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The Legal DNA of Honor Killing: Two Centuries of Normative Inheritance, Mutation, and Divergence in the World's Penal Codes

Zul Khaidir Kadir[1]
[1] Universitas Muslim Indonesia, Indonesia
Korespondensi: zulkhaidir.kadir@umi.ac.id

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ABSTRACT

Criminal laws that differentiate homicide associated with honor have their own histories, which need not correspond to the cultural origins of the violence they regulate. This article compares selected penal provisions enacted or revised between 1810 and 2026, with earlier legal materials examined as antecedents. Comparative legal research, using historical and doctrinal analysis, distinguishes legislative continuity from resemblance. French influence on Ottoman codification is supported by historical scholarship, but Ottoman judicial practice before 1858 precludes an explanation based entirely on French borrowing. Iberian legislative histories demonstrate that a special concession could be abolished, restored or replaced by a different basis for reduced liability. Italy's former Article 587 also expressly connected honor with emotional disturbance, unlike the Portuguese rule repealed in 1975. The Philippine legislative sequence from colonial Article 423 through the 1924 amendment to Article 247 of 1930 establishes a stronger provision-level continuity, corroborated by judicial sources. Its wider Spanish ancestry has supporting historical evidence, rather than resting on textual similarity alone. Modern reforms illustrate different legal mechanisms for withdrawing or rejecting concessions associated with honor. These findings support a distinction between inheritance of legal form and continuity of legal function. The proposed Legal DNA framework is an organizing concept for comparing those histories, not a measure of cultural tolerance. The evidence supports a transregional historical comparison rather than a comprehensive inventory of current national laws or an estimate of the effects of legal reform on homicide.

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INTRODUCTION

Portugal repealed Article 372 of its 1886 Penal Code in 1975 because the special treatment of certain acts of marital and familial violence did not depend on a demonstrable reduction in culpability. France removed the adultery-related concession from Article 324 of its former Penal Code in the same year. The Spanish history was less straightforward. A comparable provision had already been abolished, restored and abolished again. Article 247 of the Philippine Revised Penal Code, enacted in 1930, bears a recognizable resemblance to the historical Iberian rules. The geographical distribution of these provisions is difficult to understand without examining their legal histories. Frevert (2014) and Oliveira

(2022) provide historical grounds for investigating how those functions arose and why they developed differently.

Social reputation shapes the meaning of familial violence, including within siri' (Mappaselleng & Kadir, 2025). Research on honor has also shown that its gendered expectations differ across populations and depend on their social environments (Uskul & Cross, 2019, 2020). The association between male honor and female fidelity has received particular attention in psychological research (Vandello & Cohen, 2003, 2008). Nor is social sanction in defense of honor peculiar to one religious community (Thrasher & Handfield, 2018). Aksoy and Szekely (2025) incorporate the legal costs of violence into their sociological explanation of honor killings. The historical origin of the rules that determine those legal costs is a separate question.

Not every killing associated with sexual transgression is an honor killing. Differences in the definition and scope of honor-related violence have been identified in reviews by Kulczycki and Windle (2011), Elakkary et al. (2014) and Ne'eman-Haviv (2021). Mayeda and Vijaykumar (2016) also examine nonlethal abuse, as does the review by Bhatia et al. (2024). Research on perpetrator types (Bafouni et al., 2025) and geographical variation (Ritchie et al., 2026) cautions against treating this as a uniform phenomenon. Kadir (2026l) also distinguishes alleged grievances from documented triggers. Historical homicide concessions involving adultery are consequently relevant to this study without being classified automatically as laws of honor killing.

Abu-Odeh (2010) examined the construction of gender in Arab criminal laws dealing with honor killings. Jordanian penal law has also been studied in relation to political legitimation (Warrick, 2005). Frevert (2014) traced the historical relationship between defenses associated with honor and passion, while Baxi et al. (2006) examined the common-law legacy in India and Pakistan. Bulunur (2016) and Tuğ (2022) document Ottoman judicial practices from before the penal codification of 1858. These studies already address substantial parts of the historical problem. The contribution pursued here is narrower than the discovery of a neglected European origin. It concerns the evidence necessary to connect particular provisions and the changes in legal function that can be identified when their histories are compared.

The classification of honor killing as a predominantly foreign form of violence has been criticized for racializing violence against women (Korteweg, 2014). Shier and Shor (2016) examine a related distinction in the Canadian press between honor killings and family murders. European legislative concessions complicate this geography (Kadir, 2026j), without establishing identical homicide patterns. Comparative studies of criminal-law modernization and regional responses to honor killing (Kadir, 2017, 2026b, 2026e) provide a further starting point for separating legislative history from cultural classification.

Watson (1974) places borrowing at the center of an account of legal change. The criticisms of Kahn-Freund (1974) and Legrand (1997), however, make it difficult to equate the transfer of legislative language with the transfer of its meaning. Goldbach (2019) examines the institutional and political dimensions of legal transplants. The historical approach developed by Duve (2018, 2020) is pertinent to the reception of legal knowledge across jurisdictions. Inheritance in the present study refers to a historically supported relationship between legal sources, rather than a general resemblance. A change in the content or operation of a rule is described as normative mutation only where the relevant continuity can be established.

A statute may be repealed while a general culpability doctrine remains applicable to conduct previously addressed by that statute. Renteln (2005) examines cultural defense broadly, while Matthee (2024) distinguishes conduct from culpability. Kadir (2026h, 2026i) distinguishes cultural claims from their legal consequences. The treatment of honor under the Istanbul Convention introduces a separate normative question (Kalantry & Moti, 2022). Legislative repeal establishes the disappearance of a particular text. It does not establish the disappearance of its legal function or the continued operation of that function through another rule.

This study asks how honor-related homicide provisions have been inherited and reconfigured across selected penal codes since the nineteenth century. It also asks how historically connected and functionally comparable provisions have diverged. The main period runs from 1810 to November 2026. Earlier materials help to determine whether proposed antecedents can be linked to modern law or should remain historical comparisons. Legal DNA denotes the attributes of a provision considered alongside the evidence of its legal history. The analysis concerns the construction of liability rather than the

occurrence of homicide or its recording by authorities, which raises a distinct comparative problem (Kadir, 2026k).

METHOD

The study uses comparative legal research with a historical and doctrinal approach. Van Hoecke (2015) identifies historical and analytical methods as established forms of comparative inquiry. Husa (2020) and Duve (2020) explain the relationship between legal comparison and legal history. Doctrinal research is concerned with the interpretation of legal rules in their legal setting (Hutchinson & Duncan, 2012). Historical comparisons of legal defenses in Frevert (2014) and the Portuguese analysis by Oliveira (2022) provide precedents closely related to the subject. The present inquiry does not employ a statistical method or a formal test of causal transmission. The distinction between doctrinal and empirical contributions is consistent with Theil (2025).

The principal period begins with the French Penal Code of 1810 and ends with the documentary search in November 2026. The historical comparison draws on 18 modern jurisdictions and the Ottoman Empire, selected for the availability of relevant materials and their importance to the questions of codification and reform. Western European and post-Ottoman provisions form the core of the comparison. The Philippines and South Asian jurisdictions provide evidence of different legal receptions. Sweden, England and Wales, and Brazil contribute specific contemporary comparisons. The ancient and pre-modern materials, including Qing law, are treated separately. England and Wales and the Brazilian constitutional decision serve as doctrinal comparators rather than additional penal codes.

Public legislation portals and institutional archives were searched using code names and article numbers. Searches also used the terms honor, adultery and provocation in English and selected relevant languages. Historical scholarship supplied context and references to earlier legal materials. Where an original legislative version was unavailable, its treatment in academic or institutional sources was used with an explicit qualification. Document analysis requires attention to a source's provenance and its limits (Bowen, 2009). No exhaustive database search or systematic review is claimed.

A provision was included when its legal operation bore an identifiable relationship to homicide associated with honor or sexual and familial transgression. Reform instruments were included when they changed that operation. General rules on emotion or provocation were used only as comparators where their relevance was supported by authoritative material. Rules punishing sexual conduct without establishing the legal consequences of private homicide were considered contextual antecedents. A provision's absence from the available sources was not taken as evidence of its absence from national law.

Each provision was compared in the version relevant to the historical event under discussion. The analysis examined the persons covered and the circumstances that altered ordinary homicide liability. The legal consequence was interpreted within the system concerned. A comparison within the same jurisdiction was used to identify changes across successive versions, while comparisons across jurisdictions identified similarities and differences in legal design. The Legal DNA profile refers only to the attributes displayed in the tables and figures. It does not imply that a comprehensive forty-variable database was completed.

Table 1 retains the evidence labels used to distinguish documentary continuity from less certain historical relationships. They are descriptive categories, not a validated instrument for measuring genealogical confidence. A documented domestic legislative sequence is distinguished from evidence of adoption from another jurisdiction. Code-level influence does not establish the ancestry of every article. Where the sources reveal only similarity, no directional claim of transmission is made. The diagrams describe these relationships rather than calculate them. Missing documentary material remains unclassified. The analysis does not establish current law in all the jurisdictions examined or investigate how frequently their rules were applied.

Table 1. Research design and genealogical validation criteria

Code	Basis of classification	Permissible inference
G5	Direct adoption or identifiable domestic legislative sequence	Documented relation at specified level
G4	Corroborated historical influence	Influence at code or provision level
G3	Plausible route plus supporting historical evidence	Provisional transmission only
G2	Comparable function without established transmission	Functional resemblance
G1	Limited analogy	No descent inference
G0	Proposed link unsupported by examined evidence	Unsupported, not disproved
U	Essential texts or evidence unavailable	Unclassified due to missing evidence

Descriptive evidence categories for comparing individual provisions and their historical relationships. Adapted to the documentary comparison from Van Hoecke (2015), Bowen (2009) and Duve (2020).

RESULTS AND DISCUSSION

Ancient and Pre-Modern Antecedents of Penal Honor

Section 129 of the collection attributed to Hammurabi concerns public punishment for adultery and the authority to remit that punishment. The role assigned to the husband in connection with pardon is historically significant, but does not establish an independent entitlement to commit homicide. A legal system may recognize marital status when deciding whether a public sanction will be carried out without authorizing violence by a private individual. The Babylonian material therefore belongs to the history of the legal regulation of sexual conduct, not to a proven genealogy of modern homicide concessions. No evidence in the materials examined connects this provision to the French Penal Code of 1810 or the Ottoman Penal Code of 1858.

The Athenian evidence is closer to the problem of homicide liability. Demosthenes 23.53 preserves a rule under which homicide connected with certain prohibited sexual relations received different legal treatment from ordinary homicide. The category of moicheia cannot be translated without difficulty as modern marital adultery. Its meaning depended on a different conception of the household and on the legal status of the persons involved. Carey (1995) and Cohen (1991) discuss the complexities of the Athenian law of sexual offenses. The provision establishes an ancient legal analogue, but the available evidence does not demonstrate that it informed a particular modern homicide concession.

Roman law differentiated the authority of fathers and husbands under the Augustan adultery legislation. Benke (2012) examines the father's restricted legal position, which cannot be equated with a general paternal power to punish sexual wrongdoing. The later juristic tradition appears in the Digest of Justinian, particularly title 48.5. Its preservation there establishes textual continuity within Roman law. A separate investigation of legal reception would be necessary to connect these materials to individual provisions of nineteenth-century penal legislation.

The Qur'anic passages in chapter 24 concerning adultery accusations and li’an address proof and marital procedure. They are not an authorization of private homicide. Judicial practice in the Ottoman Empire cannot be reconstructed from those passages alone. Bulunur (2016) examines a late sixteenth-century judicial record in which juristic opinions had a bearing on a homicide proceeding. The study documents a historically situated form of legal accommodation long before the 1858 codification. It also shows why legislation and judicial practice must be distinguished from general assertions about religion. The distinction is consequential for genealogy. A judicial outcome influenced by a particular juristic opinion and a later statutory rule may share a function even when the legal source of the latter remains uncertain.

Chiang (2017, 2018) traces the Chinese rules concerning adultery-related homicide through the early and late Qing periods. The early Qing study connects the provision to Ming legislation and commentary, and examines how legislative and judicial authorities addressed discrepancies in culpability. This history is significant because the relevant legal materials preceded the French Code of

1810. French codification cannot explain their initial emergence. Nor does temporal precedence establish that Chinese and European legal traditions were entirely independent throughout their histories. The comparison supports functional resemblance without an established common ancestor in the sources considered here. A wider genealogical claim would require evidence of the circulation of legal knowledge between those traditions.

The survival of Roman juristic texts into the Justinian compilation and the Ming antecedents identified by Chiang are positive instances of continuity within legal traditions. They differ from the proposed resemblance between Mesopotamian and modern European law. Neither continuity establishes a route into the modern penal codes considered here. A historical comparison can therefore validate a relationship at one temporal level while leaving the longer historical connection unresolved. This is the significance of treating ancient law as an antecedent corpus.

Table 2 separates rules concerning sexual conduct from materials that bear more directly on homicide liability. The Assyrian and Visigothic texts remain candidates for further archival work, as does Castilian law. They are not treated as established intermediate links. Figure 1 places the verified chronological landmarks alongside the main codification period. The separation is necessary because knowing when a rule existed is different from knowing whether later legislators received it. Chronology can rule out certain directions of borrowing, but cannot establish a route of transmission by itself.

Table 2. Ancient and pre-modern normative antecedents

Material	Legal relevance	Evidence position
Hammurabi §129, c. 1750 BCE	Public punishment and pardon	Contextual. no private-homicide descent
Middle Assyrian Laws, Tablet A	Household and sexual regulation	Lead. not fully verified
Athens, Demosthenes 23.53	Differentiated homicide liability	Analogue. Carey. Cohen
Rome, Lex Iulia, 18 BCE. Digest 48.5, 533 CE	Familial authority. preserved juristic text	Textual continuity within Roman tradition. modern link unresolved
Visigothic and Castilian law	Possible European intermediaries	Leads. not fully verified
Qur'an 24:4–9, 7th c.	Proof and marital procedure	Contextual, not private homicide permission
Ottoman records, 16th–19th c.	Local legal accommodation predating code	Historical scholarship by Bulunur and Tuğ
Qing law, early modern era	Differentiated homicide treatment	Chiang, 2017 and 2018. Ming antecedent reported. No European descent established.

Sources — cited historical scholarship and source list. Chronological antecedence is not ancestry.

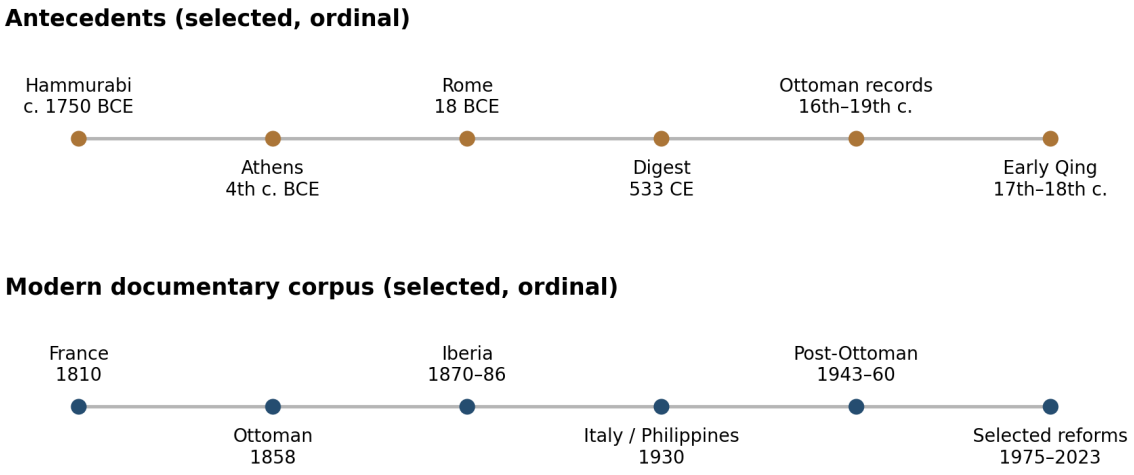

Figure 1. The historical timeline of penal honor

Selected chronological landmarks shown at equal intervals. No genealogical connection is implied.

The Inheritance and Reception of Penal Norms

French and Ottoman Codification

Article 324 of the French Penal Code of 1810 situated the adultery-related concession within the law of excusable homicide. It did not create an autonomous offense denominated honor killing. The special rule differentiated marital subjects by gender, while Article 326 governed the consequences of an applicable excuse. Frevert (2014) situates such defenses within the historical development of the relationship between honor and passion. The original text must be read separately from the archived version following the 1975 reform. The latter no longer contained the special adultery-related paragraph. Reading the later consolidation as though it were the enactment of 1810 would conceal the very legal change that requires explanation.

French models influenced the Ottoman codification of 1858, but primarily at code level. Article 188 extended beyond the spousal relation central to the French rule, while Article 186 concerned the defense of honor in a different doctrinal setting (Tuğ, 2022). Tuğ Onaran (2022) situates these provisions within a wider nineteenth-century movement toward codification and adaptation. The English translation published by Bucknill and Utidjian in 1913 is useful, although its inclusion of later amendments limits its value as a substitute for the original 1858 version. None of these sources, as used here, establishes that every element of Article 188 was taken directly from French Article 324.

The Ottoman materials preceding the code make that qualification substantive. Tuğ (2022) discusses judicial records from 1848 and 1856 that document forms of legal accommodation before the codification. The earlier Aintab material analyzed by Bulunur (2016) also shows the importance of juristic authority in the judicial treatment of a homicide. The relevance of these records is not simply that they are older than the code. They identify a legal problem already being addressed by Ottoman institutions. These records do not disprove French influence on the later code. Rather, the codificatory form and the substantive treatment of familial authority may have had different histories. The possibility of more than one source of legal knowledge is consistent with Duve's (2020) account of legal history. Genealogical pluralism is used here in that restricted sense.

Iberian Codification and Transcontinental Resemblance

Article 438 of the Spanish Penal Code of 1870 contained a special homicide concession associated with marital and familial relations. The historical materials maintained by Spanish public institutions identify its legislative successors. A similar rule was removed in 1932 and returned in Article 428 of the 1944 Code. The historical legal literature on the 1963 revision confirms the subsequent removal of Article 428. Within Spain, this sequence supplies stronger evidence of continuity and recurrence than does resemblance between the Spanish and foreign provisions. Its importance lies

in the intervening abolition. A legal system can reproduce a previous statutory design after having rejected it, without that recurrence being attributable to a new foreign transplant.

Portugal's codes of 1852 and 1886 provide another domestic sequence. The repeal instrument of 1975 expressly identifies Article 372 of the latter code and explains the legislature's objections to the special treatment it provided. The decisive problem was that the concession did not require a corresponding diminution of culpability arising from emotional disturbance. Oliveira (2022) traces the older ordinances and the changing role of emotion in Portuguese homicide law. The Spanish and Portuguese provisions resemble one another in several respects, but the materials considered do not establish which text influenced the other or whether both drew on a different source.

Article 247 of the Philippine Revised Penal Code can be traced to a more immediate statutory predecessor than Spanish Article 438. Act No. 3195 of 1924 expressly amended Article 423 of the penal code then in force in the Philippines. Article 367 of the 1930 Code subsequently repealed that earlier code. In People v. Abarca (1987), the Supreme Court expressly identified Article 423 as the counterpart of Article 247. These documents support the domestic legislative sequence. The connection with Spain is corroborated by the historical discussion in Justice Laurel's dissent in People v. Gonzales (1939), which associates the old Philippine code with the adaptation of the 1870 Spanish Code. The dissent is evidence of historical legal reasoning rather than a binding finding about legislative ancestry.

The 1924 Act is also important to the interpretation of normative change. It retained a separate formulation for husbands but expressly extended the special treatment to wives. The 1930 enactment reorganized the marital category in terms of a legally married person and added a separate formulation of exceptional circumstances. Its parental category continued to refer to daughters. Gendered asymmetry was thus altered rather than eliminated. Because the legislative amendment and the subsequent codification can be identified, the change is not inferred from a comparison of unrelated national statutes. It illustrates selective inheritance within a documented legislative history.

Nineteenth-century Latin American codification likewise attached significance to gender and sexual respectability, as Zahler (2026) discusses. Related reproductive offenses are not included in the homicide corpus without a demonstrated legal connection. Brazil's constitutional rejection of the defense of honor in 2023 is relevant to the subsequent comparison of legal responses, but its existence does not establish descent from Portuguese Article 372. Brazilian legislative and judicial records would be necessary to establish such a connection.

Post-Ottoman and South Asian Comparisons

Lebanon's Penal Code of 1943 and the Syrian and Jordanian codes enacted in 1949 and 1960 contain historical provisions identified in scholarship on honor-related homicide. The end of Ottoman rule did not produce a uniform legislative environment in the successor territories. Abu-Odeh (2010) provides a comparative account of Arab legal constructions of gender, whereas Warrick (2005) connects Jordanian criminal legislation to its political context. Article-level reception remains unresolved in the present corpus. The historical association of these jurisdictions with the Ottoman Empire cannot substitute for evidence of which provision their legislators received or how its wording was revised.

Kadir (2026b) and the OECD (2020) discuss the relevant Egyptian and Moroccan provisions (Articles 237 and 418) as well as former Tunisian Article 207. The primary historical versions and drafting records were not recovered for all three. This prevents their assignment to a common French or Ottoman lineage on the available evidence. They remain secondary-supported comparisons of the legal treatment of homicide rather than evidence of a single North African tradition.

India and Pakistan share a history of British colonial law, but their subsequent homicide doctrines differ. Baxi et al. (2006) examine these common-law legacies, while Kadir (2026c) compares subsequent regional responses. Pakistan subsequently restructured homicide law and amended its treatment of honor-related offenses in 2016. India retains a general grave-and-sudden-provocation exception under the Bharatiya Nyaya Sanhita of 2023. Neither development is a direct descendant of the historical Iberian concessions on the evidence considered here. The presence of a general provocation rule in India is not proof of a special legal recognition of family honor.

Table 3 distinguishes the domestic Spanish and Portuguese sequences from the corroborated French–Ottoman relationship at code level. The Philippine amendment and its later statutory counterpart now support a separate provision-level sequence. The Spanish colonial connection is historically corroborated, although the exact original colonial text has not been independently

reconstructed here. Figure 2 separates those relations from functional comparisons for which ancestry remains unresolved. In particular, no directional relationship is assigned to the Qing comparison. The distinctions reflect the strength and character of the material rather than the number of countries represented.

Table 3. Historical inheritance and transnational reception

Comparison	Evidence	Classification
French Code 1810/1832 → Ottoman Code 1858	Codificatory adaptation documented in Tuğ Onaran (2022)	G4, code level
French art. 324 ↔ Ottoman art. 188	Functional affinities. Ottoman earlier practices	G2, provision level
Spain 1870 → 1932 → 1944 → 1963	Domestic abolition, restoration, removal	G5, version history
Portugal 1852 → 1886 → 1975	Historical sequence and official repeal	G5 for official repeal. Earlier version history supported by scholarship.
Spain 1870 → old Philippine art. 423	Laurel dissent (1939) identifies colonial adaptation. Original colonial enactment not independently reconstructed.	G4, corroborated influence
Ottoman ↔ Lebanon, Syria, Jordan	Historical context. incomplete drafting chain	G2 or U by provision
British India → India/Pakistan	Shared colonial codificatory legacy	G4 at code level only
Qing ↔ European rules	Chronological precedence and functional affinity	G2, no common ancestry proven
Philippines art. 423 → Act 3195 (1924) → art. 247 (1930)	1924 express amendment, 1930 code and People v. Abarca (1987)	G5, domestic provision sequence

Sources include the cited legislation and historical scholarship. G5 domestic succession is not equivalent to direct foreign adoption.

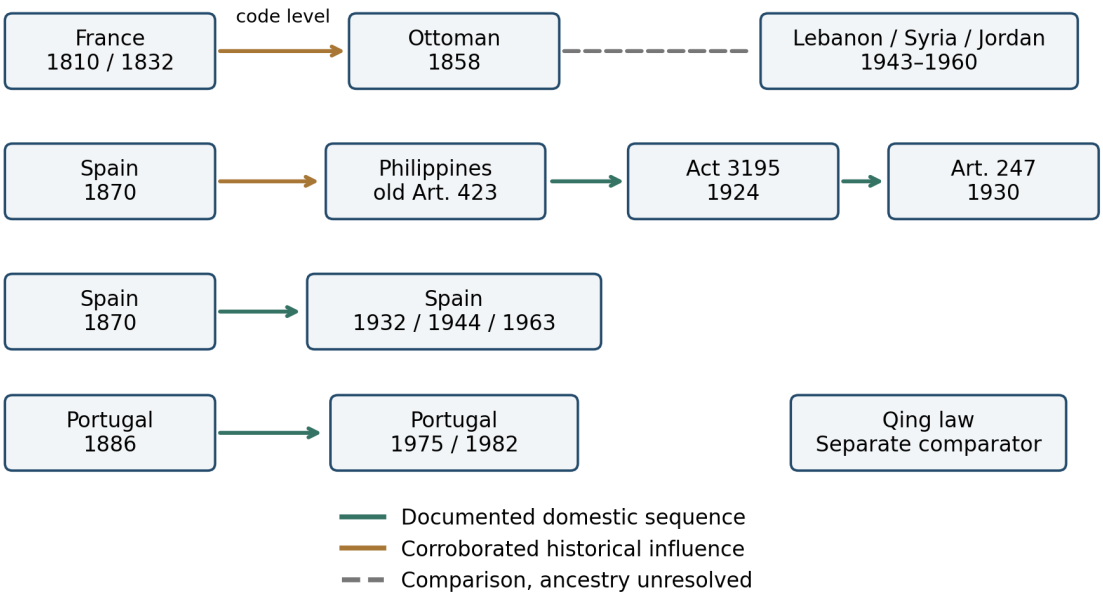

Figure 2. Selected genealogical relationships between honor-related penal norms

Green arrows indicate documented domestic succession. Amber arrows indicate corroborated influence. Dashed lines represent comparisons without established descent. Qing law remains separate.

Normative Mutation and Legal Design

A reduction in punishment may be achieved by a special offense, an excuse or a sentencing rule. These doctrines differ in their legal consequences, even when they appear to treat a comparable kind of homicide more leniently. Comparative homicide research likewise distinguishes offense structure from culpability (Kadir, 2026a). The comparison begins with the basis of differentiation from ordinary homicide. A rule that requires a legally relevant reduction in culpability is not equivalent to one that provides a special consequence solely because specified familial circumstances exist.

The French provision was centered on a spousal relationship. The Ottoman rule described by Tuğ (2022) extended its reach to other familial relations. Portugal's historical provision included parental as well as marital circumstances. The Philippine sequence shows a documented expansion of the marital category in 1924 and its reconfiguration in Article 247, while a differentiated parental category remained. These features alter eligibility but do not identify a shared source. They are differences in legal design until a genealogical connection has been established. Where the historical relationship is documented, the same changes can be understood as alterations in the scope of a received provision.

The extension of a marital concession to both spouses does not establish equality in the operation of the law. Certain married women were covered by the historical Portuguese rule under conditions that differed from those applicable to men. The Philippine text uses different language. Its gender-inclusive marital category coexists with a parental provision referring to daughters. Neither statute reveals the frequency with which offenders of different genders received the concession. The legal analyses of Abu-Odeh (2010) and Warrick (2005) illuminate these distinctions, but a claim about unequal enforcement would require different evidence.

Research on transphobic honor-based abuse (Rogers, 2017) and family relationships in England and Wales (Bates, 2021) further demonstrates the limited reach of a category defined by marital infidelity. Historical homicide concessions may cover a particular relationship while excluding other relationships relevant to contemporary criminology. A statute regulating marital and parental conduct cannot capture the broader dynamics of honor-related violence, including in diaspora settings (Kadir, 2026d). The subject and victim categories must consequently be interpreted as attributes of individual legal rules.

Italy's former Article 587 is especially revealing because the text referred expressly to the honor of the offender or family and required a state of anger connected with its perceived violation. Its wording applied to anyone in specified familial relations, although the references to daughters and sisters preserved a gendered victim category. This statutory combination differs from the Portuguese Article 372, whose repeal was justified in part by the absence of a required diminution of culpability. The Italian provision joined a particular conception of honor with an emotional condition. It cannot be reduced to the same legal design as every historical adultery-related concession. The original Article 587 and Law No. 442 of 1981 establish the text and its eventual repeal.

The Philippine Supreme Court's judgment in People v. Abarca (1987) makes the distinction between an exceptional circumstance and an autonomous homicide offense particularly clear. The Court treated Article 247 as a special benefit affecting liability for conduct otherwise addressed by the ordinary law of homicide, rather than as a distinct offense. Its account of the earlier Article 423 is therefore relevant to legal inheritance as well as interpretation. A comparison confined to the heading of Article 247 would miss that legal operation. Judicial construction of motive is a separate concern (Kadir, 2026g). The case also illustrates why the language of punishment needs careful treatment. A special statutory consequence cannot simply be equated with a finding that the offense was legally justified in all circumstances. The interpretation was given in a specific doctrinal setting.

Portuguese law provides a more firmly documented example of transformation within one jurisdiction. Decree-Law 262/75 repealed Article 372. The 1982 Penal Code subsequently addressed privileged homicide in Article 133, under which a legally appreciable diminution of guilt is required. Oliveira (2022) explains the significance of understandable emotion in the resulting doctrinal and judicial debate. The reduction of liability was no longer attached to the former special provision, but an emotion-related basis of culpability remained available in general law. This is a change in the doctrinal basis of differentiation. The distinction between emotional disturbance and legally relevant provocation also matters in reform debates (Kadir & Mappaselleng, 2025). It does not establish that the cases previously covered by Article 372 would receive equivalent treatment under Article 133. Functional survival requires an additional showing about interpretation and application.

The comparison in Table 4 brings the scope of the selected rules into relation with their doctrinal effects. Italy's express reference to honor and its emotional condition are distinguishable from the other formulations. The Portuguese and Philippine sequences illustrate documented changes over time rather than assumed relationships between codes. Figure 3 displays the attributes of the individual provisions. A gender-specific victim category is distinguished from a gender-specific offender category, and an emotional condition from a legally appreciable reduction in culpability. An unresolved attribute is not coded as absent. The matrix is qualitative and does not assign a numerical distance between legal systems.

Table 4. Comparative patterns of normative mutation across penal codes

Provision	Subject/relationship	Legal operation
France 1810, art. 324	Gender-specific marital concession	Excuse within homicide framework
Ottoman 1858, art. 188	Familial reach broader than French provision	Concession. historical translation limits
Spain 1870, art. 438	Gender-specific marital and familial categories	Special sanction
Portugal 1886, art. 372	Gendered marital/familial categories	Special sanction independent of demonstrated reduced culpability
Philippines 1924, Act 3195 / art. 423	Husband and wife separately covered. Daughter category remains.	Special consequence. Express amendment of old provision.
Philippines 1930, art. 247	Marital subject not restricted to men. Gendered parental category.	Exceptional-circumstances sanction
Italy 1930, art. 587	Offender wording not gender-specific. Spouse, daughter or sister.	Special homicide provision requiring anger associated with honor.
Portugal 1982, art. 133	No special familial entitlement in general rule	General privileged homicide requiring appreciably reduced culpability

Source materials include Frevert (2014), Tuğ (2022), Oliveira (2022) and the cited legislation. Differences across jurisdictions are not necessarily inherited mutations.

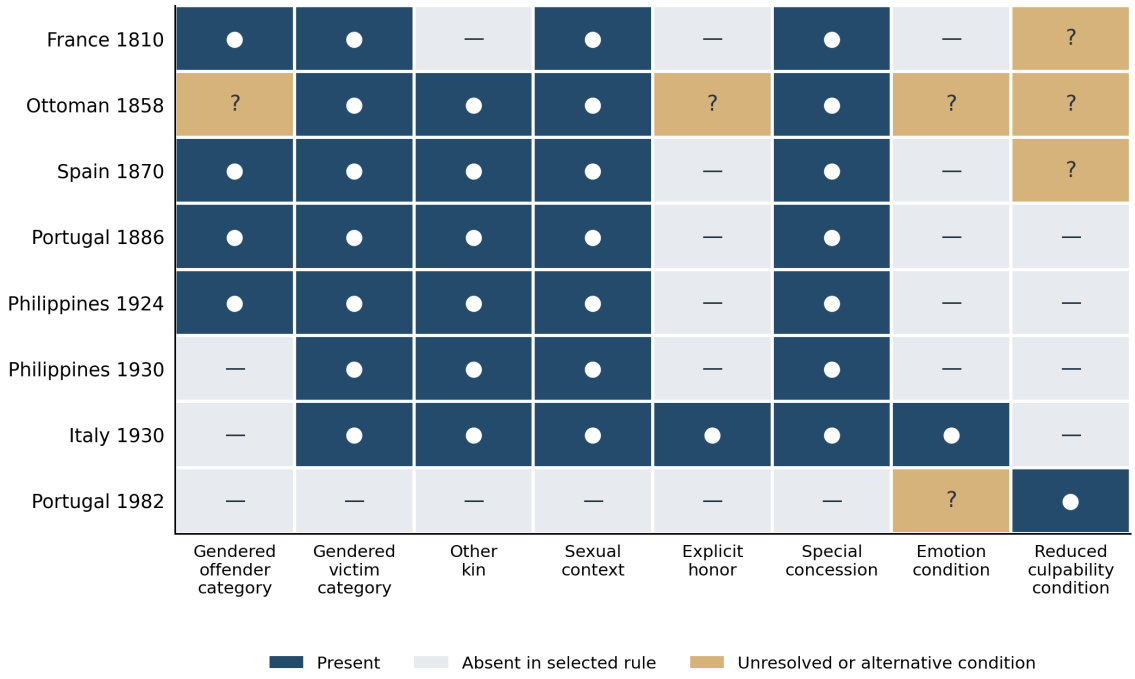

Figure 3. The normative mutation matrix

Attributes refer to the selected provision only. Unresolved features are retained. Emotional disturbance is distinguished from a requirement of reduced culpability.

Normative Divergence Across Legal Systems

Legislative Recurrence and Repeal

Spain abolished its earlier concession in 1932, restored it under the 1944 Penal Code and removed it in the 1963 revision. The reform history can therefore be described as legislative recurrence rather than a continuous process of abolition. The intervening restoration matters because a cross-sectional account based on the last available code would conceal that event. This evidence does not reveal why each reform occurred. It establishes that the continuity of a special provision within a jurisdiction can be interrupted and subsequently reconstituted through legislation.

Portugal's Decree-Law 262/75 and France's reform of 1975 removed their respective special concessions, although the former French code itself remained in place until its replacement in 1994. Italy repealed Article 587 through Law No. 442 of 1981. These legal events establish the withdrawal of particular texts, not the universal disappearance of judicial reasoning concerning emotions or the conduct of victims. A comparative finding of substantive abolition would require examination of the remaining homicide doctrines in each jurisdiction.

The Lebanese legislative record shows that the 1999 amendment changed the operation of Article 562 before its repeal through Law No. 162 of 2011. The two events need to be distinguished. The amendment narrowed the special treatment, whereas repeal removed the provision. The reported repeal of Syrian Article 548 in 2020 followed earlier amendment, but the source available here is a government report rather than a fully reconstructed sequence of Syrian statutory versions. Syria is consequently included with a different level of documentary support. It cannot be assigned the same evidentiary status as the Lebanese sequence.

Contemporary Legal Reforms

Article 82(1)(k) of Türkiye's Penal Code No. 5237 recognizes customary motive in the qualified homicide category. The concept of töre is narrower than an unrestricted reference to personal or familial honor. The contemporary rule has a different normative orientation from the historical Ottoman concessions, but the comparison does not establish an uninterrupted legislative path from Article 188

to Article 82. The intervening Turkish codifications and judicial interpretation of customary motive would be required to substantiate a claim of direct normative reversal. What the selected texts establish is a contrast between particular historical and contemporary legal constructions.

Pakistan's 2016 reform addresses a different problem. The amended Penal Code limits the effect of private waiver and compromise on the public punishment of offenses committed in the name or on the pretext of honor. Act XLIII of 2016 is thus not equivalent to repealing an adultery-related excuse (Kadir, 2017, 2026i). Judicial analysis of the Qandeel Baloch case further illustrates the distinction between honor-related motive and evidentiary sufficiency (Kadir, 2026f).

Sweden added honor-related motive to the sentencing aggravation considerations in Chapter 29 of its Criminal Code in 2020. Brazil reached a different legal result through constitutional adjudication. The Federal Supreme Court's decision in ADPF 779 of 2023 rejected the purported defense of honor in proceedings involving violence against women. It is not a penal-code amendment. At the supranational level, Article 42 of the Istanbul Convention rejects the invocation of honor and related considerations as justifications for violence within its scope. Kalantry and Moti (2022) examine the provision from a transnational legal feminist perspective. The Convention's obligation cannot be treated as identical to the domestic law of every party or as evidence of uniform enforcement.

In England and Wales, sections 54 and 55 of the Coroners and Justice Act 2009 replaced the common-law defense of provocation with loss of control. Section 55 excludes sexual infidelity as a qualifying trigger. The Court of Appeal in R v Clinton [2012] EWCA Crim 2 nonetheless recognized that sexual infidelity may be relevant in the context of other qualifying circumstances. This distinction illustrates the limits of treating a general partial defense as a direct equivalent of a special statutory concession. D’hondt (2010) examines cultural defense in courtroom discourse. Hyun (2024) addresses the role of the reasonable-person standard in provocation cases.

Table 5 records the legal events established or reported in the materials examined. It includes historical provisions for which the latest consolidation was not verified. No definitive 2026 status is assigned to Jordan, Iraq, Egypt or Morocco. The reform chronology in Figure 4 shows why the date of an enactment or repeal cannot be replaced by a single undated country category. Spain and Lebanon demonstrate different sequences before abolition. The Portuguese sequence identifies a subsequent general culpability rule. Figure 5 locates these jurisdictions and the other doctrinal comparisons without suggesting that the events describe all criminal laws in force today.

Table 5. Divergent legal trajectories of honor-related homicide provisions

Jurisdiction	Documented instrument or event	Scope of inference
France	1975 reform of art. 324	Specific concession removed
Spain	1932 removal. 1944 return. 1963 removal	Domestic recurrence
Portugal	1975 repeal. 1982 art. 133	Repeal and general doctrine
Italy	1981 Law 442	Art. 587 repealed
Philippines	1924 art. 423 amendment, 1930 art. 247, 1987 Abarca	Documented legislative sequence and judicial interpretation. No 2026 status claim.
Lebanon	1999 amendment. 2011 repeal	Staged change
Syria	2020 reported repeal	Secondary government report
Jordan	Art. 340. historical studies	Latest consolidation unresolved
Iraq	Arts. 128, 409. comparative sources	Latest consolidation unresolved
Egypt	Art. 237. OECD (2020)	Latest consolidation unresolved
Morocco	Art. 418. OECD (2020)	Latest consolidation unresolved
Tunisia	Former art. 207. reported removal	Secondary-supported reform
Türkiye	2004 code, art. 82(1)(k)	Customary motive qualification
Pakistan	2016 Act XLIII, s. 311	Limits on waiver consequences
India	2023 s. 101	General provocation comparator
Sweden	2020 ch. 29 s. 2	Sentencing aggravation
England and Wales	2009 ss. 54–55. 2012 Clinton	Restricted general defense
Brazil	2023 ADPF 779	Constitutional rejection

Latest documented event in this study, not an exhaustive or verified 2026 status inventory.

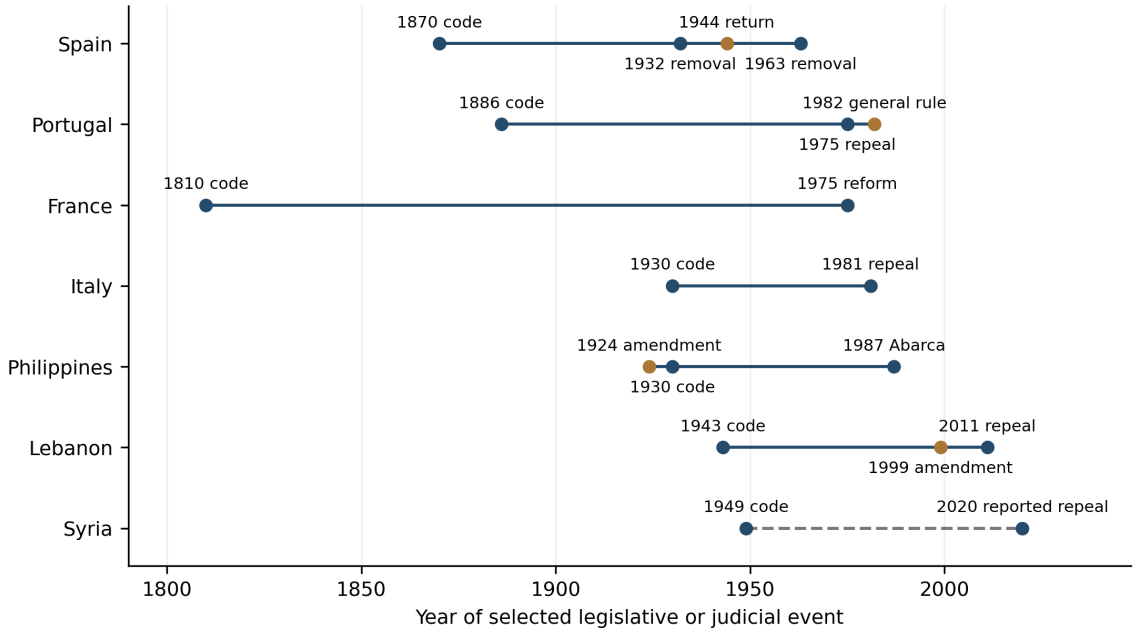

Figure 4. Divergent trajectories of selected honor-related penal norms

Selected legislative and judicial events. Syrian repeal is secondary-reported. The lines do not represent complete national legal histories.

Philippine reform also illustrates the difference between a statutory development and a proposal for further change. The Philippine Commission on Women published a position advocating repeal of Article 247. That position is evidence of a reform initiative, not of an enacted repeal. The last statutory text considered in the present comparison and the later judicial interpretation must remain distinguishable from the Commission's policy position. It follows that a national marker in a map of

reform cannot establish that a proposed change has entered into force. The historical sequence is more informative when each event is identified by its legal status.

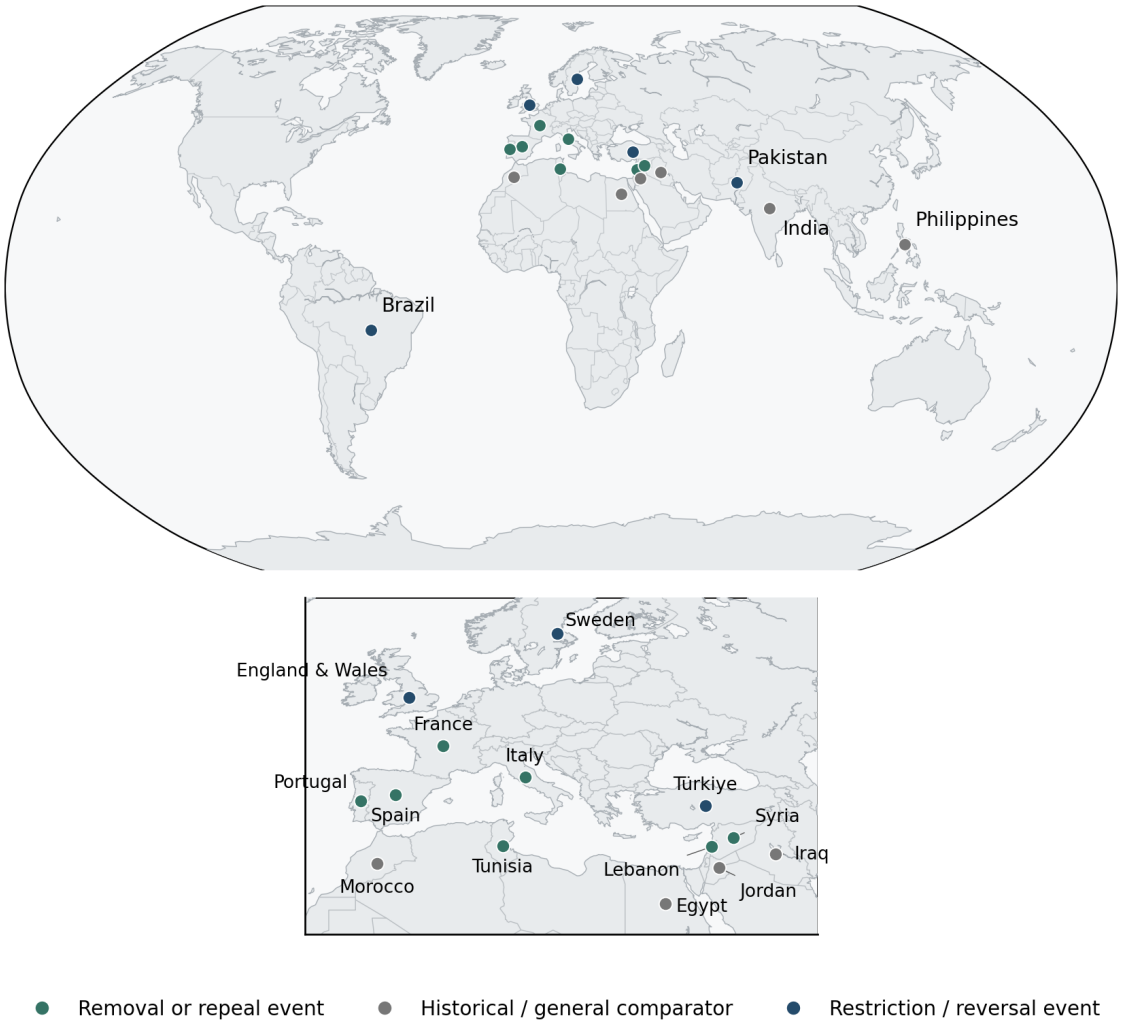

Figure 5. The contemporary geography of penal honor

Selected jurisdictions and legal events in Table 5. The inset distinguishes nearby locations. Markers do not represent a current-law inventory or homicide rates.

Legal Ancestry without Normative Determinism

French influence on Ottoman codification cannot explain the earlier judicial records or the full familial reach of Article 188. The historical relationship is therefore compatible with a selective inheritance of legal form alongside the development of locally meaningful substantive categories. This does not demonstrate the origin of each feature, but provides a defensible account of why borrowing need not produce identical legal rules. Kahn-Freund (1974) and Legrand (1997) question the separation of received law from its institutional setting, while Goldbach (2019) directs attention to the processes through which it moves. The Ottoman example gives those criticisms concrete relevance to the history of honor-related criminal law.

The Spanish restoration of a concession is not equivalent to the Portuguese transformation of culpability doctrine. Lebanon's staged amendment and repeal represents a further distinct sequence. Penal path dependence provides a useful question about the influence of earlier legislative choices, but the present comparison does not identify the causes of each reform. A common historical concession is not sufficient to predict subsequent legislation. Nor does the similar outcome of repeal demonstrate that different jurisdictions followed the same doctrinal path to that outcome. An earlier enactment offers a legal possibility to a later legislature. The political causes of restoration remain a separate question.

The Qing comparison identifies a legal tradition addressing a comparable problem before the French codification. Its antecedents in Ming law supply positive evidence of continuity within a different tradition (Chiang, 2017). This does not establish independent development in the strict historical sense, since that would require examination of possible links with other traditions. It does show why functional resemblance must be separated from a documented common ancestry. An unresolved relationship remains an informative limit of comparison rather than an invitation to infer the most plausible donor.

Legal DNA is a concise designation for the characteristics of a provision and its documented relationships. The historical evidence supports the distinction between the inheritance of a legislative arrangement and the inheritance of its legal function. A doctrinal change may occur within a continuing text, and a new statutory provision may address a similar problem on different legal grounds. The concept is useful only insofar as it makes those differences explicit. It is not proposed as a universal theory of legal evolution.

A general measure of legal tolerance would obscure the distinction between an excuse and restrictions on private waiver. The same problem applies to a sentencing aggravation rule. Research on prevention (Gul et al., 2021) and adolescent attitudes (Eisner & Ghuneim, 2013) addresses phenomena outside the present inquiry. Dayan (2021) and Heydari et al. (2021) address the relationship between honor killing and modernization from distinct perspectives. Where legal costs are incorporated into empirical research, as in Aksoy and Szekely (2025), statutory changes should be indexed by date and interpreted doctrinally rather than treated as fixed national characteristics.

The study covers selected legal histories rather than a representative global inventory. Several historical versions and legislative drafting records remain unavailable. In particular, the original Spanish colonial enactment and several post-Ottoman reception routes require further archival reconstruction. Some scholarly sources were identified through bibliographic records rather than independently examined in full. Judicial material was used selectively to clarify legal operation. The comparison consequently does not support conclusions about enforcement patterns, the incidence of homicide or the current status of every jurisdiction examined. A larger multilingual archive would permit more extensive reconstruction of competing reception routes.

CONCLUSION

The available evidence does not establish a single origin for the modern legal differentiation of honor-related homicide. French influence on Ottoman codification is supported at code level, but earlier Ottoman judicial records prevent the treatment of Article 188 as an entirely imported rule. The Philippine statutory sequence provides more direct evidence of the inheritance and transformation of a particular provision, while its Spanish ancestry has historical corroboration. Ancient and pre-modern law supplies analogues without establishing continuous descent into modern legislation. Spain's restoration of a former concession contrasts with the Portuguese change in the doctrinal basis of reduced liability. Lebanon's reform proceeded through amendment followed by repeal. Contemporary legal instruments reveal further differences in the legal treatment of honor.

Normative inheritance concerns the evidence of a historical relationship. Normative mutation describes changes in the legally relevant content of a provision, whereas divergence concerns the subsequent development of comparable or historically connected rules. Keeping these questions distinct avoids treating a shared origin as a guarantee of identical legal effects. It also prevents the formal repeal of a special provision from being mistaken for the complete abolition of its possible doctrinal equivalents. The history of penal norms contributes to the explanation of their geographical distribution without determining the social origins or prevalence of honor killing.

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