

NAMUS: WOMAN AS “TRANSLATION”*

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ABSTRACT: This study aims to investigate the implications of *namus* for the construction/re-production of female subjectivity in Turkey and reflect on the interconnections among language, law, gender and translation for examining the similarity between the binary thinking on woman vs. man and that on translation vs. original. Arguing that *namus* re-produces an image of woman as translation (of man as the original), the study defends that faithfulness socially demanded only from translation/woman is deeply gendered and this demand is secured by the power of original/man.

Keywords: Translation vs. Original, Female Subjectivity, Feminist Translation Studies, Gender and Translation

NAMUS: “ÇEVİRİ” OLARAK KADIN

ÖZ: Bu çalışmanın amacı *namus* kelimesinin Türkiye’deki kadın öznelliğinin kurulması/yeniden-üretilmesine ilişkin imalarını araştırmak ve dil, hukuk, toplumsal cinsiyet ve çeviri arasındaki karşılıklı bağlantıları göz önünde bulundurarak kadın-erkek ile çeviri-özgün ikili karşıtlıkları arasındaki benzerliği incelemektir. *Namus* kavramının (özgün olarak erkeğin) çeviri(si) olarak kadın imgesini yeniden-üretmekte olduğunu ileri süren çalışma, toplumun sadece çeviriden/kadından talep ettiği sadakatın cinsiyetlendirilmiş bir sadakat biçimi olduğunu ve bu talebin özgünün/erkeğin iktidarı ile mümkün kıldığını savunmaktadır.

Anahtar Kelimeler: Çeviri-Özgün, Kadının Öznelliği, Feminist Çeviribilim, Toplumsal Cinsiyet ve Çeviri

Introduction

The aim of this study is to revisit the gendered binary thinking on translation vs. original through focusing on a highly controversial word, *namus* (honor), which continues to be a source of unrest and protest among feminists in Turkey especially in the context of honor killings. The word

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namus was at the heart of the public debates during the drafting process of the new Turkish Penal Code which replaced the old Turkish Penal Code of 1926 in 2005.

Although the old Code did not mention honor killing, it had long been the target of criticism on the grounds that it reduced the penalty to be imposed in case of such killings if the perpetrator claimed to have committed the murder in the name of honor as explained in the study titled “The new legal status of women in Turkey”:

“There are no specific references to honor crimes in the Turkish Penal Code. However, there are certain articles in the law, which are systematically used to reinforce the traditional notion that a woman deserves to be punished or killed if she brings dishonor upon the family. One of these articles is Article 462 of the Penal Code. It grants a reduction in a murder sentence if the murder is committed by a relative of the person who has been caught immediately before or during an extra-marital sexual relationship. The punishment for the murderer is reduced from a life sentence to 4-8 years imprisonment or from the death penalty to 5-10 years imprisonment. Other penalties are reduced to 1/8 of the original sentence”¹.

Article 462 was revoked in 2003 as part of the legal reform package and the new Turkish Penal Code entered into force in 2005. The new Code has been appraised as a radical positive step towards preventing violence against women and honor killings. However, unrest over the word *namus* continued to exist because the new Code stipulated that if the crime of killing another person is deliberately committed in the name of *töre* (custom), the perpetrator will be punished with qualified life imprisonment and the killing will be considered as aggravated homicide. In this way, while the word *töre* was included in the text of the law as an invalid motive for the reduction of penalty, the word *namus* was not included in the relevant article. Women’s organizations and defendants of women’s rights had demanded that the lawmakers should replace the word *töre* with *namus* in the text of the law. The demand was left unsatisfied in the new Turkish Penal Code. The law remained silent on *namus*.

Intrigued with the silence of the law on the word *namus*, the present study investigates the implications of *namus* for the construction/re-production of female subjectivity in Turkey and reflects on the interconnections among

¹ Anil et al, “The New Legal Status of Women in Turkey”, Women for Women’s Human Rights (WWHR) – NEW WAYS, April, 2002, p. 30.
<http://www.kadinininsanhaklari.org/static/yayin/kitapcik/yeni-yasal-statu.pdf>, (last access 26 December 2017).

language, law, gender and translation for examining the similarity between the binary thinking on woman vs. man and that on translation vs. original.

Töre vs. *Namus* and the Construction of Female Subjectivity

In the "Turkey Shadow Report" prepared by Women for Women's Human Rights-New Ways and supported by Women's Platform on the Turkish Penal Code, it is stated that "*töre* killing" is associated with "local practices in the eastern parts of Anatolia" and includes "death sentence given to a woman - who is claimed to have 'brought dishonor upon her family' through her allegedly 'inappropriate' behavior - by relatives called 'family assembly'". In the Report it is also argued that "*namus* killing" is a "more comprehensive term which, together with '*töre* killing', also includes killings committed by any man who killed a woman on the grounds that she put a slur on his own personal understanding of *namus*"². According to a woman lawyer, Şenal Sarıhan, the new Penal Code "in considering '*töre* killings,' which stem from a tribal or family decision, under the title of aggravated homicide, leaves the door open for the penalty reduction for the killings committed by a person because of his/her personal understanding of *namus*"³

From these two critical statements it is inferred that women's organizations insisted on the replacement of *töre* with *namus* on the grounds that "*töre* killing" is associated with a local social practice, while *namus* is a more comprehensive term including any kind of murder stemming from the claim of dishonor. However, it can be argued that by not including *namus* as an invalid motive, the Turkish lawmakers pretended to meet the demand of women's organizations for abolishing the penalty reduction in cases of such murders, but, in fact, preserved the status quo by restricting the related article only to a regional, local kind of "*namus* killing", i.e. "*töre* killing," and paved the way for the penal reduction for all other kinds of murders in the name of *namus*.

The distinction drawn between 'honor killings' (*namus cinayetleri*) and 'murders of tradition or custom' (*töre cinayetleri*) has been problematized as being "very artificial when it is considered that the concept of honor [*namus*] is, itself, shaped by the cultural norms, traditions or customs" and that the

² CEDAW, "Türkiye Gölge Raporu", 2005, p. 6. <http://www.kadininsanhaklari.org/static/yayin/makale-rapor/2005TCKKadinPlatformu.pdf>, (last access 26 December 2017).

³ Barobirlik.org, "Kadınlar Namus Cinayeti için İstekte Bulundu", 2005. http://www.barobirlik.org.tr/calisma/basinda_yargi/2005/04/02.htm. (last access 27 January 2006).

term *töre cinayeti* has no scientific foundation, and it was invented to reduce a murder charge to manslaughter and allow the defendant to benefit from defense of provocation in case of sexual infidelity”⁴.

In a very detailed critical evaluation of the concept of honor killings in the former and new Turkish penal codes, Derya Tekin traces the meanings attributed to *namus* which “refers to the concept of the women sexualities, bodies, lives and individualities. [...] Although women are labelled with or without *namus*, actually the responsibility to keep it clean when it stained is with men. Men’s actions to fulfil these responsibilities define whether he has *namus* or not”⁵. Bethany A. Corbin argues that “[n]amus, which creates the foundation for Turkish honor killings, represents a form of sexual honor ‘that presupposes physical and moral qualities that women ought to have’. 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”⁶.

The public surveys conducted by governmental or non-governmental organizations such as Diyarbakır Women’s Center, United Nations Development Program and Demography Association, Parliament’s Commission on Honor Killings also demonstrate that *namus* is defined as “one’s wife, daughter, sister, family”, as “imperative of religion”, as “reputation of men”, as “chastity of women”, and as “virginity”⁷.

Obviously, the very close relationship between *namus* and the patriarchal domination of women was the reason underlying the choice of the lawmakers for not including the word *namus* but *töre* as an invalid motive for penalty reduction. Thus the choice was not simply a question of

⁴ Recep Doğan, “Yargıtay Kararlarında Töre Saikiye Öldürme Suçu”, *Türkiye Barolar Birliği Dergisi*, 2016, p. 126, pp. 123-166.

⁵ Derya Tekin, “Victims of Law: The Efficiency of Turkish Penal System on Honour Killings”, *Strategic Outlook* 12–13, November 2012, p. 4. http://www.strategicoutlook.org/publications/victims_of_law_the_efficiency_of_turkish_penal_system_on_honour_killings.pdf, (last access 26 December 2017).

⁶ Bethany A Corbin, “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”, *Emory International Law Review* 29, 1 2014: pp. 277-325.

⁷ NTVMSNBC. Com, “Töre Cinayetinin Bahanesi Namus”, 2005. <http://www.ntvmsnbc.com/news/356090.asp>, (last access 29 January 2006); Bianet.org, “‘Namus’: Erkeğin Kadını Mülk Edinmesi”, 2005. <http://www.bianet.org/2006/01/07/73117.htm>, (last access 26 December 2017); Milliyet “Namus cinayeti kaçınılmaz!”, 2005. <http://www.milliyet.com.tr/namus-cinayeti-kacinilmaz-/yasam/haberdetayarsiv/09.12.2005/137839/default.htm>, (last access 26 December 2017).

preference among two words. It was a highly political and deliberate discursive choice closely related to the construction and representation of the feminine subject in Turkey.

In her illuminating article titled "Disruptive Bodies and Unruly Sex, The Regulation of Reproduction and Sexuality in the Nineteenth Century", Carol Smart focuses on the category of woman as a discursive construct/subject and discusses how a certain feminine subject was constructed via the collaboration of discourses in law, medicine and social science in Victorian Britain. Smart argues that these discourses produced an image of woman who "is constantly in need of surveillance and regulation"⁸ and that "feminine invokes a regulatory impulse which seems so self-evidently natural"⁹. According to the author, in order to understand the construction of female subjectivity and the persistence of these constructs we need a poststructuralist theory of power and a deconstructive view of the category of woman¹⁰.

As an example of the latter approach, Smart refers to Judith Butler who contends that "certain cultural configurations of gender take the place of 'the real' and consolidate and augment their hegemony through that felicitous self-naturalization"¹¹. *Namus* as "woman's chastity" can also be thought as an equation which has become naturalized as a result of a "stark struggle over meaning"¹². This is the point where one should wonder: What kind of a stark struggle has been carried out over the concept of *namus* and the equation of *namus* with "woman's chastity or virginity"? Why, as one of the woman activists formulates, is *namus* "the summary of the understanding that woman is the property of man"¹³ (Bianet) and how the similarity between the binary thinking on woman vs. man and that on translation vs. original guide us in our attempt to question cultural configurations concerning gender?

Woman as Translation: Gendered Faithfulness

The implications for gender in the representation of translation has been examined by Lori Chamberlain in a seminal study titled "Gender and the

⁸ Carol Smart, "Disruptive Bodies and Unruly Sex, The Regulation of Reproduction and Sexuality in the Nineteenth Century," Carol Smart (ed.) *Regulating Womanhood Historical Essays on Marriage, Motherhood and Sexuality*, Routledge, London and New York, 1992, p. 8.

⁹ C. Smart, *ibid.*, p. 32.

¹⁰ C. Smart, *ibid.*, p. 8.

¹¹ C. Smart, *ibid.*, p. 8.

¹² C. Smart, *ibid.*, p. 31.

¹³ Bianet, *ibid.*

Metaphorics of Translation” where the author argues that “translation has been figured literally and metaphorically in secondary terms”¹⁴. Recounting the feminist view that “original” or “creativity” is depicted in terms of “paternity” and “authority” and the figure of female is relegated to a variety of secondary roles”, Chamberlain contends that the distinction between writing and translating marks the first to be original and masculine, and woman to be derivative and feminine, and that “in the original abides what is natural, truthful, and lawful, in the copy, what is artificial, false, and treasonous”¹⁵. The age-old binary opposition between writing and translation, i.e. between originality on one hand and reproduction, secondariness, failure, even evil, blasphemy, indecency and transgression on the other is accounted also by Rosemary Arrojo in “The ‘Death’ of the Author and the Limits of the Translator’s Visibility”¹⁶. In patriarchal discourse, woman, like translation, has always been represented or constructed as ‘peripheral’, ‘secondary’, ‘inferior’ and ‘derivative’. Woman, like translation, has always been expected to be ‘dependent’, ‘obedient’, ‘faithful’, ‘respectful’ and ‘responsible’. Like translation, woman is not a “text” in its own right but that of man, family, community or society. Like translation, depicted as the ‘other’ of the original, woman is man’s ‘other’.

The parallelism between the constructed relationship between translation and original with that between woman and man makes itself evident also in the construction of “fidelity”, “faithfulness” and “adultery” in the discourse on translation and in the discourse of law. In Chamberlain’s view, “the sexualization of translation appears most familiarly in the tag *les belles infidèles*”, the longevity of which depends on the fact that “it has captured a cultural complicity between the issues of fidelity in translation and marriage”¹⁷:

“[F]or les belles infidèles, fidelity is defined by an implicit contract between translation (as woman) and original (as husband, father or author). However, the infamous ‘double-standard’ operates here as it might have in traditional marriages: the ‘unfaithful’ wife/translation is publicly tried for crimes which the husband/original is by law incapable of committing. This

¹⁴ Lori Chamberlain, “Gender and the Metaphorics of Translation,” Lawrence Venuti (ed.) *Rethinking Translation, Discourse, Subjectivity, Ideology*, Routledge, London and New York, 1992, p. 57.

¹⁵ L. Chamberlain, *ibid.*, pp. 57-58.

¹⁶ Rosemary Arrojo, “The ‘Death’ of the Author and the Limits of the Translator’s Visibility,” Mary Snell-Hornby, Zuzana Jettmarova and Klaus Kaandil (eds.) *Translation as Intercultural Communication Selected Papers From the EST Congress - PRAGUE 1995*, John Benjamins, Amsterdam/Philadelphia, 1995, p. 21.

¹⁷ L. Chamberlain, *ibid.*, p. 58.

*contract, in short, makes it impossible for the original to be guilty of infidelity. Such an attitude betrays a real anxiety about the problem of paternity and translation: it mimics the patrilineal kinship system where paternity -not maternity- legitimizes an offspring"*¹⁸.

This is similar to the Roman law where only a wife was capable of committing adultery and the marriage law of French Civil Code which displays the double-standard Chamberlain talks about: "The husband can demand a divorce on the ground of his wife's adultery. The wife can demand a divorce on the ground of the husband's adultery if he has lived with his concubine under the roof of the matrimonial home"¹⁹. How Ursula Vogel interprets this double-standard of law is revealing in terms of the binary opposition between man as original and woman as translation (of man): "... a man, by nature destined for freedom, extended his activity into many spheres of life, his 'occasional lapse from virtue' could be understood as an isolated incident of no significant legal consequence. Her transgression was irredeemable"²⁰. Thus, "it was the wife's unfaithfulness that weighed more heavily in the scales of justice. Unlike her husband's deviance, her adultery violated the most vital interests of the state, family and public morality alike"²¹.

Similarly, it is always the infidelity of translation that weighs more heavily in the scales of justice. Moreover, as Chamberlain also states, original is, by definition, freed from infidelity. It is always translation that has been expected to be faithful. This is strikingly similar to the faithfulness expected from woman through the concept of *namus*. Like translation, woman is also expected to act within the limits of *namus* or face violence. Thus, the faithfulness demanded from translation/woman is deeply gendered and secured by the power of the original/man.

Such a line of thought might shed a light on the dispute between the lawmakers and the women's organizations and defendants of women's rights with respect to the wording of the penal law and on the silence of the law on the word *namus* through which man, the husband, the father and the state, jointly claimed the chastity of woman who, like translation, is regarded and socially constructed as a 'copy', a 'reproduction' - a 'peripheral', 'secondary', 'derivative', 'inferior,' and 'passive' 'other' as opposed to the

¹⁸ L. Chamberlain, *ibid.*, p. 58.

¹⁹ Ursula Vogel, "The Double Standard of Law in Nineteenth Century Law," Carol Smart (ed.) *Regulating Womanhood Historical Essays on Marriage, Motherhood and Sexuality*, Routledge, London and New York, 1992, p. 151.

²⁰ U. Vogel, *ibid.*, pp. 157-158.

²¹ U. Vogel, *ibid.*, p. 157.

image of man who, like original, is regarded as the ‘central’, ‘rightful’, ‘lawful,’ and ‘active’ ‘self’. It was a dispute on one single word, *namus*, which was equated with “woman’s virginity,” which epitomizes the (male) desire for the original, the desire to be the original (owner of a female).

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