

³²⁶ KA-MER, WE CAN STOP THIS 185 (2011), available at http://kamer.org.tr/menus/we_can_stop_this_-_2011.pdf.

³²⁷ *Id.* at 200.

³²⁸ SEV'ER, *supra* note 35, at 332. According to KA-MER, of the 414 applications accepted, 23.4 percent of the women were directed to KA-MER by a governmental organization, including the police and court. KA-MER, *supra* note 326, at 186.

constructs both our identities and our experiences, it is impossible to combat patriarchal femicide without first understanding the environment in which it is created.³²⁹ It is for this reason that the proposed solutions must have the cooperation of the community in order to thrive.³³⁰ Furthermore, including community discourse in the honor crime solution is necessary out of respect for the autonomy of families within those communities.³³¹ It is time for the solutions to femicide and honor killings to originate within the cultural framework itself rather than from external pressure to modernize and criminalize the perpetrators.³³² Foreign intervention is no longer necessary to “save” Muslim women—these women are powerful enough to save themselves. Thus, the international community should devote resources to fostering local community discourse through agencies such as KA-MER and should avoid advocating one-size-fits-all “Westernized” solutions.

CONCLUSION

In the context of Turkish honor killings, the collision between cultural norms and textual law appears like clashing waves in the sea. Pitting patriarchal values against top-down modernization, the Turkish state has thrust honor killings to the forefront of a political battle over women’s bodies. On the one hand, women’s bodies “are seen as the battlegrounds for men’s struggles to assert and reclaim their masculinity,”³³³ and on the other, the female figure is perceived as a marker of modernity. The tension between these two extremes has produced sensationalized literature on honor crimes, and has resulted in the ethnicization of murder.

Particularly, the “Western” association of honor killings with the Islamic faith has constructed Muslim women as passive victims “bound by the unbreakable chains of religious and patriarchal oppression.”³³⁴ Whereas “Western” women are deceptively liberated, Muslim women are portrayed as slaves to patriarchal rules and gender constraints.³³⁵ In this manner, the image

³²⁹ See RAZACK, *supra* note 309, at 137 (“Until we can actually see Muslim communities in all their complexities, we have little chance of making these spaces less violent.”).

³³⁰ Kirti et al., *supra* note 50, at 351.

³³¹ *Id.*

³³² See RAZACK, *supra* note 309, at 129 (explaining that “legal solutions have to be crafted with Muslim communities in mind. That is, they have to address the *cultural* context of the crime”).

³³³ Pervizat, *In the Name of Honor*, *supra* note 244.

³³⁴ Christina Scharff, *Disarticulating Feminism: Individualization, Neoliberalism and the Othering of ‘Muslim Women’*, 18 EUR. J. WOMEN’S STUD. 119, 127–28 (2011).

³³⁵ *Id.* at 128–30.

of the oppressed Muslim woman ensures a stabilized theme of “Western” superiority and dominance.

As the forerunner for modernization, the “West” has waged an international war on cultural forms of femicide that are labeled as backward, barbaric, and primitive.³³⁶ Honor killings in particular have been singled out for their cultural uniqueness and targeted by the international community as threats to modernization. Faced with both international and EU pressure to eradicate honor crimes in order to foster accession negotiations, Turkey has engaged in its own “othering” of the crime to disassociate itself from these “cultural” killings. Specifically, Turkey has adopted its own ethnicization of murder to marginalize an already disadvantaged minority group—the Kurds. By isolating the Kurds, Turkey positions itself closer to the “West” on the modernization spectrum, and uses honor killings as a mask for forced assimilation programs against the Kurds. In this manner, Turkey strips the Kurdish culture of its moral values and complexity, and ignores the role that state institutions play in perpetuating violence.

Although comprehending honor killings from an ethno-cultural and regional perspective is exceedingly restrictive, Turkey nonetheless targeted Kurdish honor killing perpetrators through top-down legal reformation. By “cracking down” on the leniency previously granted to perpetrators, Turkey modernized its Penal Code to impose harsher punishments for honor crimes. These legal revisions, however, led scholars and reporters to claim that honor killings had simply transformed into honor suicides.

As this Article has shown, the causal link between honor suicides and the revised Turkish Penal Code is tenuous at best and likely nonexistent.³³⁷ The statistical data does not support this linkage, but rather undermines its strength. Without clear pre- and post-revision statistics, it is impossible to compare honor killing and honor suicide frequency within the necessary timeframes. Instead, given the data currently available, it is much more likely that honor suicides are connected with the underlying patriarchal structures that fuel honor killings. Regardless of what caused the emergence of these suicides, it remains clear that the revised Penal Code has failed to appreciably reduce honor crimes throughout Turkey.

³³⁶ See *supra* Part II.

³³⁷ See *supra* Part VI.B.

Rather than implementing a doomed top-down legal approach to honor crimes, the most effective solution lies in the strategy of community discourse. While the law may change overnight, the underlying cultural and patriarchal values that fuel societal morality are not so easily altered. In order to delegitimize the conception of honor as property concealed within the female body, there must be “active and sustained discursive engagement with local communities.”³³⁸ Women must be provided the tools to undermine these structures from within, and there is no place for allegedly superior “Westernized” solutions. Honor crimes cannot be stopped without directly understanding the cultural environment in which they were first created. It is only by evolving culture from within that honor crimes can truly be eliminated.³³⁹

³³⁸ Bond, *supra* note 29, at 256.

³³⁹ See Zaunbrecher, *supra* note 62, at 706.